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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 28, 2005.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Thomas Johns, Pastor, St. John Vianney Parish, Mentor, OH, offered the following prayer:

Gracious God, we are mindful of the blessings You bestow upon our Nation. Thank You for the farmers who provide food for our tables. Help us to be grateful for all we receive, and may we share our gifts with the poor.

Bless the men and women of Congress and grant them wisdom and fortitude so that they know what is right and good and pursue it diligently. Guide them to make good decisions, and may our actions as a Nation be pleasing in Your sight. Touch the hearts of our citizens, especially our young people, and inspire them to live lives of service.

Be with our brothers and sisters in the Gulf States as they rebuild their lives and communities. Please also bless the men and women in the military and keep them out of harm's way. May Your peace reign in our hearts, homes, neighborhoods, Nation, and world. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LINDA T. SÁNCHEZ of California led the Pledge of Allegiance as follows:

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

WELCOMING FATHER THOMAS JOHNS

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to welcome this morning Father Tom Johns of St. John Vianney Catholic Church in Mentor, OH, as the guest chaplain today. I am honored to have Father Johns here today.

I want to welcome him, his sister and brother-in-law, Trish and Denny, and their two children, Kyle and Kayla, to the House of Representatives.

Father Johns has been with St. John Vianney since 1993 and became pastor in January of 1998. He is a treasured member of our community, and he also has a special Washington connection. Several years ago, Father Johns presided over the wedding of Kirsti Talikka Garlock, counsel for the House Committee on International Relations, and her husband, Vince. I know it is a thrill for them to have Father Johns here this morning as the guest chaplain.

I first met Father Johns at the home of Jim and Ruthie Jackson a number of years ago, and they referred to him as Father Tom. Even though I am a Methodist and he is a Roman Catholic, I have to tell you that it is probably a good duty when you are marrying somebody like Kirsti and Vince. I have also had the sad occasion of being with him when he was the presiding official at the funeral of not only Jim Jackson but also Mike Brown. And Father Johns's ability to help friends and family get through those occasions really makes him a special person in my mind. It is a pleasure to have Father Thomas Johns with us today, and I thank him for being here.

IMPRISONED IN THEIR OWN HOMES

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

Mr. POE. Mr. Speaker, every day in this land of the free there are some women who live lives of quiet desperation. These women are not free, but are imprisoned in their own homes. Their crime? Being with the wrong person. Their warden is their spouse or their boyfriend. Their sentence? A lifetime of abuse, sexual assault, intimidation, mental turmoil, and even death.

As a judge in Texas, I saw these victims appear in court to tell their compelling, sad stories of their incarceration in their own homes.

This is a family issue. This is a national health issue. This is a public safety issue. And this is a criminal issue. This is an issue that must not go unnoticed by this House. We need to stand beside these victims that are battered, beaten, and bruised. The criminals will be held accountable for their actions. The protections in the Violence Against Women Act need to be reauthorized so women can truly enjoy living in the land of the free.

Mr. Speaker, love should not hurt.

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DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today the House will vote on H.R. 3402, the Department of Justice Appropriations Authorization Act.

I rise today to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for their leadership on this bill and to urge my colleagues to support it.

H.R. 3402 contains language from my bill, H.R. 283, the Bullying and Gang Prevention For School Safety and Crime Reduction Act of 2005. By adding this important provision, schools will be able to use Federal dollars to establish gang and bullying prevention programs in their schools and to teach kids not to use e-mail, instant messaging, or cell phones to make threats and insults, a disturbing new behavior known as ''cyberbullying.''

Studies show that 31 percent of junior high and high school students in urban areas and 21 percent of all students reported that street gangs were present at their schools and more than 3.2 million children are the victims of repeated bullying every year. That is one in every six students.

Bullying and gangs can be eliminated from our schools and H.R. 3402 is a tremendous step in the right direction. I urge all of my colleagues to vote for the bill.

COMMENDING THE BARRETT FAMILY

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

Mr. HEFLEY. Mr. Speaker, I rise today to recognize a very special family in my district. Billy Jack and Anne Barrett and their six children recently experienced a life-changing event. They were chosen to receive a brand new home from the television show ''Extreme Makeover: Home Edition.''

I was amazed at the amount of work that went into replacing the Barretts' small family 101-year-old farmhouse with a 4,000-square foot two-story home, complete with red school house that Anne Barrett will use to continue home schooling the children.

The Barretts were selected for opening not only their hearts but their home to troubled children. In addition to their own two biological daughters, they adopted four high-risk teens who had been deemed unadoptable. They had seen the potential in these children and decided they would not give up on them as so many had.

The Barretts may not have the financial means or space to undertake their new responsibility; but with Christian values, love and horses, they have produced a wonderful family. I would like to thank Keller Homes, Extreme Makeover, and the more than 6,000 people who volunteered to make this daunting challenge a reality. I would like to commend the Barrett family for the example that they set for all of us.

ENDANGERED SPECIES ACT REWRITE

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

Mr. EMANUEL. Mr. Speaker, much of the gulf coast lies in ruins. Iraq is on the verge of a civil war. Government spending has spiraled out of control, leaving structural deficits as far as the eye can see; and we are in the midst of an energy crisis. With these and other challenges mounting, how does the Republican Congress respond? Of course, by gutting the Endangered Species Act.

They are using this time of mounting crises as a way to smuggle their long-held ideological goods through customs, the policies they can never enact because of the public's opposition to them.

This Congress sees an opportunity to reward their special interests by eliminating the backbone of our environmental laws. The Endangered Species Act needs reform and needs to be updated, but we should not throw the baby out with the bath water.

To add insult to injury, while it guts the very successful environmental policies, the bill will actually cost more than the current Endangered Species Act. CBO estimates that the administration costs will more than double. So much for smaller government.

Mr. Speaker, the American people want leadership, they want solutions to challenges confronting this Nation, not wholesale auction of everything we hold dear to the special interests.

When the Speaker's gavel comes down, it is intended to open the people's House, not the auction house.

SIMPLE SCIENCE

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

Mr. DUNCAN. Mr. Speaker, the simple, easy answer to any problem or solution is almost always wrong.

Today the simplistic, politically correct explanation for hurricanes Katrina and Rita is global warming. Yet simple, easy science is almost always wrong.

CNN reported a couple of days ago that the biggest, worst decade for hurricanes was the 1940s, long before there was any thought or theory or even mention of global warming. In addition, Max Mayfield, director of the National Hurricane Center, said in news stories and television reports that hurricanes are cyclical in nature. He said it was wrong to invoke our alleged global warming without valid science or any hard science to back it up. Mr. Mayfield also noted the terrible hurricanes of the 1940s and the hurricane cycles.

The overly simple political science of global warming is just not accurate here, and people should not use the tragedy of these hurricanes to advance or promote political theories.

AMERICANS DESERVE REAL ANSWERS

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

Mr. CARNAHAN. Mr. Speaker, Americans were shocked by our government's response to Hurricane Katrina. They watched as days passed before the people of New Orleans were rescued from rooftops and attics or before those at the Superdome actually received food and water.

Americans rightly asked, if this is the way our government responds to a natural disaster it knew about days in advance, how would it respond to a surprise terrorist attack? How would it respond to an earthquake?

Americans now deserve and demand answers from an independent commission, not a partisan committee with a political agenda.

Creating this commission is not about a blame game. The purpose of this commission is not really about the past; it is about the future. It is about learning from our mistakes so that we assure that these mistakes are never repeated in this country.

The American people respected the 9/11 Commission because of its independence, and that is exactly what we need now.

A BRAVE VICTORY

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

Mr. PRICE of Georgia. Mr. Speaker, sometimes you just have to celebrate. Our Nation has seen remarkable challenges placed before it over the last few weeks; but our spirit is strong, our enthusiasm undaunted, and our optimism unwavering, and America's team has done it again.

From their beginnings in Boston in 1876 to their brief tenure in Milwaukee from 1953 to 1965 and now in their rightful home in Atlanta, they are the personification of the American spirit, demonstrating the glory of diligence, persistence, loyalty and unity.

Last evening the Atlanta Braves extended a record unparalleled in all of sports, capturing their 14th straight division championship. Think of the greatest accomplishments of any sports team in history and none of them compare to the length of success by these heroes of America's pastime.

Congratulations to general manager John Schuerholz and to manager Bobby Cox for their remarkable leadership through thick and thin. Congratulations to the players, from seasoned veterans to rookie contributors. All of them have given Atlanta, Georgia, and America, the thrill and privilege of witnessing their wondrous exploits.

You have blessed us all with your skill and passion. Congratulations to the Atlanta Braves.

EXIT STRATEGY

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

Mr. KUCINICH. Mr. Speaker, whether or not Iraq soon votes for a constitution, whether or not the Sunnis and the Shiites soon achieve peace, we in this Congress must soon take action for our Nation, for our troops, for our national interests to plan an exit strategy from Iraq and to commence it by October of 2006.

That is the purpose of House Joint Resolution 55, a bipartisan resolution which requires the administration to create an exit strategy so we are not going to be in Iraq forever, so we do not put our sons' and daughters' lives on the line forever, so we have a defined strategy to get out.

□ 1015

It is time for us to take whatever bipartisan energy there is in this Chamber and direct it towards a new direction in Iraq, to bring our troops home, to involve the world community, to put an end to this sorry chapter of U.S. occupation.

ACROSS-THE-BOARD SPENDING REDUCTIONS

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

Mrs. BLACKBURN. Mr. Speaker, last week I received a call from a constituent, and she said, As you are looking at Hurricane Katrina, I want you to remember something. My grandmother used to say, Mind your pennies and your dollars will take care of themselves.

How very true, and in that regard, I filed three bills yesterday, one I think every Member of the House can decide they can support, H.R. 3903, H.R. 3904 and H.R. 3906. Each calls for across-the-board spending reductions in non-defense, non-homeland security discretionary spending.

H.R. 3903 is a 1 percent reduction which would be a $4 billion savings for the year. Two percent is the H.R. 3904 bill. That is an $8 billion savings. $21.5 billion could be saved with H.R. 3906, which is a 5 percent reduction.

One of the things we know, Mr. Speaker, is that across-the-board reductions work. The bureaucrats in buildings are called upon to be responsive to the taxpayers to account for how they are spending every single penny that they are being appropriated.

So I encourage all the Members of the body to join me in cosponsoring H.R. 3903, H.R. 3904 and H.R. 3906 and reduce our Federal outlays.

VAWA REAUTHORIZATION

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

Ms. SOLIS. Mr. Speaker, as we celebrate Domestic Violence Awareness Month in October, I rise today to highlight the issue as it affects minority communities.

Although domestic violence is blind to race and ethnicity, racial and ethnic minority women, immigrant women, face unique challenges to reporting and getting help for domestic violence.

Just this morning, I learned that the manager's amendment to today's VAWA reauthorization bill strikes the language ''racial and ethnic minorities'' from the definition of underserved communities.

After all the bipartisan work that we have been conducting for the past year on this particular reauthorization, I am outraged that at the last minute, Republican leadership is shortchanging women of color who are victims of domestic violence.

We must acknowledge the devastating effect that domestic violence has on all communities, community of colors. That means African Americans, Latinos and Asians and all other ethnic groups.

Our efforts to educate the public about domestic violence must directly address factors like cultural differences, linguistic differences and immigration status. By removing this language, we are exacerbating the problem of domestic violence in communities of color.

My hope is that the reauthorization of the Violence Against Women Act is comprehensive and meets all the needs of all women in our country.

BUSINESS ACTIVITY TAX SIMPLIFICATION ACT

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

Mr. BARRETT of South Carolina. Mr. Speaker, Mr. Bo Horne lives with his wife in Seneca, South Carolina, where they operate a small business from their home. It is their piece of the American dream.

In 1997, they sold a computer software license to a customer in New Jersey for $695, and even though Mr. Horne has no employees or no real property in New Jersey, this one-time sale triggers a New Jersey State law requiring Mr. Horne to pay $600 in taxes and fees every year on the software as long as it remains in use. This tax is stifling to small business investments and entrepreneurs across the country.

Mr. Horne stated yesterday in his testimony before the House Committee on the Judiciary that he is speaking up because of thousands of small businesses that are totally unaware of the risks. Mr. Horne also highlighted a commonsense bill that I am a proud cosponsor of, H.R. 1956, the Business Activity Tax Simplification Act, as introduced by the gentleman from Virginia (Mr. GOODLATTE). It protects small businesses by requiring them to be physically present in the State before they are subject to taxes by the State.

I urge my colleagues to stand up for small businesses by supporting this important legislation, and I thank Mr. Horne for his hard work.

POLITICAL HACKS

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

Mr. DEFAZIO. The Bush-Rove administration has delivered cronyism, incompetence and corruption in spades. Mike ''you're-doing-a-heck-of-a-job-Brownie'' Brown is the poster child for the hundreds of unqualified, often incompetent, political hacks chosen to head, to demean, demoralize and dismantle critical Federal agencies like FEMA.

Then there is the corruption side. Mr. Brown, as he was resigning, at the same time one of his buddies, David Safarian, the head of Federal procurement for the entire government of the United States, $300 billion a year, is being led out of the White House in handcuffs for perjury, influence peddling and bribery, but he did his job till the end as a Bush political appointee. Before they drug him out in handcuffs, he let billions of dollars in no-bid contracts, awarded to Halliburton and other favorites of this administration.

Good job, Mr. Safarian. I hope prison is a good reward for you.

U.S. TROOPS DELIVER VICTORY AGAINST AL QAEDA

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

Mr. WILSON of South Carolina. Mr. Speaker, Iraqi security forces and coalition soldiers this week delivered a striking blow to al Qaeda terrorists in Iraq. By killing Abu Azzam, a top aide to Abu al-Zarqawi, our troops have achieved yet another critical victory in the war on terrorism.

Azzam led the largest group of al Qaeda in Iraq fighters in Fallujah during autumn 2004 and directed current terrorist activity and operations in Baghdad. As a leader of the Iraq terrorist network, he served as the brains behind numerous attacks on our troops and Iraqi citizens. Not anymore.

The recent victory demonstrates that American soldiers are skilled, focused

and dedicated to finding the cowards who continue to attack democracy and take the lives of innocent civilians. As co-chair of the Victory in Iraq Caucus, I am extremely proud of their success. By capturing and killing terrorists in Iraq, our troops are protecting American families from terrorists who threaten our freedoms and our way of life.

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

VIOLENCE AGAINST WOMEN ACT

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

Ms. WOOLSEY. Mr. Speaker, the Violence Against Women Act has made a great difference for countless women and their families when confronting violence, and VAWA has made a significant difference in the health and happiness of hundreds of thousands of women, children and families.

With one in four women in this country experiencing domestic violence, clearly much more remains to be done. So we cannot abandon our commitment to them and to the women around the world.

Women have every right to feel safe in their own homes. They also deserve to know that law enforcement and health officials are equipped to deal with their special needs in these tragic situations, and we must include teaching young people that bullying and violence must be avoided. We must teach them how to handle situations of conflict and anger in other ways besides bullying and violence.

Mr. Speaker, I urge my colleagues to support the reauthorization of VAWA to ensure these protections and make sure that resources are available.

HONORING DR. DAVID BUSHMAN

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

Ms. FOXX. Mr. Speaker, September 30, 2005, is a significant day in American higher education. This day marks Dr. David W. Bushman's inauguration as the 13th president of Lees-McRae College in Banner Elk, North Carolina.

Lees-McRae College is an institution of which the entire Nation can be proud. For 105 years, it has prepared young men and women to take their places as productive citizens. Committed to leadership and service, Lees-McRae is an integral part of the larger community, putting into practice its historic motto, ''In the mountains, of the mountains, for the mountains.''

David W. Bushman is an outstanding scholar, educator and administrator. Under his leadership, Lees-McRae College reaffirms its commitment to academic excellence in the liberal arts tradition and to the moral and civic education of its students.

As David Bushman assumes the presidency of Lees-McRae College, I extend sincere congratulations to him and to the college. As President Bushman and Lees-McRae College begin this new chapter in their history, they do so with my best wishes for continued success.

REPUBLICANS FAKING THEIR WAY THROUGH INQUIRY

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

Ms. WATSON. Mr. Speaker, yesterday House Republicans convened their partisan investigation into what went wrong in the aftermath of Hurricane Katrina. It is clear Republicans want to fix all blame on the back of former FEMA director Michael Brown.

Republicans were willing to ask tough questions yesterday, but that is simply not enough. For 5 years now, House Republicans have ignored their oversight responsibilities of the Bush administration. Are we now supposed to believe that House Republicans will conduct an investigation that will not only determine what exactly went wrong but also how we can prevent such a slow response from ever happening again?

The New York Times said that Washington is faking a Katrina inquiry. The paper determined that a government dominated by one party should be disqualified from investigating itself. Democrats here in the House strongly agree.

We simply will not be a part of a sham investigation. The American people want real answers, not a cover-up. An overwhelming 87 percent of Americans are demanding an independent commission similar to the 9/11 Commission.

MEDICARE D

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

Mr. GINGREY. Mr. Speaker, I rise today in praise of a new Medicare part D prescription drug benefit that is available to all seniors beginning January 1, 2006.

This week, the Centers for Medicare and Medicaid released information on organizations offering prescription drug plans in each of our 50 States, and the opportunity for sign-up begins November 15.

This announcement holds great news for seniors across America. In every State, seniors will have a choice among plan providers. In my home State of Georgia, for example, seniors will be able to choose from 18 different plans, ensuring they can find one that best suits their individual needs.

Mr. Speaker, there is more good news for our seniors. Not only will they be eligible for prescription drug coverage from a range of organizations, but they will receive this benefit for less money than previously expected, in some cases, for a premium as low as $20 a month. This is the power of competition, and our seniors will benefit from it. We do not need government price controls. The free market works.

Mr. Speaker, for years, our seniors have struggled with the rising cost of prescription drugs, in some cases going without medicine they need to stay healthy. With Medicare part D, seniors will be able to reap the benefits of preventive care and live longer, healthier lives.

RECOVERY FROM HURRICANES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask my colleagues this morning to begin to look at the recovery of Hurricane Katrina, and support thereof to include Hurricane Rita. Just spending 4 days in the region, a number of them at the Transtar Hurricane Emergency Center day and night, I can tell my colleagues that the frustration that is reflected in the Houston Chronicle, FEMA faulted yet again, and of course, that in The Washington Post, evacuees urged to stay away, is only a limited story of what we have faced in that region.

Going into the region directly hit just yesterday, I can tell my colleagues, as the local officials wanted me to say, there is no food, there is no water, there is no ice. They need help—they need leadership from the Federal Government. There are trucks parked on hotel parking lots that cannot be opened to share food because the military has not yet been directed to arrive to unload the trucks.

This is not a finger pointed in the direction of local officials. It is a finger pointed with a singular question: Who is in charge? When you are ordered to evacuate and there is no order, who is in charge?

An independent inquiry, a widespread understanding of how we can secure the homeland is absolutely imperative.

OPERATION OFFSET

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

Mr. PENCE. Mr. Speaker, Katrina breaks my heart. When I consider the tragic aftermath of this extraordinary storm, now 1 month hence, I cannot help but think of that person in the Bible who speaks of how the rains came down, the winds blew and beat against the house, the floodwaters rose, and the house fell with a great crash.

Congress is now involved in a critical debate about relief and rebuilding and how we will pay for what could be hundreds of billions of dollars in recovery and reconstruction of the gulf coast.

Last week, House conservatives offered their own plan, a series of budget

cuts simply known as Operation Offset. It contained many good ideas, and it seems to have engendered, Mr. Speaker, an important debate here in Washington, DC, and all around the country.

It seems that Members of Congress know and the American people know that raising taxes or raising the national debt is no way for this national government to respond to the extraordinary costs of Katrina. We must ensure that a catastrophe of nature does not become a catastrophe of debt for our children and grandchildren through introducing tough budget cuts like Operation Offset.

□ 1030

CALLING FOR EXTENSION OF MILC PROGRAM

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

Mr. OBEY. Mr. Speaker, last year in the conference on the disaster supplemental, Senate conferees passed a provision extending the MILC program for 2 years, and the gentleman from Pennsylvania (Mr. SHERWOOD) and I had lined up enough votes on the House side to accept that amendment. To prevent that from happening, the Republican chairman of the conference gaveled the meeting to a close, and we never met again on the subject. Despite the fact that the President had said in my hometown on that same day that he favored the extension of the MILC program, when my office called the White House asking him to intervene in order to get that conference reopened so that the MILC program could be extended, the White House declined.

That program is now scheduled to expire at the end of this week. If that happens, we will have lost an important safety net for Wisconsin's family dairy farmers. I urge the House agriculture authorizing committee to immediately report out to this floor an action extending the MILC program so that we do not lose that vital program, and I urge the Republican leadership of the House to see to it that the committee does just that.

CALLING FOR INDEPENDENT COMMISSION REGARDING HURRICANE KATRINA

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

Ms. BERKLEY. Mr. Speaker, I watched the testimony of former FEMA Director Michael Brown yesterday. By any measure, it was a shameful and disgraceful performance. More disgraceful is the revelation that after being appointed to a position for which he was completely unqualified, after doing a horrific disservice to his fellow citizens in Louisiana and Mississippi, after embarrassing our country in the eyes of the world, he is still on the payroll of FEMA.

But after hearing Michael Brown's hearing yesterday, the need for an independent commission is even more glaringly obvious. The American people are demanding it. And why are they demanding it? Because we have seen that the Department of Homeland Security is fundamentally flawed. It is not working, and we need to know why and we need to know what to do to fix it. Just the scale of the disaster alone, it is important to never repeat that again in our country. The amount of money alone justifies that we do an independent investigation. $200 billion of our taxpayers' money is going down South, and we have no idea what it is being used for or how it is being spent. And the issue of cronyism needs to be explored. Eighty percent of the contracts for Katrina and Rita are nonbid contracts for no reason. Let us not be shamed as we were to the 9/11 Commission. Let us make this independent commission a reality now.

FINDING A WAY TO PAY FOR HURRICANE DAMAGE

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, yesterday the chairman of the Council of Economic Advisers, Ben Bernanke said: ''Every effort needs to be made to try and offset the cost of Katrina and Rita by reductions in other government programs.'' He suggested following through with eliminating or severely cutting 154 health care, education, and infrastructure priorities as proposed in the President's budget in order to meet his goal of cutting the deficit in half in 5 years.

What would these cuts entail? A $4.3 billion cut from the Education Department's budget and $2 billion from the Health and Human Services budget, just to name a few.

But what did Mr. Bernanke not suggest might help this President reach his deficit reduction goals? Any hint of rolling back tax cuts for the wealthiest Americans who earn over $400,000 or scaling back the estate tax cut which has no impact on 98 percent of American families?

Mr. Speaker, it is imperative that we find ways to pay for the hurricane damage, but we cannot afford to hold sacred the tax cuts for the wealthiest Americans at the expense of the values, priorities, or needs of middle-class Americans. They deserve better.

MOTION TO GO TO CONFERENCE ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to clause 1 of rule XXII, and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Kentucky (Mr. ROGERS).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

MOTION TO INSTRUCT HOUSE CONFEREES H.R. 2360, FY2006 HOMELAND SECURITY APPROPRIATIONS BILL OFFERED BY MR. SABO

Mr. Sabo moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2360, be instructed to insist on the headings and appropriation accounts in Title III of the House-passed bill.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, Hurricane Katrina shined a bright spotlight on troubling gaps in our Nation's homeland security. We all saw what it means to be unprepared: people die and suffer needlessly.

Americans are patiently waiting for competence and accountability from the Congress and the President. Our capacity to deal with catastrophe may actually have gotten worse since the Department of Homeland Security was created in 2003. The people demand that we fix what is broken.

Last week, Secretary Chertoff told me about his vision for improving national preparedness and response. What he said scares the living daylights out of me. In the Department's sixth reorganization plan in 2½ years, the Secretary proposes to sever the last ties between Federal disaster preparedness and response. He unveiled this proposal in July, before Katrina; and he is still determined to implement it on October 1.

With all due respect, the Secretary is dead wrong about what is most needed at the Federal level to coordinate and lead local, State, and Federal agencies in preparing for and responding to a major disaster, whether it is natural or man-made. If we have learned one thing in the past month, it should be that disaster preparedness and response must go hand in hand. Not long ago, FEMA did that well. The agency was robust, proactive and proved how good planning and coordination are critical to effective response. Congress should demand a pause before Secretary Chertoff implements more organizational changes that will further

weaken FEMA. It is the first step toward fixing our broken emergency management system.

This motion to instruct would do just that. It directs conferees to insist that the preparedness title of the conference agreement be in the same form as the House bill. The effect is to put a hold on the Secretary's reorganization plan for preparedness. Let me add that it lets other parts of his reorganization proceed. If he wants to take the air marshals from ICE and put them back in TSA where they were originally, fine. But this puts a hold on his preparedness plans.

The House should take this stand. Otherwise, DHS will simply shuffle organizational boxes again instead of tackling head-on the problems that Hurricane Katrina laid bare. At the very least, we should take time to think through the Department's preparedness plans in light of Katrina. We need to analyze what went wrong so we know how to fix things before the next catastrophe. It should be clear to everyone that we have not yet learned those hard lessons.

I see two keys to addressing the problems that Hurricane Katrina exposed: first, we need a unified, Federal ''all-hazards'' emergency management agency. It must have the stature, the resources and the clout to lead, coordinate, and demand the very best of local and State governments and other Federal agencies in planning for and responding to major disasters. Equally important, the President needs to appoint and empower well-qualified and respected emergency management professionals to lead this agency. There is no substitute for competent and accountable leadership.

Mr. Speaker, before FEMA was merged with DHS, it was a robust and experienced FEMA. We can rebuild it. We still have the blueprints. If you want to take us another step in weakening FEMA, vote ''no'' on this motion to instruct. If you think we should maybe take some time to think, then vote ''yes,'' because it is the right thing to do.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the real question here is, if you are happy with the way the planning went to prepare for Katrina, vote for this motion to instruct conferees. But if you think that we can plan better for disasters in this country, including hurricanes like Katrina, then reject this motion and allow the Department, the government to bring together all of the agencies that might be involved in planning for a disaster into the same room. Not just FEMA. Bring the Coast Guard, bring the military, bring the border patrol, bring the Secret Service.

Bring all of the agencies that deal with disasters or have a part of that into the same place, the same directorate, if you will, in the Department of Homeland Security so that we can properly plan and bring the resources to bear of the government in a timely way, at the outset, by properly preparing. FEMA is a FEMA-centric organization. It stays within its boundary and does a good job basically in responding, but not planning, not preparedness.

The gentleman from Minnesota says early on in his statement, Katrina shined a bright spotlight on troubling gaps in our ability to deal with catastrophes. I could not agree more. That is why I think we need to allow the government to create a directorate for preparedness that is the broadest in its scope it can be, encompassing all of the agencies of the government, not just FEMA.

The gentleman from Minnesota also said in his opening remarks, people demand that we fix what is broken. I agree with that as well. Ironically, however, his motion to instruct conferees would prevent our capability of being able to fix what is broken. To fix what is broken, which is preparedness, we need to be able to build a much broader-scoped organization, looking just at preparedness for these disasters. A single preparedness directorate will be able to work not just with the Federal agencies but State and local governments as well to build a comprehensive preparedness strategy, focused not just on terrorist activities but certainly an all-hazards strategy.

Consolidating all preparedness functions will assist the Department in successfully deploying this strategy throughout all levels of government where it is needed the most.

The responsibility for preparedness exists in various agencies and levels of the government outside of FEMA. For example, the Coast Guard is not a part of FEMA. Do you want to prevent the Coast Guard from being able to help plan for rescuing people in case of a flood or disaster like Katrina?

□ 1045

I do not want to exclude the Coast Guard from that process. Do Members want to exclude the military and the National Guard from that process? This motion would keep things just as it is. I am not happy with things just as they are. Hurricane Katrina proved that it is not getting the job done.

Do Members want to exclude the Corps of Engineers? They are not a part of the FEMA, they are part of the Army. Do Members want to prevent the Coast Guard, the National Guard, the military and all other agencies from helping plan to prepare for these disasters? I want them included, not excluded. Creating a directorate in the Department whose sole focus is preparedness will bring together all of these agencies and build a preparedness capability in DHS that does not currently exist.

Also, keep in mind that FEMA will continue to be responsible for their portion of preparedness planning within this much-larger construct. They will continue to administer the Emergency Management Institute, which serves as the national focal point for the development and delivery of emergency management training and enhances the capabilities of Federal, State and local governments in order to minimize the impact of disasters. They will still be involved, deeply, in preparedness planning. But I think we need to add these other agencies into the mix so we know from the outset, from the git-go who is going to do what, when, where and why. What is wrong with that?

The bottom line is that this reorganization will allow for better coordination among the various preparedness components within the much larger Department of Homeland Security and encourage learning and building off of each other. If FEMA were to be solely responsible for preparedness, the result will be a FEMA-centric approach, just within the small world of FEMA. DHS must develop a broader, all-hazards focus when it comes to preparedness, one that includes natural disasters and terrorist incidents.

We know that somewhere in response to Hurricane Katrina, the system broke. To vote for this motion will perpetuate the status quo. If Members like things just as they are, then vote for the Sabo motion. But if Members want a much broader context of preparing for these disasters with all of the agencies of the government that could be involved in disaster relief and planning, if Members want all of them involved, then reject this motion and let the Department reorganize the preparedness part of getting ready for these terrible storms using all of the assets of the government, not just a small part.

I urge Members to reject this motion and to allow the conferees to go about the business of conferring with the other body and bringing back a bill responsibly to this body.

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

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would hope that Congress would not repeat the mistakes that it has already made with respect to the Department of Homeland Security and FEMA. We all remember what happened after 9/11. The Congress, in knee-jerk fashion, passed the proposal to create a new Department of Homeland Security, a gargantuan agency. Up until that time there were 133 agencies that had something to do with homeland security.

So what happened is that the Congress and the White House, in its infinite wisdom, took 22 of those 133 agencies, lumped them together in a huge bureaucracy. They did not include the FBI, they did not include the CIA, the two agencies most connected with dealing with terrorism. They took 22 agencies, lumped them together in a huge

bureaucracy, set up many layers of bureaucracy within that organization, and dumped FEMA into that organization.

Up until that time, FEMA had been one of the stars of the previous administration under James Lee Witt when, for a change, that agency had been professionalized and depoliticized. But now what has happened is that since FEMA has been buried in homeland security, we have seen six separate reorganization plans for the Department of Homeland Security. We have had a number of directors, and now we have Mr. Chertoff sending us a letter raising two points that I find almost laughable.

In his letter opposing this motion, Mr. Chertoff says that his proposal was formed after intensive consultations with preparedness professionals. The problem is we do not know who those professionals were and what they recommended because it all happened behind closed doors. It was an inside job. People who thought they knew better than anybody else got together with a proposed plan. I think that plan needs to have some critiquing from the outside, from professional people, before it goes into effect.

Secondly, Mr. Chertoff says in his letter, ''No structural changes were made to FEMA prior to Hurricane Katrina.'' Does he not consider dumping FEMA into a huge bureaucracy where there are many layers that you have to go through before you can reach the President's phone, does he not think that is a major reorganization? Does he not think that taking away the grant program from FEMA is a major reorganization? He may not think so; I think they are.

What I would simply suggest is that instead of, in a knee-jerk fashion, approving the reorganization plans of the gang that has demonstrated they cannot shoot straight, instead what we ought to do is get Chertoff down here in hearings before the committee. We ought to have Chertoff testify about his view about what happened, why we had the failures, what happened within FEMA, what are the faults within the agency, and let us have a detailed discussion of the problem. I would submit while I am sure this subcommittee can do a reasonable job of that, I think the country would feel far better off if we had an independent commission looking at the entire problem.

The distinguished subcommittee chairman says if Members like the status quo, then vote for the Sabo motion. Quite the contrary. The purpose of the Sabo motion is to make certain that the people who are the status quo on this issue have somebody else looking over their shoulders before they make yet another unaccountable decision. This is too important to leave to the people who screwed it up the first time.

Before we buy any more reorganizations on this level, we ought to bring those people down here, talk to them nose to nose. Mr. Brown was the President's appointment to FEMA. Mr. Brown testified yesterday that he inherited a robust organization when he was appointed FEMA director and that the Department of Homeland Security had stripped the agency of authority, positions, and dollars.

We ought to bring them both down here, facing each other face to face, so they can have it out on the outside—not behind closed doors, but on the outside so we can get to the bottom of what the problem is. For Congress to just, in a knee-jerk fashion, pass whatever reorganization program the Homeland Security director sends down to us is patently irresponsible. It is once again neglecting our oversight duties. The problem is we do not pay the price when a mistake is made, the public does, and the best way to avoid that is to pass the Sabo motion.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a very hard-working member of the subcommittee.

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me just say, if Members like the response to Hurricane Katrina and Rita, they are going to love this motion to instruct.

The plan that is being proposed was thought of long before the hurricanes struck. It is a plan that recognizes exactly the problems that we have seen in our response to the hurricanes: The fact that there is not a coordinated plan, a preparation in place to respond to these types of disasters, whether they be man-made or natural disasters. This plan was thought out, and again, I want to emphasize before this disaster struck, and it recognizes the problems that we have in the bureaucracy.

I think we should also remember that this is a motion to instruct conferees on the Committee on Appropriations, and Members are totally avoiding the authorizing committee of jurisdiction. There will be hearings. The Secretary will be brought before the committee to discuss this plan, to finally air out the differences.

The gentleman is quite right in that sometimes we move in haste around here, such as to respond to 9/11. There is a big debate about FEMA being in Homeland Security. That was one of the recommendations of the 9/11 Commission, to basically dilute FEMA by putting it in an agency like that. That is why we have a committee of jurisdiction, the authorizers. This is not the way to do business around here. To just have a somewhat knee-jerk reaction to make a political point is not what we should be doing in this Congress.

We need to represent the people. We need to represent the idea that we have to be prepared. We have seen by these disasters that what the Secretary is proposing is exactly right, that we need to have coordination between different agencies in this government to prepare. FEMA is an agency to respond to disasters. To have an agency to prepare that can actually talk to everyone involved in the preparation or should be involved is right.

I also want to make a point that currently the Secretary has jurisdiction to make these changes, or has the authority under current law. So no matter what this motion to instruct says, the Secretary can go forward. But this idea of trying to make some kind of a political point and beating up on someone who is trying to put forth a plan to prepare this Nation for man-made or natural disasters is simply wrong.

Mr. Speaker, I would again simply say if Members liked the response we had to these natural disasters, they will love this motion to instruct.

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

Mr. Speaker, let me quickly respond to my friend from Iowa. FEMA, we have spent the last year dismantling FEMA. What was FEMA? FEMA was not an operational agency, it was a coordinating agency. I do not understand all of this talk I am hearing today.

It was working with State and local communities and making plans. It was to work with a wide variety of Federal agencies that go way beyond those that are included in the Department of Homeland Security. It existed with cabinet-level status. If the director of FEMA called a department head and they knew that the director of FEMA had the President's ear, they listened.

Today I do not know that. Somebody that is three levels down in a new department that is floundering, is not working, calls some other agency and there is a slow response, surprise.

Mr. Speaker, we had a system, we should have built on it. Instead, we destroyed it. We are saying okay, let us have Congress look at it a little bit. Mr. Chertoff is going to implement this on October 1.

□ 1100

There have been hearings in Congress, three. Four questions on FEMA; one on preparedness. And that was it. That is Congress' involvement in looking at the major restructuring of this program. Any outside witnesses? No.

It is about time we do our work. Before we let somebody who has not done anything in his new office except draw a plan for restructuring have unbridled authority to do it, let us have Congress do some work.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time and for a very impassioned statement. Rarely have I seen my colleague so intense on something as he has been here, which shows the depth of his conviction and the seriousness of this issue.

Mr. Speaker, 20 years ago there was another reorganization plan for FEMA proposed by the Reagan administration. It would have drastically altered

the way FEMA conducts its business. It would have dramatically reduced the Federal share of covering the cost of disaster assistance. It elicited an outpouring of anger and animosity from local preparedness agencies and from Members of Congress.

I chaired the investigations and Oversight Subcommittee of our Committee on Public Works and Transportation at the time. My colleague from Pennsylvania, Bill Clinger, the ranking Republican, and I launched a series of hearings on those proposals. Principal among the opponents of the plan was another Republican Member from Pennsylvania, Tom Ridge, who vigorously opposed the administration's plan. Together, we developed legislation to correct the administration's proposal, reshape FEMA, and insert in its mission preparedness.

That has been a constant. That has been a fundamental role of FEMA. And as the gentleman from Minnesota said, to coordinate, we envisioned that 20 years ago.

This is the national response plan developed in December of 2004. In its mission statement by then-Congressman Tom Ridge, the mission states: ''The approach is unique and far reaching. It eliminates critical seams, ties together a complete spectrum of incident management activities to include the prevention of, preparedness for, response to, and recovery from terrorism, natural disasters, and other major emergencies.'' This is the Secretary, who, as a Member of Congress, understood the important role of FEMA in coordinating, in preparing for, responding to disasters.

The motion of the gentleman from Minnesota would require FEMA and the Department to link disaster preparedness and response. The Chertoff plan would sever what is a vital link between disaster preparedness and response. It would move disaster preparedness out of FEMA. It would strip FEMA of that responsibility and leave it only with the ability to respond.

That is not what local agencies want. That is not what they need in the gulf States, out on the west coast when there is an earthquake, in the Midwest when there are tornadoes. I will not say blizzards because we do pretty well handling blizzards in the upper Midwest. But to cut this critical linkage between preparedness and response is madness, in my view, from having had a very long experience, well over 20 years, looking over this critical agency, which I said, when we created the Department of Homeland Security, do not put FEMA in it.

All they need is a link to Homeland Security to be a part of the team in response to whatever, weapons of mass destruction or other terrorist actions; but leave FEMA in its role to provide funding for predisaster mitigation, for preparedness, for coordination, and for response to disasters. That is its role, and that is the role that would be restored, protected, enhanced by the motion of the gentleman from Minnesota.

We saw that tragedy of failure to coordinate, failure to prepare. The lessons of September 11 simply were not learned and applied in advance of Hurricane Katrina. On September 11 we knew that there were failures of communication between fire and police, among police units, among fire departments; and it was a recommendation of the September 11 Commission that FEMA reorganize itself and fix those problems of communication so that we have an interoperability of communication systems among all the responders. We take this plan that Secretary Chertoff is going to go forward with and we will disintegrate that recommendation for interoperability, coordination, and preparedness and effective response.

When I opposed the inclusion of FEMA in the Department of Homeland Security, I said imagine the situation the Department of Homeland Security has created. The floodwaters are rising up to the eaves of our house, we are sitting on the rooftop with a cell phone and a white handkerchief calling for FEMA's help, and we get an answer that they are out looking for terrorists. How many people have the Members seen sitting on the rooftops of their homes in the tragedy of Katrina?

I said that in July, 2002. I said it on this floor on July 25, 2002. Do not put FEMA in this Department. Do not emasculate this agency. Five hundred people have been transferred out of this agency, $250 million cut from its budget; and the result was evident on our screens, television screens, all across America. Do not make that mistake again. Support the motion of the gentleman from Minnesota.

Mr. Speaker, I rise in support of the motion to instruct conferees to H.R. 2360, the Department of Homeland Security Appropriations bill, to stop DHS from implementing one element of its pending reorganization plan because it will further weaken Federal Emergency Management Agency preparedness programs.

The Administration's proposal is the sixth reorganization of DHS in two and a half years. This summer, as part of his new reorganization plan of the Department of Homeland Security (DHS), Secretary Chertoff proposed a new Preparedness Directorate—further stripping FEMA of duties and resources and severing the critical linkage between disaster preparedness and response.

This plan was proposed by Secretary Chertoff before Hurricane Katrina struck and yet, in light of all of the problems, questions, and concerns with FEMA's and DHS' preparation for and response to Hurricane Katrina, the Administration seems determined to go forward with the plan, disregarding any lesson that can be learned from the Katrina response.

In his request, Secretary Chertoff ignores FEMA's critical "all-hazards" approach to preparedness and response. He states: ". . . Federal preparedness efforts need to be targeted toward addressing gaps in our terrorism and homeland security capabilities."

I have long believed that Federal preparedness must also address the critical gaps in our natural disaster preparedness capabilities. Hurricane Katrina tragically illustrated those critical gaps.

Since the creation of the DHS, FEMA has been systematically weakened, programs and personnel transferred from one Directorate to another. This new plan would take away two more preparedness programs from FEMA—shifting them to the new Preparedness Directorate.

It is critical that disaster preparedness and response be linked. Secretary Chertoff's plan calls for severing the vital link between disaster preparedness and response—moving disaster preparedness out of FEMA and leaving FEMA with only disaster response.

This would be a mistake. The first responder community has told us that disaster preparedness and response go hand-in-hand. By joint planning and training, we best learn how to respond in a real crisis. Our response in a disaster is based on all of the preparedness that has been done in advance.

Finally, this is not the time to be further weakening FEMA—we must take the time to learn from the mistakes of the response to Katrina.

I urge my colleagues to support the motion to instruct conferees.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the proposal to create within the Department a directorate dealing just with preparedness and bringing into that agency all of the other agencies of the government, Federal, State, and local, to help plan so that we will not have another Katrina episode makes altogether good sense. This was not developed overnight, the idea. In fact, it has been studied by the Secretary and the Department for many months.

I want to quote briefly from a letter that I received just this morning from the Department, from Secretary Chertoff, which says as follows: ''Our proposal was formed after intensive consultations with preparedness professionals, first responders, law enforcement officials, the former leadership of'' the Department, ''and State and local stakeholders.'' All of these people were involved in the construction of this idea of creating a massive government-wide directorate for preparedness planning.

''Our objective is to create a stronger capability to do preparedness planning across the full spectrum of all hazards, both natural disasters and terrorist attacks.''

Continuing to read: ''Critically, no structural changes were made to FEMA prior to Hurricane Katrina.'' Katrina was under the old scheme. ''Going forward, our plan will significantly strengthen the planning and preparedness actions of FEMA and the entire Department by ensuring that a dedicated team will focus on these actions on a full-time, urgent basis. Our preparedness directorate,'' the Secretary says, ''will integrate and leverage the capabilities of FEMA with those of Coast Guard; TSA,'' Transportation Security Administration; the customs agents, both on the border and internal, ''and Secret Service,'' among others.

''FEMA is and should be a surge organization.'' We have forgotten that.

FEMA develops with the surges of the moment. ''When incidents occur, every asset of the organization and its entire leadership team surges into the incident. ''Our proposal,'' the Secretary says, ''for a preparedness organization supports FEMA's capacity to surge while maintaining a systematic planning and exercise regime in support of FEMA's mission and that of other DHS components. The directorate will aggressively support FEMA's training and exercising needs.''

Continuing to read from the Secretary's letter: ''It aligns our grant-making programs and our crucial training and exercising work in support of the Department's all-hazards mission. The directorate will include increased focus on issues broader than FEMA, including infrastructure protection, cybersecurity, and a new chief medical officer.'' Those are not considered today in the present FEMA. We have got to take a look at the broader picture. So those are the comments of the Secretary.

Now, who supports the Secretary in bringing a broader perspective to preparedness planning? Groups like the International Association of Fire Chiefs. If there is a first responder organization that typifies what they do, it is the fire departments and the fire chiefs, the people who know best about preparing for disasters. They say this is a critical change that is necessary, and I am quoting from their letter to that effect: ''This preparedness directorate must be a new function and must be separate and distinct from operational functions, although it must coordinate with those operational functions.''

Quoting further from the International Association of Fire Chiefs: ''Currently, the U.S. Fire Administration is located within the Emergency Preparedness and Response directorate. Unfortunately, the preparedness functions of the USFA are diminished because EP&R is frequently focused on the operational response to disasters.'' That makes sense.

They go on to say: ''It is critical that fire chiefs or other senior fire service leaders be included in this directorate, along with other State, local, and tribal first responders, so that they may provide essential perspective in the creation of policy for DHS and not only in the review or enactment of policy.'' This puts the fire chiefs in the middle of the planning process, not at the other end. They are not being told what to do. They are being asked what to do with this proposal.

If Members vote for the Sabo motion, they are saying to the fire chiefs, We do not care about you. We will tell you what to do. We do not want you to tell us how we should do it before we do it.

We want to bring them into the planning process, not tell them what to do at the end of the process.

In bringing about this directorate, the Department of the Secretary over months went out and talked to all sorts of people and organizations. I will give some examples, and I have got three pages here of the listing of some of the people they have talked to.

Lee Baca, the Sheriff of L.A. County; Matt Bettenhausen, director of the California Office of Homeland Security; Roger Vanderpool, director, Arizona Department of Public Safety; Art Faulkner, liaison for assistant director for Emergency Preparedness and Response, Alabama Department of Homeland Security; Jim Timmony, police chief, City of Miami; Mike Sherberger, director of the Office of Homeland Security, Georgia; Illinois, Jonathan Schachter, City of Chicago; Art Cleaves, director of Maine Emergency Management; John Cohen, Massachusetts Homeland Security;

□ 1115

Also Colonel Tom Robbins, Massachusetts State Police; Sid Casperson, the Director of the New Jersey Office of Counterterrorism; Jim McMahon, Director of New York State Office of Homeland Security; Brian Beatty, Secretary of Public Safety in North Carolina; Doug Friez in North Dakota; Ken Morckel, Director of Public Safety for Ohio; people from Pennsylvania, Texas and Virginia; the Federal Order of Police; the International Associations of Chiefs of Police; and I could go on.

So, here is a list, a brief list, of some of the people contacted by the Department as they came up with this idea to consolidate preparedness planning in a single place, encompassing all of the agencies of the Federal, State and local governments, people like the fire chiefs and chiefs of police.

From the Major Cities Chiefs Association, a letter saying ''law enforcement across the Nation supports the President's position that the best way to prepare for a terrorist attack is to stop it from happening. We feel that the Department should unify the components that share this common mission. At present, the Prevention and Protection Grants plans and intelligence are each in separate agencies. Long overdue, the Nation would be well served by DHS directorate committed solely to protecting the American people. For the first time, the chiefs of police say, ''local law enforcement could work with a single DHS directorate focused on our common goal to protect the American people from another terrorist attack.''

Chiefs of police, fire chiefs, first responders, State and local directors of homeland security all say the same thing: We have got to consolidate and bring in one place the preparedness planning practice within Homeland.

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

Mr. Speaker, it amazes me that Secretary Chertoff thinks there has been no structural change to FEMA. I think everyone in the world knows there has been a structural change to FEMA. It was an independent, free-standing agency; now it is a weak part of a weak department. Where are the records of all these people that the Secretary has talked to? Maybe Congress, before we approve some fundamental restructuring, should hear from one, two, three, maybe five outside witnesses, maybe from some who ran FEMA when it was a good functioning agency even.

There has been no outside testimony that I know of. There was not in our committee. There was not in the authorizing committee that I know of. Maybe there was someplace. But let us have some people come and testify to us so we can ask questions. That has not happened.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in favor of the motion to instruct conferees to reject Secretary Chertoff's plan to further weaken and gut FEMA.

I and many of my colleagues have been raising these concerns about the systematic deconstruction of FEMA and about reduced funding for our first responders for many years now. Current and former FEMA officials told me months ago that FEMA had become a hollowed-out agency and that it was one major disaster short of collapse. Unfortunately, Katrina was the disaster that substantiated that claim.

We should not be satisfied in laying the blame solely on the former FEMA director. Two years ago, FEMA put out a warning that two-thirds of our fire departments operate with staffing levels that do not meet the minimum safe levels required by OSHA and the National Fire Protection Association. What was the administration's response to that? It proposed zeroing out the SAFER hiring program for firefighters and proposed massive cuts to fire equipment grants. FEMA officials had publicly called these grants one of the ''best bangs for the buck the taxpayer gets.''

Overall, we are providing less funding for our first responders now through FEMA and the Department of Justice than we did prior to 9/11. When I asked Secretary Ridge 2 years ago why this administration was cutting funding for police and other first responders, his response was that supporting local law enforcement was not the Federal Government's responsibility, no matter that they were the linchpin in all of the Department of Homeland Security's planning.

Time and again, we have also warned of the dangers of moving away from an ''all-hazards'' approach to preparedness and response, to a terrorism-only approach.

FEMA used to be one of the leanest and most effective agencies in the Federal Government. But then its cabinet level position was taken away by the Bush administration. It was buried under tons of homeland security bureaucracy. Its top posts were stripped

of experts and filled with campaign workers and friends of people in power. Some of its best programs were taken away and stuffed into other offices in Homeland Security.

As former Director Mike Brown testified yesterday, FEMA was deprioritized in Homeland Security and lost its political power, access and funding. Its failure after Katrina was the result of a series of decisions to under-fund key agency functions, to cut key personnel, and to de-emphasize preparation for natural disasters. That failure had dire consequences.

I am not saying this to play the political blame game. I am saying it because we have to understand that this was the consequence of years of neglect of FEMA and of our first responders by this administration and this Congress. We need to understand this so we do not repeat these same mistakes.

Instead of learning from the mistakes of FEMA, the Department of Homeland Security appears intent on plowing ahead with plans to further bury FEMA in the departmental bureaucracy and now to strip it of its planning and preparedness responsibility. Republican leaders of this House seem inclined to go along with that. But our vote today will show whether politics and partisanship will trump sound policy.

Mr. Speaker, we exist as an institution to do more than just stay in power. We ought to do what is right for the American people. Further dismantling and burying FEMA is wrong. Further cutting funding and support for our first responders is wrong.

When we make decisions that are based on a refusal to admit a mistake, rather than a determination to learn from our mistakes, Americans suffer and we lose some of our greatness. So I ask my colleagues to support this motion to instruct.

Things are bad enough. Let us not make them worse.

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

Mr. SABO. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. HASTINGS), the ranking member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, the gentleman from Minnesota (Mr. SABO) began this discussion by saying we need smart, experienced and independent people to take a hard look at the problems Katrina exposed and identify solutions before we move organizational boxes again. I cannot agree more. This motion to instruct is timely, and I urge Members to support it.

The truth of the matter is, what Congress needs to do is what we were taught as children, and that is to count to 10 and take a deep breath when there is a problem.

Listen, we are not playing pin the tail on the elephant or the donkey. We are dealing with tragic consequences of our fellow Americans. Before shuffling boxes, we need a clear, unambiguous plan for disaster preparedness, not something prepared in a back room.

We are 4 years out from 9/11, and obviously are woefully unprepared for disaster. The majority is going forward with a 5-month, $500,000 investigation into what went wrong in Katrina, and that should complement an independent investigation into what went right and what went wrong.

How do we do what the gentleman from Kentucky (Mr. ROGERS) says? How do you integrate the military, how do you integrate the faith-based institutions, how do you integrate the volunteers? Where is the national registry for physicians?

We have not settled the issues from last year's storms and we continue to use the term ''Katrina,'' but there was an Ophelia and there is a Rita, and America's problems are continuing. Pass this motion to instruct.

Mr. SABO. I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am on the authorizing committee of the Committee on Homeland Security of this Congress, but I am also someone who has just recently returned from the area of Rita, and I hope that our vernacular will now be Hurricane Katrina and Hurricane Rita.

Mr. Speaker, I rise to support this motion to instruct. I respect my colleagues on the other side of the aisle and I would hope that we would break the firewall of partisanship and establish a bipartisan but a forward-thinking mode to deal with the haplessness and helplessness of Americans.

Many Americans will face tragedy in their life, either by fire, volcano, earthquake, inland flooding or what we experienced, the devastation of Hurricane Katrina and Hurricane Rita. So the question is not to accept what Secretary Chertoff has offered, a man who may be in many ways qualified, but himself having no experience in understanding how to address the devastation of an ongoing hurricane.

The reason I know this is because I was on the ground yesterday in the damaged areas, listening to local officials, hearing their pain, crying out for the simplest of items. ''Where are my generators? Where is my ice? Where is my water? Where are the airplanes to take my evacuees who are bedridden and nursing home patients out of this region?'' And the only answer they had was deadening silence, or the silence of generators sitting in buildings because there was no one to give a single order.

That is what is the problem, there is no one in charge, and moving boxes, Secretary Chertoff, is not the answer.

Support this motion to instruct, so that we can address the lives that are lost and those who are surviving in Hurricane Katrina and Hurricane Rita. We are sick and tired of being sick and tired of being ignored.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would admonish Members to address their remarks to the Chair, and not to others in the second person.

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

Mr. Speaker, on this motion, there is lots of rhetoric here, but we are simply saying, let us take the time to think. Shortly after the flood with Katrina, somebody asked me what I thought we should do. I said we should do something unusual in this place, take the time to think before we jump to a conclusion.

Here we have plans by an agency developed some time ago that we really have not looked at in Congress. Maybe everything that the Secretary says is true. Maybe I am wrong and he is right; we should not have an enhanced FEMA, we should have a weakened FEMA. But let us look at it before we rush to say to do it.

I do not think you can separate preparedness from people with the responsibility to carry it through. Henry Ford once said he did not want a ''planned society,'' but he wanted a ''planning society.'' The two are very fundamentally different. One is that you have a process of thinking what you are going to do, and I think ultimately it has to be tied in to those folks who were involved in implementing whatever plans you are developing, which are constantly evolving.

Here we come with somebody who, it may look good to a lawyer who likes a good, concise brief, but has not been involved in the day-to-day responding to emergencies.

□ 1130

The people I hear him talk to who respond to emergencies tell me that it is just a very fundamental mistake to separate preparedness from the people who implement those preparedness plans.

So, Mr. Speaker, if you want us to take a pause, think before we act, to think before we let the Department act, vote ''yes'' on the Sabo motion if we think there is a better chance we might do it right in the end.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, when Secretary Chertoff became the Secretary of the new Department, he declared sort of a moratorium; and he went off with his staff, and they began to discuss and think and plan about how to improve the Department's capability to respond and prevent attacks either by nature or by man; homeland security.

And one of the biggest things they found was that in the different Departments of the government, there were agencies that had something to do with responding to an emergency and being prepared for that, but separate and apart from each other.

For example, the Coast Guard had their own preparedness group that

plans what they should do in an emergency. Of course, States have their own plans, as they should. And local officials, mayors and the like, have their own plans for response and preparedness. The military has obviously planned for disasters. They have been prepared. And, of course, the National Guard, the same way. The Corps of Engineers have their own unit that deals with preparedness for disasters, and we could go on. All across this government there are agencies within all of these, or many of these Departments that are preparing for disasters.

The Secretary said we need an agency within Homeland Security where all of these groups can come together under one roof and participate and plan as one unit, not just the agencies of the Federal Government, but States and localities as well. He went out, his people went out and they talked to hundreds, literally hundreds of directors of State homeland security groups, of fire chiefs and police and the first responders all over the country, and there came back from all of those people the unanimous idea: we need a single place where we can all go, and know to go, both to plan and to inquire.

So that now, in this plan that the Secretary has, the police and the firemen and the State emergency directors, as well as the Federal agencies, all of them from the Coast Guard to the Secret Service, all can come together in one place and do nothing but planning. They are not concerned about doing the operational part of responding to an emergency, that is FEMA and the various agencies. But for the planning purposes, they want to be together.

So the Secretary says, okay, that is the way it shall be. And in his reorganization plan, he agreed with all of the police chiefs and the fire chiefs, the State planning directors, the emergency planners in each State, the homeland security people in the States, and mayors, he agreed with them and gave them what they wanted: a single place.

Let us not have another Katrina. Let us work together so that we each know what we are supposed to do in the event that a disaster occurs.

So I urge my colleagues to reject this motion to instruct conferees. Let these experts do their work. I am no expert on how to respond to a fire or a disaster. The gentleman from Minnesota (Mr. SABO) may know more than I, but I doubt he is an expert either. We have experts who do nothing but this. Let us put the experts in charge, and let them tell us what we need to do, and let us then follow along and do what has to be done to save lives.

The bottom line: if you are happy with the way FEMA planned for Katrina, vote Sabo. If you think we can improve and we can do better in planning for the next disaster, reject Sabo. Vote ''no.''

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

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

The yeas and nays were ordered.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without an amendment a bill of the House of the following title:

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 462 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 462

Resolved, That at any time after the adoption of this resolution the Speaker may, 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 bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 462 is a structured rule. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment.

This rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on the Judiciary. It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution, and it provides that the amendments printed in the report may be considered only in the order printed in the report and may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

It waives all points of order against the amendments printed in the report, and provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 462 and the underlying bill, H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 to 2009.

First, I would like to take this opportunity to commend the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS). Additionally, I want to commend the full committee for all their hard work and time involved in the completion of this important authorizing legislation.

Mr. Speaker, the American people expect, and they demand, that Congress uphold its obligation to ensure that their money is spent both wisely and effectively, and some of the most important expenditures made on behalf of the American people are included in this legislation we are considering today. Without question, the Department of Justice is charged with the responsibility to enforce and to uphold the Constitution and statutes of this great country. All Americans benefit from an effective and a fully funded law enforcement apparatus at the Federal level, at the State level, and especially at the local level.

Mr. Speaker, H.R. 3402 would authorize appropriations to fund the agencies under the Department of Justice, including the FBI; the DEA, Drug Enforcement Administration; the United States Attorneys; and the Bureau of Prisons. This bill authorizes $59 billion for these four agencies through 2010. Additionally, this legislation will reauthorize, strengthen, and implement new programs in the Violence Against Women Act, many of which are slated to expire September 30 of this year.

Mr. Speaker, H.R. 3402 also would build upon many of the reforms instituted by the administration to improve the Department of Justice's Office of Justice Programs, OJP, and Community-Oriented Policing Services, the COPS program. This bill would merge the current Byrne grant program with the local law enforcement block grant programs into one new Edward Byrne Memorial Justice Assistance Grant program. By merging these two programs, States and local law enforcement will be able to more easily apply for and access vital funding.

Mr. Speaker, this streamlined process will improve flexibility for our State and our local governments. A one-size-fits-all mentality is not an acceptable solution for funding individual communities and law enforcement entities that have specialized and diverse needs. A certain degree of deference must be given to State and local law enforcement as they work to combat individual threats to and problems in their own communities.

However, H.R. 3402 also ratifies our need for continuing oversight of Federal dollars by creating an Office of Audit, Assessment, and Management that will ensure that the Office of Justice program runs efficiently and applies the money responsibly and effectively. This oversight office will be focused on results, and it will follow the trail of these funds so they can reach their intended target and achieve their full potential.

Mr. Speaker, this authorization would also permanently authorize an Office of Weed and Seed Strategies. This office would replace the current Executive Office of Weed and Seed created by the first Bush administration in 1991 as a community-based, multiagency approach to blend law enforcement, crime prevention, and neighborhood restoration strategies to strengthen our communities.

□ 1145

With respect to the programs created by the Violence Against Women Act, H.R. 3402 will reauthorize and strengthen various court programs, including the STOP grant program which brings police and prosecutors into a collaborative process with victim services that aims to prevent and punish violence committed against women.

As the proud parent of three daughters and the proud grandparent of two granddaughters, I fully recognize the need to give law enforcement every tool available to prevent domestic violence and to protect America's wives, mothers, daughters and granddaughters.

Mr. Speaker, H.R. 3402 makes significant improvements to these programs. For instance, this legislation assures gender equality by requiring gender neutrality in any grant or activities that assist victims of domestic violence, dating violence, stalking, sexual assault or human trafficking. Additionally, H.R. 3402 includes provisions to strengthen the privacy rights of victims, to allow for a more vigorous prosecution of cyberstalking and to double, let me repeat, double the penalty for repeat Federal domestic violence offenders.

The bill not only strengthens the ability of law enforcement but it also provides victims with additional tools in the fight against domestic violence, including access to trained attorneys and to lay advocacy services.

H.R. 3402 would also create two new programs focused on children and youth who are victims of or witnesses to domestic violence. Clearly our children do not have to be physically abused to become victims of domestic violence. Exposure to these types of heinous acts can be enough to scar the life of a child forever, and this reality must be, and it is, addressed by this bill.

So, Mr. Speaker, today as this House considers the rule and the underlying legislation and a number of amendments, I would like to encourage my colleagues to keep this thoughtful debate focused on the topic at hand. Funding the Department of Justice and protecting victims of domestic violence are commonsense priorities on both sides of the aisle.

Again, Mr. Speaker, I look forward to the consideration of this rule. I ask my colleagues to support it and, of course, the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for the time.

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

Mr. Speaker, rarely in the last decade has the Committee on the Judiciary's majority been interested in working in a bipartisan fashion. So I am pleasantly surprised that cooperation and consultation won out over partisanship and ideology during the drafting of the underlying legislation. At the same time, however, as the underlying legislation comes to the floor under the blanket of inclusiveness, it is disappointing that the rule providing for its consideration is again restrictive.

Under this rule, all but a few select amendments are blocked from being presented to the body. All but a select few are blocked from offering amendments that would strengthen and improve the Violence Against Women Act. All but a select few are blocked from offering amendments that would place more law enforcement on the street and help reduce crime. All but a select few are blocked from making a good bill even better.

Forty-six amendments were submitted to the Committee on Rules yesterday evening, Mr. Speaker: 15 by Republicans, 23 by Democrats, and eight bipartisan. Nevertheless, under this rule the House will have the opportunity to consider only 12 of them, that is, of the 46 amendments offered in the Committee on Rules yesterday, barely one out of every four is actually made in order under this rule. That is not democracy. It is autocracy. And it is just not right, no matter how noncontroversial a bill may be.

Mr. Speaker, the underlying legislation is supported on both sides of the aisle. It is largely similar to legislation which passed overwhelmingly in the 108th Congress, and I plan to support it. I am pleased that the bill increases funding for the Department of Justice Inspector General and the COPS program well beyond the President's short-sighted budget request. The bill merges the Byrne Grant program with the Local Law Enforcement Block Grant program authorizing $1.1 billion for the program in fiscal year 2006 and an unspecified amount through 2009. It also extends the Bullet Proof Vest Partnership Grant program to assist State and local law enforcement to upgrade and purchase new life-saving vests.

I am equally pleased that the Committee on the Judiciary included in the bill a provision authored by the gentleman from California (Mr. SCHIFF). This provision requires the Department of Justice to report to Congress annually on the number of detainees suspected of terrorism in the United States and those that the United States is holding and whether they will be treated as enemy combatants or criminal defendants.

Mr. Speaker, as a beacon of freedom, the United States has a responsibility to maintain a justice system that is transparent, fair, and respected throughout the world. The Schiff provision goes a long way towards restoring the respect that America once commanded regarding the treatment of prisoners of war. It is my hope and expectation that this provision will be included in the conference report that is ultimately sent to the President for his signature.

Finally, the underlying legislation reauthorizes the Violence Against Women Act, which is set to expire in a few days. First signed into law in 1994 by President Clinton, the Violence Against Women Act provides significant protections to women, children, and families who are victims of sexual assault, domestic violence and abuse, stalking, and sex trafficking.

Under the act, women and children who are victims of these heinous crimes are provided with access to legal aid, social services, counseling, and most importantly, protection under Federal law. The underlying legislation reauthorizes and expands critical programs already in existence under current law while also creating new programs that improve our efforts to protect women and children from the sick and twisted.

Mr. Speaker, as I briefly mentioned, the underlying legislation is a good bill, and I will support it. Nevertheless, it is disappointing that Members of this body are being blocked from making this good bill even better.

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

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

Mr. Speaker, regarding the amendments that were made in order, in fact, there are 12. Many of the amendments that were authored were non-germane; but in any regard, 12 amendments under this structured rule were made in order. And certainly in the interest of being fair and balanced, six Democratic amendments and six Republican amendments are those we will consider later on this morning.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding me time. It is great to be speaking on a rule once again.

Mr. Speaker, the Violence Against Women Act is one of the great legislative success stories of the last 10 years, and today the House of Representatives has the opportunity and the duty to strengthen and improve current law to further protect women across the country from exploitation and abuse.

Since 1994, VAWA, as we affectionately refer to it, has been an invaluable tool in the law enforcement arsenal as well as a crucial resource for victims. I know, Mr. Speaker, because I was on the bench before its passage. So whether it is obtaining a protection order, talking to an advocate or prosecutor, or just making our streets safer for women, we have seen monumental changes in how we protect the vulnerable from violence.

Since 1995, States have passed more than 600 laws to combat domestic violence, sexual assault, and stalking. All States have passed laws making stalking a crime. And since 1996, the National Domestic Violence Hotline has answered over 1 million calls for help. But even though tremendous progress has been made in addressing the dark and devastating issues of sexual assault, incest, rape, and other forms of violence against women and children, crime continues.

Let us never forget, Mr. Speaker, that children in homes where domestic violence is present are more apt to grow up to be abusers themselves or more likely to remain in a relationship when they are abused. It is a cyclical problem, and it needs to be intercepted, and it needs to be stopped.

Today's reauthorization measure extends core programs and makes improvements to enhance our ability to combat domestic violence, dating violence, sexual assault, and stalking. It also seeks to combat the problem of violence against our youth on campuses by allowing funds to be used for innovative antiviolence programs on college campuses all across America. And for the first time we have a law that addresses cyberstalking and the horrid abuses of the Internet.

By persevering in this fight, we will see justice not only by stopping those who prey on the defenseless but also by assisting and empowering those in need.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and the bipartisan legislation underlying it so that women and children across America can live in a safer and more secure world.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me time and for his leadership.

I rise in strong support for the underlying bill. The Violence Against Women Act, enacted in 1994, was a milestone in this country. It moved violence, the unspoken crime against women, out of the closets, out of the back doors and into the national agenda of this country with protections, with grants, with information to the police, the prosecutors; and it has helped women, children, and families in this country.

Yet, I rise in strong opposition to this rule; and while I support the bill, this restrictive rule has blocked debate on a number of very important amendments that would have made the Violence Against Women Act an even stronger and better piece of legislation, including two that I offered to help rape victims merely get information that they could use to prevent the need for an abortion and to prevent an unwanted pregnancy.

The first of my amendments would have required the Department of Justice's first ever medical guidelines for treating sexual assault victims, those women that have been raped, the National Protocol For Sexual Assault Medical Examinations. It merely asked them to include a recommendation that those women that have been victimized be offered information about emergency contraception in order to prevent pregnancy. EC is not an abortion; it is pregnancy prevention. And where this woman has been victimized, depriving her of this information victimizes her twice.

□ 1200

The second would simply ask the Attorney General to explain in a report to Congress and to the American people why emergency contraception was not included in the protocol.

Last year, after the Justice Department issued the protocol, reports indicated that information on the option of EC, or emergency contraception, to prevent pregnancy had been included, was supported in early drafts, but it was removed, without explanation, from the final version. By removing references to EC from the national protocol, the administration makes it clear that they would rather make rape victims decide between having an abortion or carrying their rapist's baby to term than offering women important knowledge and information to decide if emergency contraception is right for them. I find it unconscionable that they will not allow this information to be included.

The Justice Department's inclusion of EC in a national protocol absolutely runs counter, not only to the consensus in this country, but the consensus of most of the Nation's and the world's top organizations and scientists. The American College of Emergency Physicians includes it. The American College of Gynecology explicitly recommends it, and I must say that at least 101 countries around the world make EC available, and 39 of those even offer it over the counter.

So let me say that 101 nations cannot be wrong. This country is counter to world opinion. This is information that would help women that have been victims of rape, and I regret to say that they denied even a discussion of it on this floor with the amendments.

I urge a ''no'' vote on the rule because of these two amendments that are common sense, would help women, were excluded and many others that the gentleman from Florida (Mr. HASTINGS) mentioned.

So, again, I urge my colleagues to defeat this rule.

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

In regard to the amendment the gentlewoman from New York is referencing, in the jurisdiction of the

Committee on the Judiciary, it was ruled nongermane to this bill. There are other committees certainly that would have jurisdiction over that and need an opportunity to look at that very closely.

Mrs. MALONEY. Madam Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentlewoman from New York.

Mrs. MALONEY. Madam Speaker, I thank the gentleman for saying that this important issue should be looked at. I point out that this is information that 101 countries offer and is not part of our protocol.

My office and I talked to the appropriate people and to the parliamentarians, and it was germane. It was germane to the bill. It was germane to the bill.

Mr. GINGREY. Madam Speaker, reclaiming my time, I appreciate the gentlewoman's comments.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. WATSON), a leader in this field and for a number of years in the California legislature and ambassadorial ranks.

Ms. WATSON. Madam Speaker, I am dismayed that the amendment I wished to offer to this bill has been ruled out of order by the Committee on Rules. By refusing to permit this amendment to even be debated, the House Republican leadership is dismissing the concerns of Americans, not only in my hometown, but in hometowns across America who believe that we should put all options on the table to fight violent gangs.

Gang violence and gang activities are just not limited to inner city areas. Today, we will find some of the most violent and well-organized youth gangs in our Nation's richest suburbs and areas right around here in Arlington and Fairfax County, two of the most affluent counties in the U.S. Local law enforcement officials are dealing with a host of gangs, and according to the FBI, northern Virginia is one of the hottest regions in the Nation for gang activities.

Despite the growing threat of organized gang violence to our national welfare, I know of no Federal Government report that contains a comprehensive listing and description of gangs, as well as an assessment of the demographic characteristics of those gangs that is prepared on an annual basis.

Madam Speaker, I believe that the report my legislation would have mandated could have been widely used by local, State and Federal law enforcement officials. It would be the first Federal report prepared on an annual basis to provide a comprehensive overview of gang activity in the United States. The report will also make available important information on gang activities in schools. It would have been an annual benchmark used by policy-makers, as well as Members of Congress to assess the success or failure of anti-gang activities.

I urge my colleagues to oppose the rule.

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

Regarding the gentlewoman from California, I want to point out to her that this very issue was addressed in the gang bill that was passed earlier this year. In fact, H.R. 1279, the comprehensive gang violence prevention bill, authorized $20 million to provide assistance to State and local prosecutors to fund technology and other equipment to track gang members and maintain information about their crimes. In fact, if I recall correctly, it was the gentlewoman from California's amendment on the floor on that very bill that was accepted and included in H.R. 1279.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, as I said at the outset, this is a good bill and I plan to support it, but a good bill could have been made better had amendments of Members in this body on both sides been made in order.

We are not the workaholic Congress around here, and we have the time to undertake to do things that are critical for the American public. I am absolutely convinced that we could have allowed most, if not all, of the amendments that were included.

I have said on other occasions that my colleagues in the majority were championed by some of the best skilled legislators in 1992 and 1994. One of them, a deceased Member, former chairman of the Committee on Rules, a good friend of mine that I traveled actively with and dearly miss him, was Gerald Solomon. Others of course, former Speaker Gingrich and the distinguished Robert Walker. I saw them on this floor repeatedly saying that the big problem that existed with Democrats at that time was that they were operating on closed and restrictive rules.

I guess what changed here is the majority, and there are some who still have not got it, and that is, that people in this body represent all of the people in America. Until such time as we open all of the rules to Members who are desirous of offering germane amendments, we will be having restrictive and closed rules and shutting out, blocking out a part of the individuals who represent upwards of 600,000 to 800,000 people each.

I find that anathema, particularly in light of the instruction that came from those in the majority. I remember so vividly hearing on the radio people talking about closed rules and open rules, and people did not even know what a closed rule and an open rule was, but the mantra was that the rules were closed. Open them up, so that the American public can have a transparent Congress that allows for the flow of legislation to be debated on this floor and that the will of the House then should prevail.

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

Mr. GINGREY. Madam Speaker, I just wanted to say, I had an opportunity to speak with the gentlewoman from California (Ms. WATSON) regarding her concerns and her amendment, and what we have committed to her and the Committee on the Judiciary has made a commitment that they will work with her in regard to the language of her amendment as the gang bill goes to conference which really is a more appropriate vehicle to modify that language, and we do make that commitment to the gentlewoman from California.

Madam Speaker, I would like to close by expressing my gratitude to my colleagues for a productive discussion on this rule.

H. Res. 462 is a good rule. It balances very well the laborious work of the Committee on the Judiciary with the amendment process on the floor. Multiple Members will have an opportunity to discuss their amendments and receive a vote, and I look forward to the further consideration of this legislation.

From the FBI to the DEA, to the United States attorneys to the Bureau of Prisons, H.R. 3402 authorizes critical funding for the Department of Justice, allowing it to continue its fight to uphold the laws of our land and to keep our citizens safe.

Additionally, this bill will strengthen many of the programs already available under the office of justice programs that aid State and local law enforcement on the ground as they work to protect their individual communities.

This Act streamlines many of the request processes and, thereby, facilitates local officials and law enforcement in accessing the funds made available by these programs.

Mr. Speaker, through the reauthorization of the provisions of the Violence Against Women Act, H.R. 3402 creates stiffer penalty for abusers, and it gives more rights to the victims of domestic violence.

For the sake of law enforcement and victims across this great country, I urge my colleagues to support this rule and the underlying bill.

Ms. ROYBAL-ALLARD. Madam Speaker, thanks to the passage of the Violence Against Woman Act in 1994, domestic violence is recognized as a crime committed by the abuser, and not the fault of the victim.

However, neither our federal laws nor the laws of many of our states offer victims of domestic violence some of the protections they need to leave their abuser.

Congressman POE and I had three amendments to address these critical issues.

The Violence Against Women Act made it possible for victims of domestic violence to get protective orders and move to safe shelters.

Yet victims who take time off from work to attend to such matters are often fired or demoted.

One of our amendments would have allowed a victim of domestic violence to take time off from work, without pay, and without penalty, to make necessary court appearances, seek legal assistance, and get help with safety planning.

Our second amendment would have allowed states to provide unemployment benefits to victims who are fired due to circumstances stemming from domestic violence.

This would help victims who find themselves with the unconscionable choice of returning to an abusive home or becoming homeless.

Finally, victims of domestic violence report rampant insurance discrimination based on their status as a victim of domestic assault.

Insurance providers frequently use information about the abuse history of an applicant—including medical, police, and court records—to deny health coverage.

And our third amendment would prohibit insurance providers from basing coverage decisions on a victim's history of abuse.

Unfortunately, because the Republican leadership has decided on a restrictive approach to reauthorizing VAWA Congressman POE and I have been prevented from presenting these amendments.

For that reason, I oppose the rule, and will work with Congressman POE to include these amendments in the final version of the House bill in order to help victims of domestic abuse successfully and safely escape their abuser.

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

The previous question was ordered.

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

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

Mr. HASTINGS of Florida. Madam Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

motion to instruct on H.R. 2360, by the yeas and nays;

H. Res. 462, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

MOTION TO GO TO CONFERENCE ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MR. SABO

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2360 offered by the gentleman from Minnesota (Mr. SABO) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

The vote was taken by electronic device, and there were—yeas 196, nays 227, not voting 10, as follows:

[Roll No. 497]

YEAS—196

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

NAYS—227

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

NOT VOTING—10

Blumenauer
Boswell
Culberson
Davis (FL)
Davis, Jo Ann
Gutierrez
Harman
Hunter
Melancon
Shays

□ 1238

Messrs. DEAL of Georgia, FOLEY, PETERSON of Pennsylvania, TAYLOR of Mississippi, LINDER, MORAN of Kansas, and KING of New York changed their vote from ''yea'' to ''nay.''

Messrs. BERMAN, COOPER, and RUSH changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

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. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the vote on adoption of House Resolution 462 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 330, nays 89, not voting 14, as follows:

[Roll No. 498]

YEAS—330

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—89

Ackerman
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Bishop (NY)
Capps
Carson
Clyburn
Conyers
Costello
Crowley
Cummings
DeFazio
Doggett
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Grijalva
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hoyer
Inslee
Israel
Jefferson
Johnson, E. B.
Kaptur
Kucinich
Langevin
Lantos
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Nadler
Neal (MA)
Olver
Pallone
Pastor
Payne
Rush
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—14

Blumenauer
Boswell
Culberson
Davis (FL)
Davis, Jo Ann
Gutierrez
Harman
Hunter
Lucas
McCollum (MN)
Melancon
Pelosi
Renzi
Shays

□ 1248

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

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.

APPOINTMENT OF CONFEREES ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the Chair appoints the following conferees on H.R. 2360: Messrs. ROGERS of Kentucky, WAMP, LATHAM, Mrs. EMERSON, Messrs. SWEENEY, KOLBE, ISTOOK, LAHOOD, CRENSHAW, CARTER, LEWIS of California, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, Messrs. BISHOP of Georgia, BERRY, EDWARDS, and OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AFFECTED BY HURRICANE KATRINA OR RITA ACT OF 2005

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3864) to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita, as amended.

The Clerk read as follows:

H.R. 3864

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 ''Assistance for Individuals with Disabilities Affected by Hurricane Katrina or Rita Act of 2005''.

SEC. 2. ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term ''affected State'' means a State that contains an area, or that received a significant number of individuals who resided in an area, in which the President has declared that a major disaster exists.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Rehabilitation Services Administration.

(3) INDIVIDUAL WITH A DISABILITY.—The term ''individual with a disability'' has the meaning given the term in section 7(20)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(A)).

(4) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.—The term ''individual with a disability affected by Hurricane Katrina'' means an individual with a disability who resided on August 22, 2005, in an area in which the President has declared that a major disaster related to Hurricane Katrina exists.

(5) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE RITA.—The term ''individual with a disability affected by Hurricane Rita'' means an individual with a disability who resided in an area on the date that was 7 days

before the date on which the President declared that a major disaster related to Hurricane Rita exists in such area.

(6) MAJOR DISASTER.—The term ''major disaster'' means a major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), related to Hurricane Katrina or Rita.

(b) REALLOTMENTS OF AMOUNTS.—

(1) IN GENERAL.—In realloting amounts to States under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005, the Commissioner shall give preference to affected States.

(2) WAIVERS.—If the Commissioner reallots amounts under section 110(b)(2) of the Rehabilitation Act of 1973 to an affected State for fiscal year 2005, or returns to the State of Louisiana for fiscal year 2005 the funds that Louisiana had previously relinquished pursuant to section 110(b)(1) of that Act (29 U.S.C. 730(b)(1)) due to an inability to meet the non-Federal share requirements requiring Louisiana to contribute $3,942,821 for fiscal year 2005, the Commissioner may grant a waiver of non-Federal share requirements for fiscal year 2005 for the affected State or Louisiana, respectively.

(3) DEFINITION.—In this subsection, the term ''non-Federal share requirements'' means non-Federal share requirements applicable to programs under title I of such Act (29 U.S.C. 720 et seq.).

(c) USE OF AMOUNTS REALLOTTED UNDER TITLE I OF THE REHABILITATION ACT OF 1973.—An affected State that receives amounts reallotted under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005 (as described in subsection (b)) or returned under subsection (b) may use the amounts—

(1) to pay for vocational rehabilitation services described in section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) (which may include training, mentoring, or job shadowing opportunities), for individuals with disabilities affected by Hurricane Katrina or individuals with disabilities affected by Hurricane Rita, that contribute to the economic growth and development of communities;

(2) to enable—

(A) individuals with disabilities affected by Hurricane Katrina to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on August 22, 2005; and

(B) individuals with disabilities affected by Hurricane Rita to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on the date that was 7 days before the date on which the President declared that a major disaster related to Hurricane Rita exists in such areas;

(3) to pay for vocational rehabilitation services described in section 103 of the Rehabilitation Act of 1973 for individuals with disabilities affected by Hurricane Katrina, or individuals with disabilities affected by Hurricane Rita, who do not meet the affected State's order of selection criteria for the affected State's order of selection under section 101(a)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(5)); or

(4) to carry out other activities in accordance with title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

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

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3864.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 3864. H.R. 3864, the Assistance for Individuals with Disabilities Affected by Hurricane Katrina or Rita Act of 2005, is a bill that I introduced to provide immediate and critical assistance to individuals with disabilities affected by Hurricanes Katrina and Rita.

Since I introduced H.R. 3864 last week, I have worked with my colleagues in the Senate to revise the language to create an even better bill, and the amendment I am introducing today reflects the agreement we were able to reach.

I urge my colleagues to adopt this commonsense legislation that will allow individuals with disabilities greater access to vocational rehabilitation services so they may return to work in the aftermath of these devastating hurricanes.

The measure that we are considering today deals with the Rehabilitation Act of 1973, a law that provides job training and other services designed to increase employment options for individuals with disabilities. The bill will provide greater flexibility to the United States Department of Education and the Rehabilitation Services Administration so sufficient funds are made available to States impacted by these hurricanes.

Specifically, this legislation requires the commissioner of the Rehabilitation Services Administration to give preference to States like Louisiana, Alabama, Mississippi, Texas, and others that have taken in large numbers of evacuees when unused vocational rehabilitation services funds are reallocated at the end of this fiscal year under the Rehabilitation Act.

It also assists impacted States by providing a one-time waiver of the requirement that those States match the reallocated funds they receive with non-Federal sources. This will provide the impacted States the necessary flexibility to maximize the use of both State and Federal funds to serve the citizens of those States during the critical months ahead.

The bill also ensures that States like Louisiana will continue to have access to funds under the Rehabilitation Act that had been relinquished to the Department of Education prior to the hurricane. Finally, the measure encourages affected States that receive a reallocation of vocational rehabilitation funds to use those funds to provide services to individuals with disabilities affected by the hurricanes. This will give these residents an opportunity to contribute to the economic development of their communities and participate in the reconstruction efforts.

As everyone knows, my State of Louisiana has suffered through two major hurricanes this last month. I spent this past weekend in my district as we prepared for and dealt directly with the aftermath of Hurricane Rita. Those affected by this hurricane and Hurricane Katrina continue to display tremendous courage, and I appreciate all that the American people and this Congress have done to assist our region.

This bill represents yet another step we will take to provide needed resources to the people of the gulf coast, and I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would like to thank also the gentleman from Louisiana (Mr. BOUSTANY), my colleague and friend, for introducing this commonsense hurricane relief bill that will offer relief to his constituents and many other Americans with disabilities in the gulf region.

This bill offers additional funds to gulf region vocational rehabilitation programs and offers the flexibility needed to continue services.

Madam Speaker, Louisiana is in a difficult position of not having met their Federal share for funds already allotted. Under H.R. 3864, Louisiana can apply for a waiver of that requirement. I commend the gentleman from Louisiana (Mr. BOUSTANY) for introducing this legislation to take care of that.

In the reallotment of unused funds from the previous fiscal year, this bill will give priority to those affected by hurricanes Katrina and Rita. Impacted States can then apply for waivers in meeting their non-Federal share of the reallotted funds as well.

Madam Speaker, impacted gulf coast States can use these funds to pay for vocational rehabilitation services that allow individuals with disabilities to contribute to the rebuilding of their local communities. I am pleased to support this bill, which not only offers relief from previous obligations but also provides additional resources necessary to continue services. Moreover, it reinforces the value of having community members participate in the revitalization of their neighborhoods.

Again, I thank the gentleman from Louisiana (Mr. BOUSTANY) for introducing this very much-needed legislation, and I encourage my colleagues to support its swift passage.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

I want to thank the gentleman from Michigan (Mr. KILDEE). He has been quite an ally in this process.

This is a very important piece of legislation, a small piece of legislation, but important, that will help us get back on our feet; and I urge passage of H.R. 3864.

Mr. DAVIS of Illinois. Madam Speaker, I rise in support of H.R. 3864, which provides needed assistance to individuals with disabilities who are affected by the recent hurricanes. The bill requires the Commissioner of the Rehabilitation Services Administration to give preference to States affected by Hurricanes Katrina and/or Rita with respect to the re-allotment of funds for vocational rehabilitation services. This provision is a necessary step in channeling monies to enable individuals with disabilities affected by either hurricane to participate in reconstruction or other major disaster assistance activities.

A strength of this legislation is that it permits affected States to use these re-alloted funds to pay for vital vocational rehabilitation services. This includes important activities such as training, mentoring, or job shadowing that contribute to the economic growth and development of communities. H.R. 3864 also grants needed flexibility to the States in providing the vocational services to individuals with disabilities by allowing the Commissioner to waive a state's matching requirement for funds from non-Federal sources.

These proposals will help the affected States as well as individuals with disabilities. The affected States will not have to draw upon their already depleted funds to pay for these critical services, and individuals with disabilities will be able to participate in the rebuilding of their towns and cities, which in turn will gain from the valuable services that individuals with disabilities can provide.

In my district I have seen the amazing work that disabled individuals are capable of. The Chicago Lighthouse for the Blind employs blind individuals to build clocks for the Federal Government. I am glad to support a bill that recognizes and encourages the contributions of this population.

Mr. BOEHNER. Madam Speaker, I rise in strong support of this bill to ensure that individuals with disabilities may gain access to the vocational rehabilitation services they need in the wake of Hurricanes Katrina and Rita. I thank my colleague on the Education and the Workforce Committee, Mr. BOUSTANY, for his work on this bill and other legislation to bring additional flexibility and resources to the Gulf Coast region. He and another of my Committee colleagues, Mr. JINDAL, continue to work tirelessly on behalf of their constituents and all Gulf Coast residents to ensure that we act where necessary to assist in the recovery efforts.

This bill is critical for individuals with disabilities who are seeking to re-enter the workforce in the aftermath of the two hurricanes. Under the Rehabilitation Act, States must return unused vocational rehabilitation funds at the end of each fiscal year to the Rehabilitation Services Administration, RSA. The RSA then reallocates those funds to States based on the needs of their respective residents. H.R. 3864 directs the Commissioner of the RSA to give consideration to States affected by the hurricanes in this year's reallocation of those unused funds.

This bill also provides significant flexibility for States impacted by the hurricanes. Under the Rehabilitation Act, States that receive a reallocation are required to match those funds with non-federal sources. This bill provides a reasonable, one-time waiver of that requirement for States affected by Hurricane Katrina or Hurricane Rita. This recognizes the unique circumstances faced by these States and ensures that State officials will not have their hands tied as they seek to take advantage of these additional resources.

Madam Speaker, in the month since Hurricane Katrina, the House has approved a variety of legislation to cut through bureaucratic red tape and enhance flexibility in the affected regions. We've addressed the needs of college students, workers, and their families. With this bill, we turn our attention to the needs of individuals with disabilities as well. As many of these individuals seek to return to work in and around the Gulf Coast region, I urge my colleagues to join me in support of this measure to ensure they may do just that.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3864, as amended.

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

The title of the bill was amended so as to read: ''A bill to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.''.

A motion to reconsider was laid on the table.

□ 1300

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING JULY 2005 MEASURES OF EXTREME REPRESSION ON PART OF CUBAN GOVERNMENT

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 388) expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government against members of Cuba's prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations, and for other purposes.

The Clerk read as follows:

H. RES. 388

Whereas the European Union instituted measures on the Cuban Government after the Cuban Government exercised extreme repression on peaceful prodemocracy activists in 2003, but in January 2005 the European Union suspended its measures;

Whereas on July 13, 2005, the Cuban Government detained 24 human rights activists who were participating in a solemn event in remembrance of the victims of the tugboat massacre of innocent civilians by the Cuban government of July 13, 1994;

Whereas human rights activists Rene Montes de Oca, Emilio Leiva Perez, Camilo Cairo Falcon, Manuel Perez Soira, Roberto Guerra Perez, and Lazaro Alonso Roman remain incarcerated from the July 13, 2005, event and face trumped up charges of ''disorderly conduct'';

Whereas on July 14, 2005, the Government of France invited the Cuban regime's Foreign Minister to the French Embassy in Havana for a ''Bastille Day'' celebration;

Whereas members of the prodemocracy opposition in Cuba sought, on July 22, 2005, in Havana, to demonstrate in front of the French Embassy in a peaceful and orderly manner, on behalf of the liberation of all Cuban political prisoners, and to protest the current policy of the European Union toward the Cuban Government;

Whereas the Cuban regime mobilized its repressive state security apparatus to intimidate and harass the peaceful demonstrators in order to prevent prodemocracy activists from reaching the French Embassy;

Whereas the Cuban regime arrested and detained many who were planning on attending the peaceful protest of July 22 in front of the French Embassy, including Martha Beatriz Roque Cabello, Félix Antonio Bonne Carcassés, Rene Gómez Manzano, Jose Javier Baeza Dis, María de los Angeles Borrego, Ernesto Colás García, Emma Maria Alonso Del Monte, Jose Escuredo Marrero, Uldarico Garcia, Yusimi Gil Portel, Oscar Mario González Pérez, Humberto Guerra, Luis Cesar Guerra, Julio Cesar López Rodríguez, Miguel López Santos, Jacqueline Montes de Oca, Raul Martínez Prieto, Ricardo Medina Salabarría, Francisco Moure Saladrigas, Georgina Noa Montes, Niurka Maria Peña Rodríguez, Luis Manuel Peñalver, Pastor Pérez Sánchez, Jesús Adolfo Reyes Sánchez, Gloria Cristina Rodríguez González, Juan Mario Rodríguez Guillen, Miguel Valdés Tamayo, Santiago Valdeolla Pérez, and Jesús Alejandro Victore Molina;

Whereas Rene Gómez Manzano, a distinguished leader of the struggle for freedom in Cuba, and other prodemocracy activists, continue to be detained without cause;

Whereas hundreds of political prisoners and prisoners of conscience languish in the Cuban regime's prisons for the crime of seeking democracy for Cuba;

Whereas thousands of others languish in Cuba's totalitarian prisons accused of ''common crimes'', such as illegally attempting to leave the country and violating the norms of the totalitarian economic system, who should be recognized as prisoners of conscience because they are being jailed for attempting to exercise personal freedoms;

Whereas the Cuban regime has arrested more than 400 young Cubans, from late 2004 through June of 2005, and according to the Cuban regime, the arrests were carried out as a ''measure of pre-delinquent security'';

Whereas the Cuban regime has continued to repress attempts by the Cuban people to bring democratic change to the island and denies universally recognized liberties, including freedom of speech, association, movement, and the press;

Whereas the Cuban Government remains designated as one of 6 state sponsors of terrorism by the United States Department of State;

Whereas the Cuban Government continues to provide safe harbor to fugitives from United States law enforcement agencies and to international terrorists;

Whereas the Universal Declaration of Human Rights, which establishes global human rights standards, asserts that all

human beings are born free and equal in dignity and rights, and that no one shall be subjected to arbitrary arrest or detention;

Whereas the Cuban regime engages in torture and other cruel, inhumane, and degrading treatment, including extended periods of solitary confinement and denial of nutritional and medical attention, according to the Department of State's Country Report on Human Rights 2004;

Whereas the personal representative of the United Nations Human Rights Commissioner has not been allowed by the Cuban regime to enter the island to carry out the mandate assigned by the United Nations Human Right Commission in its resolution of 2002/18 of 19 April 2002, and reaffirmed in resolutions 2003/13 of 17 April 2003, 2004/11 of 15 April 2004, and 2005/12 of 14 April 2005; and

Whereas the Cuban regime continues to violate the rights enshrined in the Universal Declaration of Human Rights, the Inter-American Convention on Human Rights, and other international and regional human rights agreements, and has violated the noted Resolutions of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the gross human rights violations committed by the Cuban regime;

(2) calls on the Secretary of State to initiate an international solidarity campaign on behalf of the immediate release of all Cuban political prisoners;

(3) supports the right of the Cuban people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, the press, and the right to multiparty elections;

(4) calls on the European Union to reexamine its current policy toward the Cuban regime, before June of 2006; and

(5) calls on the United States Permanent Representative to the United Nations, and other international organizations, to work with the member countries of the United Nations Commission on Human Rights (UNCHR) throughout the 62d session of the UNCHR in Geneva, Switzerland, to ensure a resolution that includes the strongest possible condemnation of the July 2005 measures of extreme repression on opposition activists and of all the human rights violations committed by the Cuban regime.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Arkansas (Mr. BOOZMAN) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

GENERAL LEAVE

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 388.

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

There was no objection.

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

Mr. Speaker, the chairman of the Subcommittee on the Western Hemisphere, the gentleman from Indiana (Mr. BURTON) would normally be here. The gentleman is very, very concerned about this resolution and is very, very supportive of it, but he currently has a markup, a committee vote that he is in the process of doing, so, again, I have the opportunity and honor of going ahead with this in his stead.

H. Res. 388 is a resolution which condemns the gross human rights violations committed by the Cuban regime and expresses support for the right of the Cuban people to exercise fundamental political and civil liberties.

As a member of the Committee on International Relations, I would like to thank my colleague the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for introducing this resolution, which highlights the atrocious human rights violations the Cuban people continue to suffer at the hands of Castro's oppressive regime.

Mr. Castro continues to hone his craft, that is to say, his systematic reign of fear and intimidation of his own population. This past July, the Castro regime renewed its efforts to stamp out the pro-democracy movement.

This resolution sends a strong message to the Cuban Government that the world will not forget those people who are languishing in Cuban prisons for the so-called crime of speaking out against the injustices perpetrated by the Castro regime. Many of the dissidents arrested July remain in custody, and several of them face long sentences in prison for threatening to undermine Cuba's Communist government, according to Amnesty International and other organizations.

As U.S. service men and women put their lives on the line to bring freedom and democracy to areas of the world that have long suffered in the shadow of tyranny, Cuba represents a prime example in our own hemispheres of what can happen if any nation shuns democracy and subjugates itself to the whims of dictatorship.

As it stands now, Cuba is the only nation in the hemisphere that is a complete dictatorship, and since the earliest days of the regime, Castro has not only stifled efforts to promote freedom and democracy in Cuba, but he has also actively been involved in promoting communism and dictatorships around the world, most especially in Central and South America. The fall of Castro's principal benefactor, the Soviet Union, may have caused a shift in Castro's tactics, but he has never abandoned his ambition to export communism.

I am very concerned about the state of affairs in the Western Hemisphere, and I am convinced that there will never be true, lasting peace and freedom in the region until we solve the Cuba problem once and for all. The only acceptable solution is a free and democratic Cuba. I have hope there will be a day when the light of democracy shines in Havana, a day when free expression and free elections replace the current hopeless status quo.

I urge my colleagues to support this resolution. We owe it to the thousands of Cubans who risk their lives every year to flee the Communist regime by any means necessary, even attempting to brave the hazardous 90-mile crossing between the United States and Cuba on makeshift rafts, as well as those languishing in Cuban jails, to further open the eyes of the world community to the true evils of the Castro regime. We must never forget them.

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

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. LANTOS) will control the 20 minutes.

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I want to commend my good friend and colleague, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for facilitating this body's consideration of the resolution. I also want to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for offering this very important resolution and for his tireless battle to promote human rights in Cuba.

Mr. Speaker, the manipulative tyranny of Fidel Castro continues unabated. Two months ago, Havana's security apparatus arrested over 50 human rights activists and political dissidents in two separate roundups as these individuals peacefully exercised their fundamental rights of association and expression. Many of these brave men and women remain incarcerated in rat-infested cells because of their conviction to seek freedom and democracy in Cuba. They join the hundreds of other political prisoners who have been languishing behind bars for such so-called crimes as sharing books with neighbors, reporting the news outside of government-controlled media outlets and attempting to organize independent free labor unions in Communist Cuba.

Other individuals who dare to practice their professions outside of state-sanctioned avenues feel the wrath of Castro's henchmen in other sordid forms. According to international human rights groups, political repression in Cuba is manifested through the use of police warnings and constant surveillance, short-term detentions, house arrests, travel restrictions, criminal prosecutions and politically motivated dismissals from jobs.

We in this House have repeatedly and forcefully denounced this oppression, calling for the immediate release of all political prisoners, and we have advocated for political liberalization on the island. This year, the United Nations Human Rights Commission in Geneva joined in the chorus of voices calling attention to the injustices which continue to be inflicted upon those who toil in Castro's island prison, or, should I say, prison island.

The U.N. Commission on Human Rights can and should do more. The

Human Rights Commission should call upon the Castro regime to release immediately all prisoners who are incarcerated in violation of their fundamental human rights. The Human Rights Commission should demand that the Cuban Government respect the freedom of association, expression and other international human rights norms. And the Human Rights Commission should press the Castro regime to hold free and fair elections and otherwise not suppress the ability of Cuban citizens to exercise their fundamental political rights.

Although the commission is not scheduled to meet again until early next year, much of the preparatory work that is necessary to secure a strong resolution on Cuba should be occurring now. Cuban emissaries reportedly have colluded with their like-minded brethren from Venezuela, Burma, Turkmenistan, Syria and other countries with very questionable human rights records to block proposed reforms to the commission that would give it the credibility and the institutional capability that it sorely lacks.

Mr. Speaker, I am hopeful that the community of real democracies will no longer allow those countries which flagrantly break the rules to sit in judgment of their own abhorrent practices. I strongly urge all of my colleagues to support this resolution, and, therefore, send a signal to our friends in New York and Havana that we are with them in their struggle against tyranny and oppression.

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

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the original sponsor of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank, first of all, the gentleman from Arkansas (Mr. BOOZMAN), who has been so kind to bring forth this resolution today as a distinguished member of the Committee on International Relations and as a great friend and supporter of human rights throughout the world, including in that oppressed island just 90 miles from our shores.

The gentleman from California (Mr. LANTOS), when I first arrived in this Congress in January 1993, that same month I was able to witness firsthand the man who has devoted his entire life to defending those who cannot defend themselves, and since that very month, my admiration that I already had for him has grown ceaselessly. I thank him for, once again, coming forth here in this hall and speaking on behalf of those who cannot speak for themselves.

The resolution before us today, Mr. Speaker, calls for the liberation of each and every one of the thousands, really, unknown is the number, of political prisoners in Cuba. There are hundreds recognized, identified and called ''prisoners of conscience'' by international organizations such as Amnesty International. There are thousands of others who commit so-called crimes that are not crimes anywhere else, certainly in any democratic societies, crimes like trying to feed their families, crimes like trying to leave the country, something guaranteed by the Universal Declaration of Human Rights. So there are countless political prisoners.

The resolution before us calls for the liberation of each and every one of them, immediately; it calls for the legalization of political parties, labor unions and the press by that tyranny; and it calls for free elections, because ultimately the right of self-determination is the only right that guarantees all other human rights, and without the right of self-determination, all other human rights, when they are granted by tyrants, they are but gifts from the tyrants to people, to his people, gifts that can be withdrawn at any time.

In addition, as the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from California (Mr. LANTOS) stated, this resolution remembers those who, as we speak today, as we speak, are languishing in dungeons for the so-called crime of seeking and supporting the rights that we cherish and take really for granted, and have for over 200 years in this country, and much of the world certainly takes for granted, the right to speak and the right to elect leaders in periodic elections.

□ 1315

The right to organize political parties and labor unions, and the right to free expression and to freedom of the press, the right of association, for trying to seek those inalienable rights, people are languishing and suffering, and we remember them today.

Now, just a few weeks ago, in July, when this latest round-up occurred of opposition leaders inside of Cuba, perhaps the most well-known was the very prestigious jurist Rene Gomez Manzano, as well as the other leaders of the Assembly to Promote Civil Society. A few were subsequently released at the whim of the dictator; they may be picked up at any time. Mr. Gomez Manzano remains in a cell at this time and has engaged and is engaging in a hunger strike. And there are others whose health has already deteriorated to the point where, for example, Mr. Victor Rolando Arroyo, his wife informs us today that she fears his imminent death because he is engaged in a hunger strike protesting the conditions that all political prisoners suffer each day in that oppressed island. Mr. Arnaldo Ramos Lauzurique is also engaging in a hunger strike.

He received a month ago, approximately a month ago, such a brutal beating inside the prison that when he protested for receiving that beating, he was put in what they call a punishment cell, as others in that prison, like Adolfo Fernandez Sainz, and others in hunger strikes like Jose Gabriel Ramon Castillo, like Normando Hernandez, and I will, Mr. Speaker, with your authorization, submit for the RECORD a list that I mentioned before is recognized by international organizations, such as Amnesty International, of hundreds of prisoners of conscience.

Now, what we are also doing in this resolution is asking the European Union, because they, in response to this series of crackdowns that the dictatorship has engaged in against the pro-democracy movement, the European Union has, in its wisdom, Mr. Speaker, following the advice and consent of Mr. Zapatero, the Prime Minister of Spain, has decided to appease the dictatorship even more. And the few sanctions that the European Union had, political sanctions they called them, for example, inviting the dissidents to receptions in embassies and allowing them entry into embassies to have discourse, dialogue with members of the diplomatic corps in the embassies of the European Union, those so-called sanctions were ended by the European Union under the premise and theory that they would encourage the ending of the sanctions, the dictator to be more benevolent. Well, we have seen how the dictator has responded.

We are asking in this resolution for the European Union to reconsider its policy of appeasement, and we are asking also that the United Nations, in its Human Rights Commission, pass a resolution asking for the cessation of human rights violations in Cuba.

So it is a very appropriate resolution. I commend, again, my colleagues who have been supportive. It is in the tradition, it stands in the tradition of this House of Representatives, this Congress that, in April of 1898, passed the resolution that is well-known in Cuban history, saying that Cuba is and, of right, ought to be free and independent, and it is in that tradition that we bring forth this resolution today, and I urge its adoption overwhelmingly by colleagues on both sides of the aisle on this day in which so many continue to suffer on that oppressed island.

BRIEF EXAMPLES—ALL INFORMATION FROM AMNESTY INTERNATIONAL

Mijail Barzaga Lugo, 36; Independent Journalist; Sentence: 15 years; Date of arrest: 20 March 2003.

Oscar Elías Biscet González, 43; Human Rights Leader; Sentence: 25 years; Date of arrest: 6 December 2002.

Marcelo Cano Rodríguez, 38; Medical Doctor, Human Rights Activist; Sentence: 18 years; Date of arrest: 25 March 2003.

Eduardo Díaz Fleitas, 51; Farmer, Opposition Activist; Sentence: 21 years; Date of arrest: 18 March 2003.

Antonio Ramón Díaz Sánchez, 41; Electrician, member of the Christian Liberation Movement; Sentence: 20 years; Date of arrest: 18 March 2003.

Alfredo Felipe Fuentes, 55; Member of the United Cuban Workers Council; Sentence: 26 years; Date of arrest: 18 March 2003.

''Antunez'' Jorge Luis Garcia Perez—18 years (sentenced in 1990).

Partial list of political prisoners in Cuba, provided by Plantados Hasta La Libertad De Cuba.

Adolfo Fernandez Sainz, Adrian Alvarez Arencibia, Agustin Cervantes Garcia, Alejandro Cabrera Cruz, Alejandro Gonzalez Raga, Alexei Solorzano Chacon, Alexis Rodriguez Fernandez, Alexis Triana Montecino, Alfredo Felipe Fuentes, Alfredo M. Pulido Lopez, Alfredo Rodolfo Dominguez Batista, Alilas Saes Romero, Alquimidez Luis Martinez, Andres Frometa Cuenca, Antonio Augusto Villareal Acosta, Antonio Ramon Diaz Sanchez, Antonio Vladimir Rosello Gomez, Ariel Aguilera Hernandez, Ariel Sigler Amaya, Armando Sosa Fortuny, Arnalda Ramos Lauzerique, Arturo Perez de Alejo Rodriguez, Arturo Suarez Ramos, Arturo Suarez Ramos, Benito Ortega Suarez, Bernardo Espinosa Hernandez, Bias Giraldo Reyes Rodriguez, Carlos Luis Diaz Fernandez, Carlos Martin Gomez, Cecilio Reinoso Sanchez, Charles Valdez Suarez, Claro Fernando Alonzo Hernandez, Claro Sanchez Altarriba, Daniel Candelario Santovenia Fernandez, Daniel Escalona Martinez, David Aguila Montero, Delvis Cespedes Reyes, Digzan Ramirez Ballester, Diosdado Gonzalez Marrero, Dr. Jose Luis Garcia Paneque, Dr. Oscar Elias Biscet Gonzalez, Duilliam Ramirez Ballester, Eduardo Diaz Castellanos.

Eduardo Diaz Fleitas, Efrain Roberto Rivas Hernandez, Efren Fernandez Fernandez, Egberto Angel Escobedo Morales, Elio Enrique Chavez Ramon, Elio Terrero Gomez, Elizardo Calbo Hernandez, Enrique Santos Gomez, Ernesto Borges Perez, Ernesto Duran Rodriguez, Ezequiel Morales Carmenate, Fabio Prieto Llorente, Felix Geraldo Vega Ruiz, Felix Navarro Rodriguez, Fidel Garcia Roldan, Fidel Suarez Cruz, Francisco Herodes Diaz Echemendia, Francisco Pacheco Espinosa, Francisco Pastor Chaviano Gonzalez, Guido Sigler Amaya, Hector Larroque Rego, Hector Maceda Gutierrez, Hector Palacio Ruiz, Hector Raul Valle Hernandez, Hiran Gonzalez Torna, Horacia Julio Piña Borrego, Humberto Eladio Real Suarez, Ignacio Ramos Valdez, Ivan Hernandez Carrillo, Jesus Manuel Rojas Pineda, Jesus Mustafa Felipe, Joel Cano Diaz, Joel Perez Ozorio, Jorge Alvarez Sanchez, Jorge Gonzalez Velazquez, Jorge Luis Gonzalez Riveron, Jorge Luis Gonzalez Tanquero, Jorge Luis Martinez Roja, Jorge Luis Suarez Varona, Jorge Ozorio Vazquez, Jorge Pelegrin Ruiz, Jorge Rafael Benitez Chui, Jose Agramonte Leiva.

Jose Antonio Mola Porro, Jose Benito Menendez del Valle, Jose Carlos Montero Ocampo, Jose Daniel Ferrer Garcia, Jose Enrique Santana Carreiras, Jose Diaz Silva, Jose Gabriel Ramon Castillo, Jose Joaquin Palma Salas, Jose Miguel Martinez Hernandez, Jose Ramon Falcon Gomez, Jose Rodriguez Herrada, Jose Ubaldo Izquierdo Hernandez, Juan Alfredo Valle Perez, Juan Carlos Herrera Acosta, Juan Carlos Vazquez Garcia, Juan Ochoa Leyva, Julian Enrique Martinez Baez, Julian Hernandez Lopez, Julio Cesar Alvarez Lopez, Julio Cesar Galvez Rodriguez, Lazaro Alejandro Garcia Farah, Lazaro Gonzalez Adan, Lazaro Gonzalez Caraballo, Leandro Suarez Sabot, Lenin Efren Cordova, Leoncio Rodriguez Ponce, Leonel Grave de Peralta Almenares, Lester Gonzalez Penton, Librado Ricardo Linares Garcia, Luis Cabrera Ballester, Luis Elio de la Paz Ramon, Luis Enrique Ferrer Garcia, Luis Milan Fernandez, Manuel Ubals Gonzalez, Manuel Ubals Gonzalez, Marcelino Rodriguez Vazquez, Marcelo Cano Rodriguez, Marco Antonio Soto Morell, Marino Antomachit Rivero, Mario Enrique Mayo Hernandez, Maximo Omar Ruiz Matoses, Maximo Robaina Pradera, Miguel Diaz Bauza, Miguel Galvan Gutierrez, Mijail Barzaga Lugo, Nelson Aguiar Ramirez, Nelson Molinet Espino.

Norberto Chavez Diaz, Normando Hernandez Gonzalez, Omar Moises Hernandez Ruiz, Omar Pernet Hernandez, Omar Rodriguez Saludes, Orlando Zapata Tamayo, Pablo Javier Sanchez Quintero, Pablo Pacheco Avila, Pedro Arguelles Moran, Pedro de la Caridad Alvarez Pedroso, Pedro Genaro Barrera Rodriguez, Pedro Lizado Peña, Pedro Pablo Alvarez Ramos, Pedro Pablo Pulido Ortega, Prospero Gainza Aguero, Rafael Corrales Alonso, Rafael Gonzalez Ruiz, Rafael Ibarra Roque, Rafael Jorrin Garcia, Rafael Millet Leyva, Ramon Fidel Basulto Garcia, Randy Cabrera Mayor, Raul Alejandro Delgado Arias, Raumel Vinagera Stevens, Regis Iglesia Ramirez, Reinaldo Calzadilla Paz, Reinaldo Galvez Contrera, Reinaldo Miguel Labrada Peña, Ricardo Enrique Silva Gual, Ricardo Gonzalez Alfonso, Ricardo Gonzalez Alfonso, Ricardo Pupo Cierra, Ridel Ruiz Cabrera, Roberto Alejandro Lopez Rodriguez, Rolando Jimenez Posada, Santiago Adrian Simon Palomo, Saul Lista Placeres, Tomas Ramos Rodriguez, Vicente Coll Campaniony, Victor Rolando Arroyo Carmona, Virgilio Mantilla Arango, Yosbel Gonzalez Plaza, Felipe Alberto Laronte Mirabal, Rene Montes de Oca Martija, Adolfo Lazaro Bosq Hinojosa, Alberto Martinez Fernandez, Alexander Roberto Fernandez Rico.

Amado Idelfonso Ruiz Moreno, Andres Sabon Lituanes, Angel R. Eireo Rodriguez, Ariel Fleitas Gonzalez, Ariel Ramos Acosta (Hijo), Arnaldo Nicot Roche, Augusto Cesar San Martin Albistur, Anita la de Chaviano, Augusto Guerra Marquez, Candido Terry Carbonell, Carlos Alberto Dominguez, Carlos Alberto Dominguez, Carlos Brizuela Yera, Carlos Brizuela Yera, Carlos Israel Anaya Velazquez, Carlos Miguel Lopez Santos, Carmelo Diaz Fernandez, Carmelo Diaz Fernandez, Dania Rojas Gongora, Delio Laureano Requejo Rodriguez, Edel Jose Garcia Diaz, Edel Jose Garcia Diaz, Emilio Leyva Perez, Enrique Dieguez Rivera, Enrique Garcia Morejon, Antonio Marcelino Garcia Morejon, Ernesto Duran Rodriguez, Francisco Godar Mariño, Froilan Menas Albrisas, Guillermo Fariñas Hernandez, Guillermo Renato Rojas Sanchez, Humberto Acosta Yorka, Humberto Eladio Real Suarez, Idelfonso Batista Cruz, Inocente Martinez Rodriguez, Jesus Adolfo Reyes Sanchez, Alejandro Mustafa Reyes, Joaquin Barriga San Emeterio, Jorge Hanoi Alcala Gorrita, Jorge Luis Garcia Perez, Jorge Olivera Castillo, Jorge Olivera Castillo, Jose Alberto Castro Aguilar, Jose Arosmin Diaz Kolb, Jose Lorenzo Perez Fidalgo, Jose Miguel Martinez Hernandez, Jose Patricio Armas Garcia.

Juan Carlos Fonseca Fonseca, Juan Carlos Gonzalez Leyva, Juan Luis Corrales Perez, Juan Pedoso Esquivel, Juan Ramirez Gonzalez, Juan Rodriguez Leon, Julio A. Valdes Guevara, Lazaro Iglesias Estrada, Lazaro Miguel Rodriguez Capote, Leobanis Manresa Osoria, Leonardo Corria Amaya, Leonardo M. Bruzon Avila, Lexter Tellez Castro, Luis Alberto Martinez Rodriguez, Luis Campos Corrales, Manuel Vazquez Portal, Manuel Vazquez Portal, Marcelo Lopez Bañobre, Margarito Broche Espinosa, Martha Beatriz Roque Cabello, Migdalia Hernandez Enamorado, Migdalis Ponce Casanova, Miguel Angel Gata Perez, Miguel Sigler Amaya, Miguel Sigler Amaya, Miguel Valdes Tamayo, Noel Ramos Rojas, Normando Perez Alvarez, Ociel Olivares Tito, Reinaldo Hernandez 02/05/05, Omar Wilson Estevez Real, Orlando Fundora Alvarez, Oscar Mario Gonzalez Perez, Oscar Espinosa Chepe, Osvaldo Alfonso Valdes, Pedro Pablo Alvarez Ramos, Rafael Perera Gomez, Ramon Herrera Corcho, Raul Rivero Castaneda, Raydel Ramirez Valdes, Raul Arencivia Fajardo, Ricardo Ramos Pereira, Ricardo Rodriguez Borrego, Roberto de Miranda Hernandez, Roberto Esquijerosa Chirino, Roberto Montero Tamayo, Rodolfo Barthelemy Coba.

Rogelio Ramos Prado, Rolando Corrales Martinez, Ulises Manresa Osoria, Victor Bresler Cisneros, Victor Campa Almarales, Virgilio Marante Guelmes, Yoel Vazquez Perez, Rolando Ferrer Espinosa, Nestor Rodriguez Lobaina, Julio Cesar Morales Gonzalez, Roberto Bruno Fonseca Guevara, Abelardo Cesar Cordero Perez, Adolfo Fernandez Sainz, Alejandro Gonzalez Raga, Alfredo Felipe Fuentes, Alfredo M. Pulido Lopez, Dr. Jose Luis Garcia Paneque, Fabio Prieto Llorente, Hector Maceda Gutierrez, Ivan Hernandez Carrillo, Jose Ubaldo Izquierdo Hernandez, Juan Carlos Herrera Acosta, Julio Cesar Galvez Rodriguez, Lexter Tellez Castro, Mario Enrique Mayo Hernandez, Miguel Galvan Gutierrez, Mijail Barzaga Lugo, Normando Hernandez Gonzalez, Omar Moises Hernandez Ruiz, Omar Rodriguez Saludes, Pablo Pacheco Avila, Pedro Arguelles Moran, Ricardo Gonzalez Alfonso, Victor Rolando Arroyo Carmona.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I, too, want to just first commend the two individuals who have brought this resolution forward, two individuals who have a history of fighting for human rights around the world. I thank the gentleman from Arkansas (Mr. BOOZMAN) for his leadership. Once again, those who are oppressed can always count on the gentleman from Arkansas, and the gentleman from California (Mr. LANTOS), a person who is, again, a hero to so many around the world, particularly to those who cannot speak up, cannot speak out, like we are able to do here. I thank him for his leadership. It is a privilege to serve with him.

A lot has been said about why this resolution is needed. My colleague from Florida just mentioned the response that the European Union has had to this latest crackdown. A deplorable response, a response which is the definition of appeasement, if there ever was one.

It is wonderful to see, though, Mr. Speaker, that this Congress, once again, stands up with those who are seeking freedom, but who do not have it. This Congress once again is saying, no, we are not going to stay silent, we are going to speak up for those who cannot speak up, we are going to speak up for those who are in prison.

We do not forget that just 90 miles away from the shores of the United States there is a dictatorship, a tyranny that is not only corrupt, that is not only on the list of terrorist nations, those nations that sponsor terrorism, that is not only a dictatorship who sponsors narco trafficking, which also is a dictatorship who practices apartheid against its own people, and who murders not only its own people, but also has over the years murdered numerous Americans. We recall, we recall as one of the many examples that I can talk about today, when that dictatorship shot down two American airplanes.

So how appropriate then that this Congress, this symbol of freedom around the world is, once again, speaking out for those who cannot, is once

again remembering those who are being tortured in prison and, I think, also shows that once again, yes, this is the beacon of freedom. We understand that others are suffering. We do not forget. And, we know that one day the Cuban people will be able to speak up, though they are not able to do it right now, they will be able to speak for themselves, because they will not be imprisoned forever.

Mr. BOOZMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, Cuba is a country that has a people with a diverse culture, a rich heritage, a people who came as pioneers, people who came and sought their freedom and built a future. This rich and diverse history was suppressed 46 years ago under a dark veil of Communist rejection of all freedom, of rights, of dignity and liberty of the individual.

I think it is important that this resolution pass, and I rise today in its support. I cannot stress enough how important it is that human rights and human dignity be afforded to the citizens of Cuba who live in oppression under a brutal, tyrannical dictator who cares more for his own power and the advancement of his family and his cronies than his citizens who are starving and are neglected of the basic rights and privileges and necessities that we take for granted in this country.

He stands against those things that we represent, and my family has seen that firsthand. My wife Pat has helped many Cuban families who have made literally the pilgrimage to freedom, in a heartbreaking decision to leave their home country, to leave all that they love, lose all of their worldly possessions, except for their dignity, their self respect, their faith and, ultimately, maintaining cohesiveness in their family, to come seek a new life here, awaiting that day when they may return to their land and live in freedom.

Unfortunately, some in the international community see fit to recognize Fidel Castro as a power with whom to negotiate and placate. We must remember one thing. Still, today, even in old age, he is a dangerous man. He is an enemy of freedom and has sought on many continents to suppress that throughout his entire career of leadership of his tyrannical government. He is a suppresser of faith, the ability of his people and peoples elsewhere to express their faith in God, to practice their religion and, ultimately, he is an enemy of the future, an enemy of freedom in this hemisphere of no greater value than anyone else.

On July 14, the government of France invited Castro to the French Embassy in Havana to celebrate Bastille Day, but courageous members of Cuba's democratic opposition were not invited, so they chose to peacefully protest the French decision. On the morning of the protest, Cuban security forces stormed the homes of those planning to demonstrate and arrested at least 20. This type of dictatorial behavior cannot be tolerated for any length of time whatsoever. Think about it: a dictator invited to a celebration of liberation of people and, at the same time, suppressing his own people from peacefully expressing their views. It is illogical and it is illogical for the French to accept this.

For too long, the international community has danced around Castro and his Communist state, while the people live in oppression or risk their lives attempting to escape. It is not just the 20 individuals who were simply planning to protest who were arrested. Protestant Christians in Cuba are facing new regulations on house churches that can restrict religious freedom.

In order to suppress one house church, I know personally of a case where a pastor was arrested on the pretext of practicing medicine without a license simply because he prayed for one of his parishioners in the house church.

Imagine for a moment a place where the government supervises church services, and if an agent of the government arbitrarily decides that the church is breaking government regulations, it can shut it down. Imagine also a place where the government say that two house churches of the same denomination cannot exist within a mile and a half of each other, and imagine a place where human rights activists are taken into custody for simply commemorating the tragic deaths of 35 people who were killed when the boat they were fleeing in was rammed by authorities. Imagine all of that, and you will be imagining Castro's Cuba.

Mr. Speaker, I urge my colleagues to join me in supporting this critical and important resolution for the message that it sends.

Mr. LANTOS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I would like to thank Ranking Member LANTOS and Chairman HYDE for their leadership and such a bipartisan effort for these human rights issues. Again, we truly appreciate their leadership.

Mr. FARR. Mr. Speaker, the Justice Department is entrusted with one of the most sacred rights of American citizenship—protecting the right to privacy.

The privacy rights of my constituents at Moss Landing Harbor on the central coast of California were recently violated under the guise of "homeland security."

At 10:30 at night, Coast Guard members armed with M–16 rifles approached docked boats, woke my constituents up, and boarded and searched their boats.

When asked why they were subject to these searches, the officers cited safety, "homeland security" and allegedly the PATRIOT Act.

The PATRIOT Act does not give the Coast Guard the right to violate the privacy of law-abiding citizens. It is exactly these kinds of abuses that prove why we should not be making PATRIOT Act provisions permanent.

As we reauthorize the Department of Justice today, we must be mindful of our obligation to uphold the Constitution and the Bill of Rights.

The U.S. cherishes the rule of Law and the protection of civil liberties.

Unlawful search and seizure in the name of Homeland Security is Homeland insecurity.

[From the Monterey Herald, Sept. 18, 2005]

COAST GUARD OVERBOARD WITH SEARCHES

Coast Guard officers apparently were on firm ground legally when they randomly boarded and inspected nearly 30 boats docked in Monterey Bay during the Labor Day weekend, but that doesn't make it right.

An officer with the Coast Guard's Monterey division said the operation, carried out with the Monterey County Sheriff's Office, U.S. Immigration and Customs Enforcement and the National Oceanic and Atmospheric Administration, was directed at ensuring boating safety during the busiest boating weekend of the year. And officers found problems worthy of citation, including lack of flotation and fire-extinguishing devices.

But some boaters who were subject to the inspections had legitimate complaints. Two who contacted the Herald said their boats were boarded after 10:30 p.m. and that officers arrived carrying M–16 rifles. Some of the boats were live-aboards, making the inspections comparable to having law enforcement officers show up at homes on dry land for a random search with no probable cause—something banned under the Constitution.

Officials said U.S. Code and maritime law give them authority for inspections and searches on Federal waters and the waterways that lead to them. But surprised area harbormasters and boating enthusiasts said they've never before seen random, door-to-door inspections. One called it "pretty preposterous." Another described it as "a little scary."

The Coast Guard said the officers weren't responding to any particular law enforcement report or threat. So why start this intrusive practice now? Because they can isn't a good enough answer. Maybe it's time, instead, to shore up maritime law and bring it more in line with the protections we enjoy on land.

Andy Turpin, senior editor of Latitude 38, a popular sailing magazine in Marin County, said the gaps are significant.

"All the things we take for granted when we're living ashore go out the window with maritime law," Turpin said. "It's all based on a big-vessel context. There's very little legislation," that has to do with smaller vessels and live-aboard boats.

Lt. Mark Warren of the Monterey Coast Guard Station said in light of some of the criticisms, his agency may rethink future, similar actions.

"We take lessons and learn from these types of operations. If the public is genuinely distasteful of it, we might not do it," he said.

Part of the Coast Guard's aim was to increase public awareness of its role as a law enforcement agency. Mission accomplished—but in an unnecessarily intrusive way. We depend on the Coast Guard for law enforcement on open seas. We're grateful for the role it plays in search-and-rescue operations. And we appreciate its efforts to make sure the boats on the bay are in safe condition.

But random, dockside boardings are going overboard and should be discontinued.

Mr. STARK. Mr. Speaker, I rise in opposition to H. Res. 388, Condemn Cuban Repression.

It is ironic that Congress is busy condemning Cuban President Fidel Castro for violating human rights when President George W. Bush, Vice President DICK CHENEY, Secretary of Defense Donald Rumsfeld, Attorney General Alberto Gonzales and other members

of the administration have endorsed the perpetual detention and torture of over 500 detainees held by the United States military in Guantanamo Bay, Cuba.

Until the United States' foreign policy matches its rhetoric, no country should take these resolutions seriously.

I also oppose this resolution because it singles out and criticizes the European Union for its policies towards Cuba. Again, the United States hypocrisy is on show for the world. As Congress complains about foreign governments having commercial relations with the communist Cuban government, this same Congress has the audacity to pass free trade agreements and expand commercial relations with the communist government of China. Recent history shows that the Chinese government has consistently repressed its citizens. However, I have not seen one recent resolution condemning the Chinese government for its human rights abuses.

Further, the embargo of Cuba has been a failed policy that has only strengthened Fidel Castro's authority. For Congress to encourage other countries to implement a policy that has not worked for 40 years is as misguided as hiring a horse lawyer to run the Federal Emergency Management Agency, FEMA.

I urge my colleagues to vote against this resolution. If this Congress wants to be respected for its opposition against human rights abuses, then the government it should be condemning first for its practices is our own.

Mr. MENENDEZ. Mr. Speaker, I rise in strong support of this legislation and I want to thank my good friend, Representative LINCOLN DIAZ-BALART, for introducing it.

I wish I could say I was surprised when the Castro regime again arrested members of the Cuban opposition this July. But I wasn't.

In Cuba, every opposition member, human rights activist, or citizen who takes any step towards democracy is deemed a threat to the Cuban regime. These opposition members must live under a constant threat of arrest and persecution for themselves, and their families.

In Cuba, we see a persistent, long-term, calculated, and strategic abuse of human rights aimed at keeping any opposition from succeeding in Cuba.

Cuba remains the only dictatorship in our Hemisphere, and Castro must repress the opposition to stay in power.

In July 2005, Castro arrested 24 human rights activists for simply remembering those who had been killed by the regime in 1994. And he arrested many more later that month who were simply planning on attending a peaceful protest—they hadn't even actually attended the event yet.

But this is not the only recent example of Castro's brutal repression. In March 2003, the Cuban regime conducted one of the most repressive and violent actions against dissidents in recent history. We all remember how, with no provocation, 75 political dissidents were subjected to a farcical judicial process and imprisoned for nothing more than expressing a point of view not sanctioned by the Castro regime.

In May of this year, Cuban opposition leaders organized an historic Assembly on the 103rd Anniversary of Cuban independence. When we had the opportunity to recognize that Assembly here in this committee, I specifically said that we opposed any attempt by the Castro regime to repress or punish the organizers and participants of the Assembly, as Castro has done with so many others who have spoken out against repression.

I also made it clear to the Cuban opposition witnesses in our hearing in the subcommittee in March that we expected no retaliation against them for their work on behalf of freedom or for their participation in our hearing.

Unfortunately, it is my understanding that all three of those witnesses were then arrested during the July crackdown. While Martha Beatriz Roque and Felix Bonne were subsequently released, I believe that Rene Gomez Manzano remains in prison.

Given the recent arrests, I am still deeply concerned for the safety of all those who participated in the May Assembly and those who testified before this Committee.

Hundreds of political prisoners remain in Castro's jails today, and the world has recognized these injustices.

In March 2005, Amnesty International released a report on Cuba called Prisoners of Conscience: 71 Longing for Freedom. In this report, Amnesty states that they believe that, "the charges are politically motivated and disproportionate to the alleged offenses" and specifically note reports of ill-treatment and harsh conditions suffered by the prisoners of conscience.

Unfortunately, my friends in the European Union appear to have been deceived by Castro's conditional release of a few prisoners last year. I cannot understand why else they would think there was a reason to soften their diplomatic approach towards Cuba.

Instead of rewarding Cuba for pretending to take steps towards upholding fundamental civil rights, we should call for the unconditional release of all political prisoners in Cuba. I certainly hope that the European Union will review its policy towards Cuba, as is called for in this resolution.

And I hope that other multinational organizations, such as the UN Commission on Human Rights, join the rest of the world in strongly condemning the most recent crackdown in July by passing a strongly worded resolution against these violations of human and civil liberties, as is also called for in this resolution.

I know Members do not always agree with one another on issues relating to Cuba. And I know that this is, for many of us, a very personal issue.

But I also know that every one of my colleagues should be willing—and proud—to vote for this resolution, which simply states that the gross human rights violations committed by the Cuban regime are abhorrent.

Every one of my colleagues should be willing, and proud, to vote for the right of the Cuban people to exercise fundamental political and civil liberties that we enjoy here in the United States.

To my brothers and sisters who suffer in Castro's jails, to their families and friends both here in the United States and Cuba, and to the Cuban people, I say that Castro will not succeed in his vain attempt to suppress the spirit of the Cuban people. I look forward to the day, which is coming soon, when we will all celebrate a free and democratic Cuba. It is the spirit of the Cuban human rights activists and their courage that will ultimately be Castro's downfall.

So I ask each of you to join me in voting yes for this resolution.

Mr. BOOZMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and agree to the resolution, H. Res. 388.

The question was taken.

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

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

The yeas and nays were ordered.

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

SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3200) to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servicemembers' Group Life Insurance Enhancement Act of 2005".

SEC. 2. REPEALER.

Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

SEC. 3. INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SGLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking "$250,000" and inserting "$400,000"; and

(2) in subsection (d), by striking "of $250,000" and inserting "in effect under paragraph (3)(A)(i) of that subsection".

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended—

(1) in paragraph (1), by striking "in excess of $250,000 at any one time" and inserting "at any one time in excess of the maximum amount for Servicemembers' Group Life Insurance in effect under section 1967(a)(3)(A)(i) of this title"; and

(2) in paragraph (2)—

(A) by striking "for less than $250,000 under Servicemembers' Group Life Insurance" and inserting "under Servicemembers' Group Life Insurance for less than the maximum amount for such insurance in effect under section 1967(a)(3)(A)(i) of this title"; and

(B) by striking "does not exceed $250,000" and inserting "does not exceed such maximum amount in effect under such section".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 1, 2005, and shall apply with respect to deaths occurring on or after that date.

SEC. 4. SPOUSAL NOTIFICATIONS RELATING TO SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM.

Effective as of September 1, 2005, section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) If a member who is married and who is eligible for insurance under this section makes an election under subsection (a)(2)(A) not to be insured under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, of that election.

''(2) In the case of a member who is married and who is insured under this section and whose spouse is designated as a beneficiary of the member under this subchapter, whenever the member makes an election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i), the Secretary concerned shall notify the member's spouse, in writing, of that election—

''(A) in the case of the first such election; and

''(B) in the case of any subsequent such election if the effect of such election is to reduce the amount of insurance coverage of the member from that in effect immediately before such election.

''(3) In the case of a member who is married and who is insured under this section, if the member makes a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, that such a beneficiary designation has been made by the member, except that such a notification is not required if the spouse has previously received such a notification under this paragraph and if immediately before the new designation by the member under section 1970(a) of this title the spouse is not a designated beneficiary of the member for any amount of insurance under this subchapter.

''(4) A notification required by this subsection is satisfied by a good faith effort to provide the required information to the spouse at the last address of the spouse in the records of the Secretary concerned. Failure to provide a notification required under this subsection in a timely manner does not affect the validity of any election specified in paragraph (1) or (2) or beneficiary designation specified in paragraph (3).''.

SEC. 5. INCREMENTS OF INSURANCE THAT MAY BE ELECTED.

(a) INCREASE IN INCREMENT AMOUNT.—Subsection (a)(3)(B) of section 1967 of title 38, United States Code, is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 1, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of Florida asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, on July 14 of this year, the Committee on Veterans' Affairs reported H.R. 3200, the Servicemembers' Group Life Insurance Enhancement Act of 2005. On July 26 of this year, the House passed the bill by a vote of 424–0.

Among other things, this bill would provide a permanent authorization for increases in maximum life insurance covered under the Servicemembers' Group Life Insurance Program and the Veterans Group Life Insurance Program from $250,000 to $400,000.

□ 1330

Public Law 109–13, the Emergency Supplemental Appropriations Act For Defense, the Global War on Terror, and the Tsunami Relief, 2005, increased the maximum coverage to $400,000 under these programs; however, the authorization expires in just 2 days, that is, September 30.

It is my understanding that during negotiations on the supplemental that the Senate included the termination date which was approved in the conference report to afford the legislative committees of jurisdiction the opportunity to hold hearings and further consider the specifics of the emergency authorization before it was made permanent.

The increased level of coverage was requested by the President because of concerns that death benefits for survivors of servicemembers were inadequate as our Nation fights the global war on terrorism. Further, Public Law 109–13 mandated spousal consent even in cases where the couple is estranged, as long as they are still legally married. The committee does not believe providing the spouse such a ''veto'' authority over life insurance elections is good public policy. The spousal consent requirement could also result, for example, in a servicemember's spouse excluding stepchildren as beneficiaries. The government should not interfere legally in a servicemember's highly personal choices about such family matters as this.

H.R. 3200, as amended, which the Senate passed yesterday, would instead require the military service secretary concerned to provide written notification to the spouse.

In an effort to expedite the passage of this bill as amended, we concur with the Senate's decision to drop the provisions stating that in cases of an unmarried servicemember, or a servicemember who marries while on active duty, notification be made to the next of kin or new spouse as to their insurance election.

The Committee believes notification is the preferable way of ensuring that the spouse is informed about this important financial decision while preserving the individual right of the servicemember to make decisions about life insurance coverage themselves.

Finally, Public Law 109–13 also provided for a new Traumatic Injury Protection program which goes into effect on the 1st of December this year. The committee has agreed to review this proposal in the coming year after having an opportunity to monitor the existing program. As amended, H.R. 3200 does not include this provision.

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

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

Mr. Speaker, I would like to thank Chairman BUYER, ranking member EVANS, and subcommittee chairman MILLER as well as Senator CRAIG and Senator AKAKA on the Senate side for moving forward on this bill.

As a result of our mutual cooperation, the men and women currently serving in the military will be able to retain insurance coverage of $400,000 on October 1 of 2005.

H.R. 3200, as amended, would make permanent the increase in maximum Servicemembers' Group Life Insurance, SGLI, to $400,000 passed earlier this year. That increase was provided as the gentleman from Florida has stated by Public Law 109–13, but is set to expire on September 30, 2005. Immediate passage of this legislation is necessary in order to prevent any gaps in coverage under the SGLI program.

I truly appreciate the cooperation of the gentleman from Florida as well as that of the Senate Committee on Veterans' Affairs in addressing my concerns that spousal consent not be a part of this SGLI program.

We have heard time and time again from estranged spouses throughout the country that they were upset that under current law they must seek to obtain the consent of an estranged spouse before selecting less than the maximum amount of life insurance. I am also pleased that the compromise bill recognizes the importance of allowing service men and women to name a child as a beneficiary of their SGLI policy without notification of a present spouse. I believe we need to allow service men and women to make such decisions without any pressure to ignore the financial responsibility to their children of prior marriages.

The bill under consideration today strikes the right balance, in my opinion, for notification to spouses who would potentially be affected by the servicemembers' coverage and beneficiary decisions. This bill is urgently needed to provide continuous coverage to our service men and women. It will benefit the Nevadans that I represent as well as all Americans who are currently serving in the Armed Forces and their families.

I urge all Members to support H.R. 3200.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the wonderful ranking Democratic member on the committee.

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 3200, as amended by the Senate.

Earlier this year, Congress increased the amount of insurance available to servicemembers to $400,000. That provision is scheduled to expire September 30, 2005. We need to make the increase permanent now.

Under this bill, men and women currently serving will receive $400,000 in life insurance unless they choose to receive the lower amount.

H.R. 3200, as amended, will receive my full support. It deserves the support of every Member of this body.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. MILLER) for his extraordinary cooperation on this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like my colleague, I would like to say thank you to the gentleman from Indiana (Mr. BUYER), the chairman of the committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, for their cooperation in this legislation. I also commend the gentlewoman from Nevada (Ms. BERKLEY), the ranking member on our subcommittee, as well as the gentleman from New Hampshire (Mr. BRADLEY), for working with me and drafting this compromise agreement.

I particularly want to thank those on the Senate side, Senator CRAIG and Senator AKAKA, for ensuring that this important legislation was considered in the Senate and returned to the House to allow for final passage.

Congress has to act promptly to ensure permanent SGLI authorization is enacted before September 30, or else insurance coverage levels will revert to $250,000 on the 1st of October of this year. I do not think any Member of this body wants to see this happen.

Mr. Speaker, I strongly urge my colleagues to support H.R. 3200, as amended.

For the benefit of my colleagues, the following is a joint explanatory statement describing the compromise agreement which we have reached with the other body.

JOINT EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO H.R. 3200

H.R. 3200, as amended, the Servicemembers' Group Life Insurance Enhancement Act of 2005, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills considered in the House and Senate during the 109th Congress: H.R. 2046, as amended; H.R. 3200 (House Bills); and S. 1235, as amended (Senate Bill). H.R. 2046, as amended, passed the House on May 23, 2005; H.R. 3200 passed the House on July 26, 2005; and S. 1235, as amended, reported to the Senate on September 21, 2005.

The Committees have prepared the following explanation of H.R. 3200, as amended (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 2046, as amended; H.R. 3200; and S. 1235, as amended, are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

REPEALER

Current law

Section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), amended sections 1967, 1969, 1970, and 1977 of title 38, United States Code. The provisions in section 1012 of Public Law 109–13 expire on September 30, 2005.

House bills

Section 2 of H.R. 3200 would repeal, effective August 31, 2005, section 1012 of Public Law 109–13 as if that section had not been enacted.

Senate bill

Section 101(d) of S. 1235, as amended, stipulates that those elements of the Supplemental Appropriations Act that will not be extended, in whole, beyond the September 30, 2005, termination date would not be treated for any purpose as having gone into effect.

Compromise agreement

Section 2 of the Compromise Agreement follows the House language.

INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current law

Sections 1967 and 1977(a) of title 38, United States Code, provide up to $400,000 in maximum coverage allowable under Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI). The maximum coverage of $400,000 is automatically provided unless the service member or veteran, as the case may be, declines coverage or elects coverage at a reduced amount. Declinations or elections of less than the maximum amount must be in writing. As of October 1,2005, the maximum coverage under both SGLI and VGLI will be reduced to $250,000 (section 1012 of Public Law 109–13).

House bills

Section 3 of H.R. 3200 would make permanent the maximum coverage allowable under sections 1967 and 1977(a) of title 38, United States Code, effective September I, 2005.

Senate bill

Sections 101(a)(I)(B)(i) and 101(c) of S. 1235, as amended, contain similar provisions.

Compromise agreement

Section 3 of the Compromise Agreement follows the House language with minor technical changes.

NOTIFICATION TO MEMBER'S SPOUSE OR NEXT OF KIN OF CERTAIN ELECTIONS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM

Current law

Section 1967 of title 38, United States Code, requires a married servicemember to receive written spousal consent prior to making a SGLI election for less than the maximum coverage amount. Similarly, the Secretary concerned is required to notify an unmarried servicemember's beneficiary or next of kin if the servicemember elects less than the maximum coverage amount.

Section 1970 of title 38, United States Code, prohibits a married servicemember from modifying a beneficiary designation without providing written notification to the spouse.

The consent and notification requirements of sections 1967 and 1970 of title 38, United States Code, expire on September 30,2005 (section 1012 of Public Law 109–13).

House bills

Section 5 of H.R. 2046, as amended, and section 4 of H.R. 3200, would require the uniformed services Secretary concerned to notify, in writing, a married servicemember's spouse, or an unmarried servicemember's next of kin, of an insurance election (1) not to be insured, (2) to be insured for an amount less than the maximum, or (3) to be insured if not insured or to change the amount of insurance coverage. The House bills would also require the Secretary concerned to notify, in writing, the spouse of a married servicemember if the servicemember designated anyone other than the spouse or child of the member as the beneficiary. When a servicemember marries, the Secretary concerned would be required to notify the new spouse whether the servicemember is insured under SGLI and when applicable, that the servicemember has elected less than the maximum amount of coverage or that the servicemember has designated someone other than the member's spouse or child as the policy beneficiary. Finally, section 4 of H.R. 3200 would provide that written notification shall consist of a good faith effort by the Secretary concerned to provide the required information to the servicemember's spouse or other person at the last known address of the spouse or next of kin in the records of the Secretary. Failure to provide such notification would not invalidate a servicemembers' election.

Senate bill

Section 101(a)(1)(A) of S. 1235, as amended, would require the Secretary concerned to make a good faith effort to notify the spouse of a servicemember if the servicemember elects to reduce amounts of insurance coverage or name a beneficiary other than the servicemember's spouse or child.

Compromise agreement

Section 4 of the Compromise Agreement generally follows the Senate language. The spouse of a married servicemember would be notified if the servicemember elects not to be insured under SGLI or if the beneficiary named by the servicemember is someone other than the spouse or child of the servicemember. The spouse of a servicemember would receive an initial notification if the servicemember elected less than the amount of maximum coverage available. Notice to a spouse concerning a subsequent decrease in the amount of life insurance or a change of beneficiary would be required only if the servicemember had previously designated the spouse as the beneficiary. When the spouse of a servicemember is not named as the beneficiary of the policy, the Committees find that no notice of additional changes is required.

INCREMENTS OF INSURANCE THAT MAY BE ELECTED

Current law

Section 1967 of title 38, United States Code, requires that a servicemember's SGLI election be evenly divisible by $50,000. On October 1, 2005, coverage will be divisible by $10,000 (section 1012 of Public Law 109–13).

House bills

Section 5 of H.R. 3200 would make permanent the requirement that SGLI for servicemembers be provided in increments of $50,000.

Senate bill

Section 101(a)(1)(B) of S. 1235, as amended, contains similar language.

Compromise agreement

Section 5 of the Compromise Agreement contains this provision.

LEGISLATIVE PROVISION NOT ADOPTED

AUTHORITY TO ELECT NEW TRAUMATIC INJURY PROTECTION

Current law

Section 1032 of Public Law 109–13 added a new section 1980A (Traumatic Injury Protection) to chapter 19 of title 38, United States Code. Section 1980A becomes effective on December 1, 2005. Servicemembers insured under SGLI will be automatically enrolled in the Traumatic Injury Protection program and are required to participate in the program.

House bills

Section 6 of H.R. 3200 would permit a servicemember to elect in writing not to be covered under the Traumatic Injury Protection program. A servicemember who declines coverage would be able to elect coverage at a later date upon written application, proof of good health, and in compliances with terms or conditions as may be prescribed by the Secretary, but coverage would apply only with respect to injuries occurring after a subsequent election. In any case, a servicemember would be required to be insured under SGLI to participate in Traumatic Injury Protection.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Committees agree to further explore this provision during the course of their oversight responsibilities of the Traumatic Injury Protection program.

Mr. BUYER. Mr. Speaker, I am pleased we are considering this bill today. As my colleagues are aware, Public Law 109–13, the Emergency Supplemental, included provisions which made changes to VA's insurance program for active duty servicemembers and veterans. However, these changes expire on September 30, 2005.

H.R. 3200, as amended, would: Repeal section 1012 of the Supplemental, the section dealing with the insurance changes, and replace it with the text of H.R. 3200, as amended; make permanent the increase from $250,000 to $400,000 in maximum Servicemembers' Group and Veterans' Group Life Insurance coverage; make permanent the increments of SGLI coverage from $10,000 to $50,000; and require the military service Secretary concerned to notify a servicemember's spouse, in writing, if the servicemember declines SGLI or chooses an amount less than the maximum, as well as notify the spouse if someone other than the spouse or child is designated as the policyholders' beneficiary.

Similar language was included in H.R. 2046, which passed the House on May 23rd of this year.

The spousal notification language does not apply to the Veterans' Group Life Insurance program.

There were no public hearings prior to House and Senate passage of the defense emergency supplemental. In June, the Subcommittee on Disability Assistance and Memorial Affairs, chaired by JEFF MILLER of Florida, held a hearing on the provisions included in today's bill, and it is supported by the Administration and veterans groups.

H.R. 3200, as amended, will ensure the current $400,000 maximum level of insurance coverage is available to millions of active duty servicemembers, Reservists, and veterans, as well as commissioned members of the National Oceanic and Atmospheric Administration and the Public Health Service. I cannot underestimate the impact of this legislation.

Mr. Speaker, I applaud Chairman MILLER and Ms. BERKLEY, the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, for their hard work and active participation in crafting this bill, as well as the subcommittee vice chairman, JEB BRADLEY. This has indeed been a team effort.

I also want to thank the subcommittee staffs on both sides of the aisle—Paige McManus, Chris McNamee, and Mary Ellen McCarthy.

Mr. Speaker, as the original increase in SGLI and VGLI expire at midnight this Friday, I urge my colleagues to support the Servicemembers' Group Life Insurance Enhancement Act.

Mr. MILLER of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3200.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3200.

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

There was no objection.

UNITED STATES GRAIN STANDARDS ACT REAUTHORIZATION

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1752) to amend the United States Grain Standards Act to reauthorize that Act.

The Clerk read as follows:

S. 1752

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

SECTION 1. REAUTHORIZATION OF ACT.

(a) IN GENERAL.—Sections 7(j)(4), 7A(l)(3), 7D, 19, and 21(e) of the United States Grains Standards Act (7 U.S.C. 79(j)(4), 79a(*l*)(3), 79d, 87h, 87j(e)) are amended by striking ''2005'' each place it appears and inserting ''2015''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 2005.

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

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I am pleased to support S. 1752, a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week, and I look forward to its swift approval today as the act expires September 30, 2005.

This bill is identical to the language that the administration provided Congress earlier this year. The bill is a simple 10-year extension of current law. It will reauthorize the Secretary's authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

The House Subcommittee on General Farm Commodities and Risk Management of the Committee on Agriculture held a hearing on May 24, 2005, to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future.

The American Farm Bureau Federation, the American Soybean Association, the National Association of Wheat Growers, the National Corn Growers Association, the National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies all voiced support for this legislation.

The U.S. Grain Standards Act first became law in 1916. In the intervening 89 years, Congress has reauthorized and amended the U.S. Grain Standards Act so that the law could adapt to changes in grain production, grain marketing, crop diversity, competitive pressure, and fiscal constraints.

The U.S. Grain Standards Act has served agriculture and our Nation well. For nearly a century, it has provided for standard marketing terms, grades and weights and facilitated domestic and international marketing of our farmers' production. Among its many responsibilities, the Federal Grain Inspection Service establishes and maintains official grades for our Nation's crop production, promotes the uniform application of official grades, provides for the official weighing and grading at export locations, provides Federal oversight of weighing and grading done by States, and investigates complaints or discrepancies reported by importers. Passage of this bill ensures the continuity of these standards and the opportunity for our farmers to remain competitive in the world marketplace.

I urge my colleagues to support this legislation.

I thank the gentleman from Minnesota (Mr. PETERSON), the ranking member of the committee, for his cooperation in working with us to bring this legislation to the floor.

Mr. Speaker, S. 1752 is a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week. Timely approval of this bill is important because the current law expires September 30, 2005.

This bill is identical to the language the Administration provided Congress earlier this year. This bill is a simple 10-year extension of current law.

The House Agriculture Subcommittee on General Farm Commodities and Risk Management held a hearing on May 24, 2005 to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for

the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future. Specifically, these organizations proposed that U.S. Department of Agriculture (USDA) utilize third party entities to provide inspection and weighing activities at export facilities with 100 percent USDA oversight using USDA-approved standards and procedures. The American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Corn Growers Association, National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies all voice support for this proposal. USDA testified that the "proposal of the industry establishes a framework for changing the delivery of services without compromising the integrity of the official system."

During the hearing, the Committee also learned of workforce challenges currently facing the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). The majority of official grain inspectors will be eligible for retirement over the next several years. Testimony presented explained that transitioning the delivery of services through attrition would minimize the impact on Federal employees.

Since the hearing, I have reviewed legislative proposals and discussed the issue of improved competitiveness with my colleagues, farm and industry organizations, and USDA. Chairman SAXBY CHAMBLISS of the Senate Agriculture Committee and I asked USDA to determine if they had the authority under the existing law to use private entities at export port locations for grain inspection and weighing services, and if they did, how would they implement this authority.

Accompanying this statement is a copy of USDA's response to our questions. The letter states that the U.S. Grain Standards Act "currently authorizes the Secretary of Agriculture to contract with private persons or entities for the performance of inspection and weighing services at export port locations." The letter further explains that GIPSA considers the use of this authority as an option to address future attrition within the Agency and to address expanded service demand. I fully expect USDA to use this authority in a manner that improves competitiveness of the U.S. grain industry, that maintains the integrity of the Federal grain inspection system, and that provides benefits to employees who may be impacted.

The Committee greatly appreciates the work that has gone into the reauthorization of this law and we are pleased to extend the authorization for 10 years.

THE SECRETARY OF AGRICULTURE,
Washington, DC, September 21, 2005.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of this date, also signed by Saxby Chambliss, Chairman of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, posing two questions regarding legislation which is currently pending before the Congress. The legislation would reauthorize, for an additional period of years, the United States Grain Standards Act, 7 U.S.C. §§71 et seq. (Act), which is presently scheduled to expire on September 30, 2005. Your questions and our responses are as follows:

1. Would existing authority under the U.S. Grain Standards Act allow USDA to use private entities at export port locations for grain inspection and weighing services?

Response. The Act currently authorizes the Secretary of Agriculture to contract with private persons or entities for the perfonnance of inspection and weighing services at export port locations. See 7 U.S.C. §§79(e)(I), 84(a)(3).

2. If so, how would USDA implement this authority?

Response. The Act currently authorizes the Secretary to contract with a person to provide export grain inspection and weighing services at export port locations. The Grain Inspection, Packers and Stockyards Administration (GIPSA) has reserved this authority to supplement the current Federal workforce if the workload demand exceeded the capability of current staffing. GIPSA has also considered use of this authority as one of several options to address future attrition within the Agency and to address expanded service demand as several delegated States have decided or are considering to cancel their Delegation of Authority with GIPSA.

In accordance with Federal contracting requirements, GIPSA would contract with a person(s) (defined as any individual, partnership, corporation, association, or other business entity) to provide inspection and weighing services to the export grain industry. The person(s) awarded the contract would adhere to all applicable provisions of the Act to ensure the integrity of the official inspection system during the delivery of services to the export grain industry. The person(s) would charge a fee directly to the export grain customer to cover the cost of service delivery and the cost of GIPSA supervision. Contract terms would require reimbursement to GIPSA for the cost of supervising the contractor's delivery of official inspection and weighing services.

GIPSA would comply with OMB Circular No. A–76 for any contracting activity that may replace or displace Federal employees. The Circular would not apply if the contract for outsourcing services intends to fill workforce gaps, not affect Federal employees, or supplement rather than replace the Federal workforce. The A–76 process typically takes two years and involves an initial cost-benefits analysis, an open competitive process, and an implementation period.

I hope that the explanations provided above are fully responsive to the questions you have asked. A similar letter is being sent to Chairman Chambliss.

Sincerely,

MIKE JOHANNS,
Secretary.

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

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

Mr. Speaker, I am glad that we are moving this reauthorization before various authorities in the Grain Standards Act expire on September 30. I want to thank Subcommittee Chairman MORAN, Ranking Member ETHERIDGE, as well as Chairman GOODLATTE for their work on moving this reauthorization.

The legislation we are considering today would simply reauthorize the existing Grain Standards Act for 10 years. While I would prefer that the reauthorization be for 5 years to allow for reexamination of the state of the inspection service and industry at that time, I support the bill before us today.

As we saw with the recent experiences in the aftermath of Hurricane Katrina, the Federal Grain Inspection Service's Federal workforce is a dedicated group of individuals with many years of experience and a great deal of pride in the work that they do. The folks that work in the Port of New Orleans, for example, have continued to provide valuable public services even as the disaster affects their own families, homes, and neighborhoods.

The quality of the grain produced on American farms is among the best in the world, and our export inspection system helps ensure that the integrity of those crops is maintained as it is exported to our foreign customers.

I support the passage of this reauthorization, and I again want to thank my colleagues for their work on this issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), who has worked on this issue.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. PETERSON) for the work he has done on this bill. I rise in support of S. 1752, the Reauthorization of the Grain Standards Act.

Two weeks ago, I was opposed to the bill because it needlessly privatized grain inspectors, which could harm our agricultural export market. In the mid-1970s, the inspection service was federalized following several scandals involving some growers who tried to cheat foreign buyers by, for example, substituting saw dust for grain. Overall, there were indictments of 52 individuals and four corporations.

Today, with Federal inspectors on the job, our foreign customers are confident in the quality of U.S. grain. But many of these buyers, international buyers, have spoken publicly about their reservations of a private inspection system. Such a scheme may harm U.S. exports of grains, something our farmers cannot afford.

Worse yet, the benefits from privatization are almost nil. According to testimony from the National Grain and Feed Association, privatizing the inspector force will save 8 cents per ton of grain per export in the unlikely scenarios that the entire cost savings were passed along to farmers by way of better commodity prices. The average 500-acre soybean farm would gain a measly $46 a year in extra income. For nothing more than pocket change, that kind of privatization could undermine the 30 years of confidence in the quality of U.S. grain. That was an enormous risk for pocket change.

Thankfully, because of the gentleman from Minnesota (Mr. PETERSON) and others, this bill before us today does not include the risky privatization scheme that was contemplated.

I once again want to thank the gentleman from Minnesota and his staff for the opportunity to work with them on this legislation.

Mr. ETHERIDGE. Mr. Speaker, today the House is considering S. 1752, Senate-passed legislation to reauthorize the U.S. Grain Standards Act.

The Grain Standards Act helps farmers maintain a high standard of quality in crop production through a national system for inspecting, weighing and grading grain, both for domestic and foreign shipments.

S. 1752 reauthorizes the U.S. Grain Standards Act for 10 years. This bill will reauthorize the Secretary's authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

I support reauthorization of these important components of the Grains Standards Act in order to ensure the United States remains a large producer of quality agricultural products.

I urge my colleagues to support S. 1752 so we can send it to the President for signature.

□ 1345

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1752.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1752, the bill just considered.

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

There was no objection.

EXPRESSING SENSE OF CONGRESS THAT UNITED STATES SUPREME COURT SHOULD SPEEDILY FIND USE OF PLEDGE OF ALLEGIANCE IN SCHOOLS TO BE CONSISTENT WITH CONSTITUTION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 245) expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

The Clerk read as follows:

H. CON. RES. 245

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) judicial rulings by the United States Court of Appeals for the 4th and 9th circuits have split on the issue of whether the Constitution allows the recitation of the Pledge of Allegiance in schools;

(2) the ruling by the United States Court of Appeals for the 4th circuit correctly finds the Constitution does allow such a recitation; and

(3) the United States Supreme Court should at the earliest opportunity resolve this conflict among the circuits in a manner which recognizes the importance and Constitutional propriety of the recitation of the Pledge of Allegiance by school children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 245.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 245, expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

As Justice Stevens noted, writing for the Court last year in Elk Grove Unified School District v. Newdow, ''The Pledge of Allegiance evolved as a common public acknowledgement of the ideals that our flag symbolizes. Its recitation is a patriotic exercise designed to foster national unity and pride in those principles.''

However, going far beyond the requirements of the Establishment Clause and the Supreme Court's interpretation of that clause, the Ninth Circuit struck down a school policy of voluntary, teacher-led recitation of the Pledge of Allegiance, citing that the policy impermissibly coerces a religious act.

Last summer, the Supreme Court reversed the Ninth Circuit's decision on standing grounds. Though the Court did not address the merits of the case, the late Chief Justice Rehnquist stated in his concurring opinion: ''I do not believe that the phrase 'under God' in the Pledge converts its recital into a 'religious exercise.' Instead, it is a declaration of belief in allegiance and loyalty to the United States flag and the Republic that it represents. The phrase 'under God' is in no sense a phraser, nor an endorsement of any religion, but a simple recognition of the fact that from the time of our earliest history, our peoples and our institutions have reflected the traditional concept that our Nation was founded on a fundamental belief in God.''

Just 2 weeks ago, in Newdow v. U.S. Congress, the Eastern District of California relied on the Ninth Circuit's decision and held that school district policies of voluntary, teacher-led recitations of the Pledge violate the Establishment Clause.

But, as former Chief Justice Rehnquist stated: ''The Constitution only requires that schoolchildren be entitled to abstain from the ceremony if they choose to do so. To give the parent of such a child a sort of 'heckler's veto' over a patriotic ceremony willingly participated in by other students, simply because the Pledge of Allegiance contains the descriptive phrase 'under God' is an unwarranted extension of the Establishment Clause, an extension would have the unfortunate effect of prohibiting a commendable patriotic observance.''

The Pledge of Allegiance is simply a patriotic exercise in which one expresses support for the United States of America, that was founded by a generation of framers who saw a belief in God as fundamental to sustaining the moral fabric of a free society. Those who did not share the beliefs of our founding generation as reflected in the Pledge are free to refrain from its recitation. However, those who wish to voluntarily recognize the special role of providence in America's identity and heritage must also continue to be free to do so.

This body affirms its support for the Pledge of Allegiance by starting each session of the House with its recitation. When the Pledge of Allegiance has come under legal and political assault, this body has consistently and overwhelmingly defended it by passing resolutions that expressed support for its voluntary recitation. Most recently, in 2003, the House passed H. Res. 132 affirming support for the Pledge by a margin of 400 to 7.

I urge my colleagues to continue to affirm their support for the Pledge of Allegiance by supporting the passage of this important resolution.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which predates the amendment to the Constitution.

Unfortunately, H. Con. Res. 245 is not about supporting religious freedom. In fact, this resolution is totally gratuitous, as it will do nothing to change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by resolution. If the judicial branch ultimately finds the Pledge, or the national motto to be constitutional, then nothing needs to be done. On the other hand, if the Court ultimately finds it to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the 2002 Ninth Circuit decision in Newdow v. U.S. Congress, which

found that the words ''under God'' in the Pledge are permissible under the Constitution, I believe it is important to review the reasoning of the majority decision in that case which held that the words ''under God'' are impermissible on constitutional grounds.

The majority in the Newdow case applied each of the three Supreme Court tests that have been used over the last 50 years in evaluating Establishment Clause cases. That review is essential, because if we support the Pledge, we need to make sure that we support it based on appropriate constitutional principles.

One test the Ninth Circuit cited was whether the phrase ''under God'' in the Pledge constitutes an endorsement of religion. The majority opinion said it was an endorsement of one view of religion, monotheism, and, therefore, was an unconstitutional endorsement.

Another test was whether the individuals were coerced into being exposed to the religious message, and the majority opinion concluded that the Pledge was unconstitutional because young children are compelled to attend school and ''may not be placed in the dilemma of either participating in a religious ceremony or protesting.''

Finally, the Court applied the Lemon test, named after the 1971 Supreme Court case Lemon v. Kurtzman. Part of that test holds that a law violates the Establishment Clause if there is no secular or nonreligious purpose. Mr. Speaker, the Pledge was amended in 1954 to add the words ''under God'' to the existing Pledge, and so the Ninth Circuit concluded that the 1954 law had no secular purpose and was, therefore, unconstitutional.

Mr. Speaker, while I believe that the majority's reasoning was sound, I indicated that I tend to agree with the dissent in the 2002 Newdow case. The operative language in the dissent which persuaded me was as follows:

''Legal world abstractions and ruminations aside, when all is said and done, the danger that 'under God' in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone's belief is so minuscule as to be de minimis. The danger that phrase represents to our first amendment's freedoms is picayune at best.

''Judges, including Supreme Court Justices, have recognized the lack of danger in that and similar expressions for decades, if not for centuries.''

Mr. Speaker, I agree with the dissent and support the Pledge of Allegiance as is under the theory that the words ''under God'' are de minimis. Because the language fails other traditional Establishment Clause tests, the principle that the words ''under God'' are de minimis is the only principle that supports the Pledge as it is. If we suggest that the words are not de minimis, then what do we have to rely on? We would have to overturn one of the existing Supreme Court tests. What will we base that decision on? Would we permit, for example, the government endorsement of one religious view and open the door to other endorsements? Will we permit proscribed coercion of young and impressionable schoolchildren and open the door to other government proscribed religious messages? Should we repeal the Lemon law test and permit the enactment of legislation that only has a religious purpose?

Moreover, if we elect to maintain the Pledge with the words ''under God'' simply because it represents a page in our history as the Fourth Circuit appears to allow, then are we establishing a new Supreme Court test, a historical setting test, or is that the same de minimis standard that the Ninth Circuit cited?

Again, the only principle which upholds the constitutionality of the Pledge is that the words ''under God'' are de minimis, as explained by the dissent in the 2002 Newdow case in the Ninth Circuit. The problem with relying on that principle and enacting H. Con. Res. 245 is that our actions do more harm than good. The de minimis principle is precarious at best.

It is easily undermined by the emphasis we place on the language. If the courts look at the importance that we apparently affix to the words ''under God'' by passing this legislation and increasing the magnitude of the attention we give the issue, we subvert the argument that the phrase has de minimis meaning and, in fact, increase the constitutional vulnerability of that phrase in the pledge.

Mr. Speaker, when we were sworn in, we promised to uphold the Constitution. It is important to acknowledge that any court ruling based on constitutional rights will be unpopular. If the issue was popular, the complainant would be able to vindicate his rights using the normal democratic legislative process. Obviously, the fact that he had to rely on constitutional rights and go through the courts means that he was in the minority.

This will always be the case with constitutional rights. You do not need the Constitution to protect the freedom of speech to say something that is popular. You only need it when the majority tries to use the democratic legislative process or police power to stop you from expressing your views, and stopping the majority from exercising that power will always be unpopular.

Mr. Speaker, whatever we think of the recent California district court or the previous Ninth Circuit decisions, the only thing worse than those decisions is a spectacle of Members of Congress putting aside efforts to address the tragedies caused by Hurricanes Katrina and Rita, considering the appointments to the Supreme Court, completion of the appropriations process for the fiscal year that begins 3 days from now, and the need to address a budget deficit that jeopardizes the next generation in order to take time to pass this resolution. Such a spectacle only emphasizes the importance of the words ''under God'' and, simultaneously, undermines the only constitutional argument that supports the Pledge as it is, and that is, that the words are not important.

Mr. Speaker, in that light, the majority of the Members of Congress will always disagree with the constitutional decision of the judicial branch, and so, Mr. Speaker, because this resolution actually makes it less likely that a court can find the Pledge unconstitutional and because what we think about the decision is actually irrelevant and because we have other important business to do, I would hope that this resolution is defeated.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ISSA), the author of the resolution.

Mr. ISSA. Mr. Speaker, this is not a de minimis issue, and those who would say that a constitutional question is ever inappropriate I am afraid do not understand the importance of millions of American children not knowing, depending upon where they live, how they should recite the Pledge of Allegiance. More importantly, it is not about religion. It is about from where our power comes.

Our Founding Fathers rightfully said that our power came from the laws of nature and of nature's God in the Declaration of Independence. I do not know what Thomas Jefferson exactly meant; I was not there. What I do know is that our Founding Fathers believed that the power of the Almighty came to the American people and they loaned to government the right to govern them, rather than the sovereign that they had served in England, the sovereign who said that the powers of God came to him or her and that they then doled it out to the people they chose to.

□ 1400

That difference is profound. It is the difference in American government that we are not the governed of our government but, in fact, the owners of our government.

More importantly, I want the Members on both sides of the aisle to understand that this is not about raising or lowering the importance, it is not about deciding what is appropriate in the Pledge of Allegiance. What it is about is having the indecision between the Ninth and the Fourth Circuit appropriately decided by the U.S. Supreme Court. Once decided by the Supreme Court, it would then be up to the people of the United States to decide if they wanted to change the Constitution, because the Supreme Court is in fact the final decision point.

It is inappropriate, it is always inappropriate for the Supreme Court to allow an important issue to remain undecided and different in different parts of the United States. Therefore, appropriately, my bill asks the U.S. Supreme

Court on behalf of the House and the Senate to take up this important issue, an appropriate issue, and to decide it. We do not determine how it is to be decided by the vote. Those who vote for this are simply asking the Supreme Court to decide an important issue to end the undecided issue between the Ninth and the Fourth and, for that matter, all the other circuits.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution.

Mr. NADLER. Mr. Speaker, it seems that many Members of this House must really be dissatisfied with their jobs. Instead of being legislators, they seem to want to be Federal judges. Every Member, like every citizen, is entitled to express an opinion on any ruling by any court. That is what our system of government is about. What concerns me is that too many people here seem to think it is the job of Congress to order courts to decide cases certain ways or to consider issues that we want them to consider.

The gentleman from California (Mr. ISSA) should read his own resolution. His resolution does not ask the Supreme Court to decide between the Ninth and Fourth Circuit views. It asks them to decide that the Fourth Circuit is right and the Ninth Circuit is wrong. It asks for a certain specific direction.

We have considered bills here to take away certain Federal court jurisdiction because some Members do not like certain court decisions. We have heard threats against judges, against the courts, even statements by some who have said that they understand the murder of judges. This resolution is not binding, and it is probably as innocuous as they come; but it is part of a greater campaign of delegitimizing the independent judiciary, by implication our system of checks and balances and our system of government.

Courts are supposed to rule on cases that come before them; to call them as they see them; to decide what the Constitution means as the court sees it, as Judge Roberts recently told the Senate regardless of popular opinion. That is their job. It is not our job to pressure the court to decide the case a specific way. If we do not like a court decision, we can amend the law. We can start a constitutional amendment if we disagree with a court decision.

I am more than a bit concerned that Members seem to want to decide this case for themselves, but I am more concerned by the constant assertions by Members and some courts that the phrase ''One Nation Under God'' is not a form of religious expression. As the gentleman from Virginia (Mr. SCOTT) mentioned, constitutionally the only way, since it is clear that we cannot have an establishment of religion, since the jurisprudence of the Supreme Court for the last 40 years says that we cannot mandate a prayer, that we cannot mandate that children in school should say a prayer, we cannot lead an organized prayer in a public school, as I have said repeatedly on this floor, there will always be prayer in the public schools as long as there are math tests, but we cannot have organized prayer where an agent of the State, namely the teacher, says this is the prayer you shall say. That is an establishment of religion, and it is against the first amendment.

The only way around that is by saying that the phrase ''under God'' in the Pledge of Allegiance does not mean anything. It is a mere patriotic expression. It is not religious. It does not mean anything. I think that is sacrilegious. Frankly, it violates the Second Commandment: ''Thou shall not take the name of the Lord thy God in vain.'' Maybe we should have the Ten Commandments here, so people can take a look at it every so often.

Frankly, references to God are inherently religious, and it is a sin to use the Lord's name for any other purpose. It is a religious expression with which not all people, including people of different religions, might agree. It is not out of the question that a court could reasonably conclude that this sentence is a religious expression, that it is inherently coercive when the government makes it part of every school day. That is what the Ninth Circuit did conclude.

It is not the job of Congress to tell the court what to decide, and certainly not the job of Congress to tell the court that God is not religious. If God is not religious, then nothing is religious.

I know most people will look at this vote and think it is a vote on whether or not you support the Pledge of Allegiance; whether or not you are loyal, in fact, to this government; or whether or not you are a person of faith or whether you support God. It is unfortunate that we have to politicize this issue in this way, and that is the real reason for this resolution, since it is totally innocuous, is not binding and has no effect.

But it is even more unfortunate that there is so little respect for our system of government and such enthusiasm for delegitimizing the judiciary every time someone disagrees with a court ruling. That is very dangerous. The future of our Nation depends on the preservation of our system of government, the preservation of the independence of the courts, and not on the text of the Pledge that children are asked to recite in school.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time and for managing the bill so ably.

Well, here we are again, as we take this issue up for a fourth time; and I am again disappointed to say that we are not here for a love of this country or the time-honored Pledge that celebrates it, but to take yet another stab at our independent judiciary. Because the Ninth Circuit did not bend to the resolve of Congress and because the Supreme Court skirted the first amendment claims in the Newdow I decision, Members of this House have introduced this resolution in an attempt to strong-arm judges and manipulate the Supreme Court appointment process. How sad.

So I respectfully take issue with this resolution. While my reverence for the Pledge of Allegiance is unending, my patience with this sort of political maneuvering has long run out. This resolution is a vehicle simply for a conservative litmus test for new judges, particularly Supreme Court Judges, as we currently face both a vacancy and a confirmation of a new Justice.

This resolution was introduced the day after Newdow II, September 14 it was reported; and opponents immediately put it to use in the confirmation process. One conservative group used the case as a vehicle to endorse the confirmation of Judge John Roberts as Chief Justice and to bash Carter-appointed District Court Judge Lawrence Karlton as a judicial activist, even though he was bound by a prior ruling of the Ninth Circuit on the merits. Moreover, the gentleman from South Carolina, Senator LINDSEY GRAHAM, deliberately invoked the Pledge ruling at the Roberts confirmation hearings.

All of this comes on the heels of our prior Pledge resolution in 2003 that directed the President to appoint and the Senate to confirm circuit judges who would supposedly ''interpret the Constitution consistent with the Constitution's text.''

Today is the next step. We urge the Supreme Court to accept an appeal to resolve the conflict between the circuit courts over the constitutionality of the Pledge. While drafters have tried to use the most subtle phrase possible in this series of resolutions, their intent is clear: the resolutions demand the promotion of judges who fall in line with a specific series of conservative ideals and a specific result on the merits.

Our judiciary was meant to be independent. Our Founding Fathers created three distinct branches of government to ensure that no single body could write, interpret, and enforce the laws all at the same time. Today's resolution is part of a series that overreaches the bounds between the legislature and the judiciary and attempts to make puppets of our judges. Our judges should be impartial arbiters, which they cannot be if they are manipulated by the Congress.

Further, the Model Code of Judicial Conduct reveals that no candidate for a judgeship ''make pledges or promises or conduct in office other than the faithful and impartial performance of the duties of the office,'' nor ''make statements that commit or appear to commit the candidate with respect to

cases, controversies or issues that are likely to come before the court.'' So not only do these resolutions make a mockery of our judicial system, they also, my colleagues, subject our judges to potential ethical violations.

While I may disagree with the Newdow decisions, I disagree even more with attempts to influence the constitutional interpretation by politicizing judicial appointments. I respect the Pledge of Allegiance so much that I resent that it is being used as a tool for political jockeying and partisanship. Our Pledge simply deserves better.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume and point out that out of respect for the judicial branch and because the passage of this resolution will actually make it less likely that the Pledge will be found constitutional by the judicial branch, we should defeat this resolution.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, in closing, in the past, over 300, sometimes over 400, Members of Congress have affirmed the Pledge as it is. I do not think this is a question about whether or not God is appropriate to be used at times. I think that has been decided within this body. Certainly ''In God We Trust'' above the Speaker's head says a great deal about the role of God in our deliberation.

This resolution is about asking, albeit with a bent in favor of past votes, asking the Supreme Court to decide an issue. Ultimately, when we ask the Supreme Court to decide an issue, we are not deciding it. We are not binding them to some decision. Just the opposite. This is a free and independent judiciary that will decide the issue as it sees fit. But it is appropriate both for us to ask them to do it and, when appropriate as an amicus, enter into the debate at the Supreme Court. I expect we will do that if and when the Supreme Court takes this issue up.

Mr. Speaker, I move strongly that the Members support the opportunity and the insistence to the extent of our authority that the Supreme Court take this unreconciled difference between two circuits up and decide one way or the other, one time, for the youth of America.

Mr. Speaker, I rise today in support of H. Con. Res. 245. It is time to settle the constitutionality of the Pledge of Allegiance. America's circuit courts are currently split on the issue, and I introduced this resolution to encourage the Supreme Court to resolve this conflict on the side of patriotism.

We come to this juncture because of an attempt by a very few to scour the public space of religious symbols and expression. They have targeted federal, state and local governments in a determined effort to erase every single reference to the existence of a higher power from public life. While they claim to be fighting the establishment of religion, what they are really doing is eliminating the freedom of religious expression. They have forgotten that the inclusion of ''under God'' in the Pledge is no more egregious than Thomas Jefferson including the phrase ''Laws of Nature and of Nature's God'' in the Declaration of Independence.

In 2002, the 9th Circuit Court of Appeals ruled that recitation of the Pledge of Allegiance in classrooms is unconstitutional. Far be it for we in Congress to criticize the wisdom of the 9th Circuit. I would rather compliment the 4th Circuit's ruling last month that the Pledge is constitutional. The 4th Circuit noted that the primary reason for the Establishment Clause within the First Amendment was to combat the practice of European nations compelling individuals to support government favored churches. The 4th Circuit stated that the inclusion of the words ''under God'' in the Pledge of Allegiance does not pose a threat to freedom of religion.

We are left with two divergent interpretations of the constitutionality of the Pledge of Allegiance. Two weeks ago, a U.S. District Court within the 9th Circuit judge stated that he was bound by precedent of the 9th Circuit and held that the Pledge is unconstitutional in another school district.

The Supreme Court must decide the issue to ensure that our children have the right to express their patriotism through recitation of the Pledge of Allegiance. The Court had the opportunity to resolve this issue last year but failed to do so. It is time for the Supreme Court to step in and support the Pledge.

I encourage all of my colleagues to vote in favor of H. Con. Res. 245.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H. Con. Res. 245, affirming the words of the Pledge of Allegiance.

Religion has always been an important part of America. Our country was created on a religious foundation. Since the first Pilgrim stepped on Plymouth Rock, people came to our shores in pursuit of religious liberty. They left nations of intolerance and established a country built on concepts of diversity and religious freedom. Our Founders endowed successive generations of Americans with a Constitution that has held us together and healed major fractures within our society.

Included in the Constitution is the protected right of freedom of religion. But freedom of religion is not freedom from religion—certainly not in something as universally unifying as the Pledge of Allegiance. It is an allegiance to the United States of America—and its simple words acknowledge that we are ''one Nation, under God.''

On July 4, 1776, our Founding Fathers, after appealing to the ''Laws of Nature, and of Nature's God'' justified their separation from Great Britain by declaring, ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.''

In 1781, Thomas Jefferson wrote in his ''Notes on the State of Virginia,'' ''God who gave us life gave us liberty. And the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God.''

In his Farewell Address in 1796, President George Washington called religion ''a necessary spring of popular government.'' President Adams claimed that statesmen ''may plan and speculate for Liberty, but it is Religion and Morality alone, which can establish the Principles upon which Freedom can securely stand.''

Likewise, the words ''under God'' were used by President Abraham Lincoln in the Gettysburg Address in 1863. After paying tribute to the soldiers who had died in an effort to end slavery, Lincoln turned to the responsibilities of those who would benefit from their sacrifices.

He said, ''It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.''

There are many other examples of how religion and God have been woven into the fabric of our Nation's history.

By pledging allegiance to this Nation and acknowledging that we are under God, that our Nation is indivisible, and that we enjoy liberty and justice for all, Americans simply recognize the historical fact that we have a religious heritage, that the country cannot be divided, and that everyone will be free and treated fairly.

The words ''under God'' are not in violation of the Establishment Clause because they do not sponsor or support a specific national religion.

Our country, and the freedoms we cherish, continue to be fought for each day. Just as President Lincoln said during the Gettysburg Address, it is our duty to resolve that those who have given the ultimate sacrifice for our freedom do not die in vain; that this Nation, under God, will continue to protect and honor those hard-fought freedoms.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Con. Res. 245, which tells the Supreme Court to uphold the constitutionality of the Pledge of Allegiance. I oppose this resolution on two grounds. First, Congress shouldn't be telling the Supreme Court how to do their job. Second, the Pledge of Allegiance is unconstitutional and the 9th Circuit decision should stand.

That being said, I shouldn't be surprised that those who claim to speak for God also think they have the right to tell our independent judiciary what to do. The Republican Majority has railed against activist judges legislating from the bench throughout the Supreme Court nomination hearings, but they apparently see nothing wrong with telling those judges how to rule from the legislature. If judges shouldn't legislate, Congress shouldn't adjudicate.

Beyond the hypocrisy and improper meddling of this resolution, I oppose it because the Pledge of Allegiance is unconstitutional. The Constitution bars Congress from passing any law that recognizes religion. The 1954 law, passed at the height of anti-Communism, that specifically added the phrase ''under God'' to the Pledge, could not be more clearly unconstitutional.

The feeble argument of proponents of this resolution that "under God" is not overtly religious is only undermined by their holy crusade to make darn sure that the phrase stays in the Pledge. This will be the sixth time this House has voted on this issue—hardly a sign of the phrase's unimportance to religious conservatives.

Mr. Speaker, I don't want my children or any child to have a compulsory, religious recitation in this supposedly free society, and seeing the vehemence of those who think otherwise only strengthens my opposition to the Pledge.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 245.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3402, the bill to be considered shortly.

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

There was no objection.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore (Mr. ISSA). Pursuant to House Resolution 462 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. 3402.

□ 1414

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. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1415

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

Mr. Chairman, I rise in strong support of H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009. The authorization of executive agencies fulfills Congress' fundamental constitutional obligation to maintain an active and continuing role in organizing the priorities and overseeing the operation of the executive branch. With an annual budget of over $20 billion and 100,000 employees, the Department of Justice is one of the most important agencies of the Federal Government and the world's premier law enforcement organization. Like other legislation reauthorizing the Department of Justice approved by the House in both the 107th and 108th Congresses, I am proud that this bill is the product of extensive bipartisan deliberation.

In addition to serving as a broad statement by the House of Representatives regarding the priorities of the DOJ over the next several years, this bill addresses the administration of grant programs by the Office of Justice Programs and the Office on Violence Against Women.

By providing grants to State and local governments to focus on current crime issues affecting cities and towns across the country, these grant programs can serve an important role in the fight against crime in America. However, given the finite Federal resources available, it is the responsibility of this body, both through the authorizing process and continuous oversight, to review and evaluate these programs to ensure that the taxpayers' money is used effectively.

This legislation contains a number of important provisions that will strengthen congressional oversight of the Department's law enforcement activities and financial management. Among the new provisions included are: The creation of an office of audit, assessment and management within OJP to monitor grants; a privacy officer to protect personally identifiable information; a directive to the Assistant Attorney General of the Office of Justice Programs to establish a single financial management system and a single procurement system.

In addition to the important oversight tools provided in the bill, there are a number of commonsense provisions designed to improve the administration of programs within the department. H.R. 3402 eliminates duplication by consolidating the Local Law Enforcement Block Grant program and the Byrne grant program into one program with the same purposes and simplified administration. The bill also preserves the COPS program, but modifies it to allow grantees greater flexibility to seek grants for a number of purposes, including but not limited to hiring.

Other provisions contained in this legislation authorize programs to combat domestic violence, dating violence, sexual assault and stalking. Titles 4 through 10 of the bill focus on reauthorizing, expanding and improving programs that were established in the Violence Against Women Act of 1994, or VAWA, and reauthorized in 2000. The bill reauthorizes some important core programs, such as ''STOP'' grants and grants to reduce campus violence. These programs have been successful in combating family and domestic violence.

The reauthorization of VAWA will continue the tradition of changing attitudes towards domestic violence, and will expand its focus to change attitude toward other violent crimes, including dating violence, sexual assault and stalking. Because these crimes affect both men and women, it is important to note that this legislation specifies that programs addressing these programs should serve both male and female victims.

Furthermore, the legislation specifies that the same rules apply to these funds as to other Federal grant programs. The funds devoted to these programs are not to be used for political activities or lobbying. This money is and always was intended to be used to provide services to victims and to train personnel who deal with these violent crimes. The Department of Justice is expected to enforce that provision for all its grants and to monitor grant activities to ensure compliance not only with this condition but all conditions of the grants.

Mr. Chairman, prior to the enactment of the ''21st Century Department of Justice Authorization of Appropriations Act'' in 2002, Congress had not formally authorized the operations of the Department of Justice in nearly a quarter of a century.

During floor consideration of that legislation, I expressed my desire that its passage would lead to a regular authorization process that permits Congress to more rigorously oversee the organization, structure, and priorities of DOJ. While the House unanimously passed legislation reauthorizing the Department last Congress, the legislation was not taken up by the other body.

H.R. 3402 contains important bipartisan provisions to ensure that the Department of Justice is better equipped to promote the purposes for which it was established. The legislation also reauthorizes critical programs necessary to help protect the safety and security of Americans while enabling Congress to properly exercise the vigorous oversight that the Constitution requires. I urge my colleagues to support this important and bipartisan legislation.

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

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

Mr. Chairman, I rise in support of the legislation beginning by commending the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary who has worked very hard with me on the bill. In the past few years, we have dealt with the Department of Justice, which has oftentimes become increasingly resistant to congressional oversight, either refusing to answer questions or answering them so vaguely that we are not sure what the answer really is. Fortunately, together we worked to address our concerns with the Department of Justice and arrived at the bill before us today.

The bill provides funding for the various offices within the department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. Why is that important? Because in the past few years, the Office of Inspector General has been particularly diligent in overseeing the Department's war on terrorism, issuing reports on the 9/11 detainees and pushing the Department to change how its procedures are used for handling terrorism suspects.

In addition, the bill reauthorizes the COPS office. That is the Community Oriented Policing Services. Now, we all know that this Clinton administration program has been increasingly vital in crime prevention and crime solving, and that is why COPS has received the praise of the Fraternal Order of the Police, the largest law enforcement organization in the country. Local policing is the backbone in our war on terrorism as community offices are more likely to know the witnesses and more likely to be trusted by the community residents who have information about potential attacks. This bill provides them over $1 billion per year for this program.

An important piece of legislation before us is the reauthorization of the Violence Against Women Act of 1994. I am particularly proud of it for this is the third time we have worked on this bill and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on the work from previous years, the Act reauthorizes some of the most current programs that have been enormously effective, including the ''STOP'' program, which provides State formula grants that help fund collaboration efforts between police and prosecutors and victims services providers, including legal assistance for victims.

However, there is a grave concern about this measure before us that I must speak to. We worked very hard during negotiations on this bill to recognize the obstacles that some racial and ethnic minorities and their organizations face in the mainstream system. We specifically included language that allows programs to target communities of color. This language does not give any preferences to minorities nor does it impose any quotas. And we have all been there on quotas. It does not do that. It simply requires the Department of Justice to describe how they will address the needs of racial and ethnic minorities and other underserved populations, and to recognize and meaningfully respond to the needs of these racial and ethnic minorities and other underserved populations. That is all, and to ensure each gets their fair share.

The bill that passed the Committee on the Judiciary had this language included. However, late last night I was informed that the majority had decided to strike this important language in a manager's amendment. I am very sorry to learn of this news. For while I support the underlying bill and stress the importance of reauthorizing the Department of Justice programs contained in it, I seriously regret this advance that was included in the language that has been stricken. I think it is a tragedy. I think it is a serious misunderstanding of what the law is now. Everybody on the Committee on the Judiciary knows how to avoid quotas and certainly not to give preferences to minorities. This measure was included in our bill because it was important that they begin to get a fair share of proceeds that were being allotted under the bill. It was not to secure anything like a quota, and the bill to me deserves our support. I stress the importance of reauthorizing the Department of Justice programs contained in it. I have a very serious problem with the manager's amendment, and will not support that effort.

I rise in support of this legislation. I first would like to commend Chairman SENSENBRENNER for reasserting the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together to address our concerns with the Department and arrived at the bill before us today.

In general, the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change how its procedures for handling terrorism suspects.

The bill reauthorizes the Community Oriented Policing Services, COPS, office. We all know that this Clinton Administration program has been increasingly vital in crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over $1 billion per year for this program.

An important piece of the bill is the reauthorization of the Violence Against Women Act of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years, the Act reauthorizes some of the current programs that have proven enormously effective, including the STOP program—which provides State formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and legal assistance for victims.

I do have one grave concern about this bill that must be addressed. We worked very hard during negotiations on this bill to recognize the obstacles that some racial and ethnic minorities face in the mainstream system. We specifically included language that allows programs to target communities of color. This language does not give any preferences to minorities, nor does it impose any quotas. It simply requires the Department of Justice to ''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond the needs of racial and ethnic minorities and other underserved populations'' and to ensure that each gets their fair share.

The bill passed the Judiciary Committee with this language included. However, late last night I was informed that the majority had decided to strike this important language in a Managers' Amendment. While I support the underlying bill and stress the importance of reauthorizing the Department of Justice programs contained in it, I have serious problems with the Managers' Amendment and will not support that effort.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret to hear what the gentleman from Michigan (Mr. CONYERS) has just said. Let me reassure the gentleman that the language to have grants go to underserved racial and ethnic populations is still in the manager's amendment. The reason the language had to be changed was to avoid a potential court challenge because language in grant programs have strict scrutiny by the courts.

Let me just quote what is contained on page 8 in the manager's amendment which provides an amendment to lines 1 and 2 of page 126 of the bill. The new language says, ''Populations underserved because of geographic locations, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alien age status, or age) and any other population determined to be underserved by the Attorney General.'' This new language, which is proposed in the manager's amendment I believe will do what the gentleman from Michigan wishes to accomplish, and that is to make sure that underserved racial and ethnic populations are on the radar screen when the attorney general makes up his mind on who will be able to get grants to provide services to deal with this subject.

What it does do is it prevents this money from being tied up in a court challenge that will probably last through most of the life of this authorization bill, which is through September 30, 2009, or just a few days more than 4 years from now.

I would encourage the gentleman from Michigan to be sensitive to the fact that the language in the original bill would have been subject to a court challenge, and in the manager's amendment we attempt to get rid of that.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. PORTER).

□ 1430

Mr. PORTER. Mr. Chairman, I rise to engage the chairman of the Committee on the Judiciary in a colloquy.

Mr. Chairman, it is my understanding that included in the Department of Justice reauthorization are measures that will ease the administrative burdens that exist for State and local governments and provide them greater flexibility to spend the money they have been awarded from the various grant programs. Is that correct?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman is correct.

Mr. PORTER. Mr. Chairman, reclaiming my time, there are many areas throughout the country that have extremely high tourism rates. The local law enforcement agencies of these areas have the difficult task of providing services to these tourists on top of their responsibility to the base population. For example, the city of Las Vegas has a population of over 534,000 people; however, over 40 million tourists a year visit Las Vegas. Local law enforcement is responsible for the safety of these visitors, which places a huge financial strain on the various police departments.

With that in mind, would the chairman agree that one factor in awarding grant money should be the disproportionate amount of tourists an area has related to that area's base population?

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will continue to yield, I would agree and would work with the gentleman from Nevada to address this problem as the bill moves to conference.

Mr. PORTER. Mr. Chairman, reclaiming my time, I thank the chairman for his offer and look forward to working with him.

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

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank him for yielding to me because the position that we have adopted that we are being set back by the manager's amendment is agreed to by the women against violence organizations, the civil rights organizations. And we have numerous letters, one from the chair of the National Task Force to End Sexual and Domestic Violence Against Women, which plainly go into the details of the fact that in no way are we trying to establish quotas or favoritism to any one particular group whatsoever.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. MCDERMOTT. Mr. Chairman, reclaiming my time, it has been said that society's humanity is judged by the way it handles the problems and the protection of those who are least able to take care of themselves. And having watched television for the last few weeks about the issues around Katrina, one clearly understands that sometimes people on the bottom do not get handled very well. Somehow, the things do not happen that should happen for them. That gave us an ugly glimpse at that part of our society.

And then as the country began to come out of that, the President walked out of the White House and said, we are not going to give prevailing wage to the people who work on the reconstruction of their own houses and their own countryside, that we were going to put them down at the minimum. We are going to take away the set-asides for minority and small business. Now, it is no wonder that these organizations would be concerned when they see this kind of manager's amendment.

I am not a lawyer. We could stand out here and argue about all the lawyer technicalities inside and outside. And I will enter into the RECORD a letter dated September 28, 2005, from Hilary Shelton. When the NAACP and all the women's organizations come out and say we oppose this manager's amendment, it is understandable why they might be a little concerned, because every time we turn around, the safety net is being ripped.

The language that is being taken out here that has been in the bill before is requiring the States to ''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved populations.''

Now, for us not to be able to put that in the law because somebody says on the fringe that this is some kind of affirmative action or anything else, we have to take care of people who are not served in this society. If they happen to be in underserved areas, they do not necessarily have to be black or brown or red or yellow. They could be white. The question is, how are we going to deal with the underserved people in this country no matter who they are? And this amendment does not need to be made so that those groups can say, well, we are going to take you to court and fight you for 3 years.

That is what the chairman just said. He said if we put that in there, they are going to go into court and say this is a quota and we want to fight it, and they will stretch it out for 3 years or 5 years or however long, a typical tactic of the right to do unto those who are least able to do for themselves.

I urge the rejection of the manager's amendment.

The material previously referred to is as follows:

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, September 28, 2005.

Re NAACP opposition to the Managers amendment to H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

MEMBERS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I am writing to express our strong opposition to the Manager's amendment to H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009. The Manager's amendment, which is meant to be non-controversial, strips out a key provision that is currently in the bill that ensures that racial and ethnic minorities who are victims of domestic violence would receive adequate services.

Specifically, the bill that was passed out of the Judiciary Committee requires states to [''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved population''] and to ensure that each gets their fair share. Unfortunately, this provision is sorely needed as domestic violence is still a serious—and largely untreated—problem in too many of our communities.

I urge you again, in the strongest terms possible, to oppose the Manager's amendment and to retain the language that is in the bill. Please help to address the problem of domestic violence in racial and ethnic minority communities as well as those areas that are currently underserved. Thank you in advance for your attention to the concerns of the NAACP; should you have any questions or comments, please feel free to contact me at (202) 463–2940.

Sincerely,

HILARY O. SHELTON,
Director.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I rise in support of the Department of Justice Reauthorization Act. Mr. Chairman, this is a good bill. It has many great programs. But there is one I would like to focus on today, one that I authored and worked on extensively as a separate bill, the Violence Against Women Reauthorization Act. I am proud to say it is part of the bill before us, and I want to thank the gentleman from Wisconsin and the gentleman from Michigan for their support to make this happen. I am pleased, and I think it is an important day for all of us.

As the Members know, VAWA was originally passed 10 years ago; and since that time, it has helped us make remarkable gains in fighting domestic and sexual violence. During that decade, VAWA, quite simply, has saved lives. It has helped millions of women and children find safety, security, and self-sufficiency.

Because of the Violence Against Women Act, victims have found help to escape violence and get treatment. Law enforcement and the judicial system have learned how to better help these victims through what can be a very daunting and difficult legal process, and more people recognize the signs of abuse because of our public awareness campaigns.

Every step we take in fighting domestic violence helps not only save the immediate victim but it can help break the cycle of abuse that lasts, sadly, all too often generation after generation after generation. In this bill we are building on the successes of the Violence Against Women Act not only by reauthorizing effective programs but also by including innovative, cost-effective new programs that will continue the great work of those who have come before me and others, work that will help the criminal justice and legal systems better help and protect victims.

This law was first created 10 years ago. When it was reauthorized 5 years ago, it was improved; and I am hoping that we are doing the same thing here today.

We are doing this improvement through training grants; providing direct services for victims; providing services to children, teens, and young adults who have experienced violence in their lives, and educating young people about domestic violence and sexual assault.

By strengthening the health care system's response to violence against women and investing in broad remedies and services for victims, we will continue to make progress in preventing these crimes and ensuring that future generations are safe from domestic and sexual violence.

We have made great strides, but I think everyone here would be quick to admit that we have a long way to go. Any law enforcement agency will tell us that a huge portion of the violent crime they encounter is, sadly, domestic violence. If we give law enforcement better tools and training, if we go further to raise public awareness through campaigns, then we can break the cycle of violence and abuse that does seem to slide too easily from generation to generation.

I recently had the opportunity to visit the courts in Milwaukee and saw some of the groundbreaking work that they are doing. What we need to do as Members of Congress is stand shoulder to shoulder with our domestic violence leaders and organizations all around this country, make sure that they have the tools and the resources they need to be effective, that they need to be compassionate. I think this legislation does just that.

Again, I want to thank Members of both sides of the aisle who have worked so hard to make this legislation come forward today. It is a good day, and I am proud to be involved.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the Violence Against Women Act has rescued countless women from the vicious cycle of family violence, and it remains the cornerstone of our country's efforts to put an end to domestic abuse and sexual assault. Now is not the time to abandon our commitment to women around the world. It is time to strengthen our resolve and to protect these women.

We must also teach our youngest citizens, our children, that bullying, intimidation, and physical abuse are unacceptable behavior. That is why I fully support strengthening VAWA.

The Sensenbrenner amendment, on the other hand, offered today would weaken the very core of this legislation. If racial and ethnic minority language is struck from the STOP grants, which specifically target women of color and immigrant women who have experienced domestic violence, these populations will continue to be underserved.

Mr. Chairman, I urge my colleagues to support the reauthorization of VAWA in the Department of Justice bill and oppose the Sensenbrenner amendment so we can ensure these protections and resources remain available to all women.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I would like to express my support for the Department of Justice Appropriations Authorization Act, and specifically title IV, the VAWA reauthorization.

I want to thank and recognize the gentleman from Wisconsin and the gentleman from Michigan for their efforts drafting this bill and for including legislative provisions from my bill, the International Marriage Broker Regulation Act.

This bill would protect the thousands of so-called ''mail-order brides'' who come to the U.S. each year through international marriage brokers. And although it is not a practice I particularly endorse, it is a practice that is largely unregulated.

In December 2000, this issue hit close to home when Anastasia King, a mail-order bride in Washington State, was murdered and buried in a shallow grave by her husband. It was later discovered that her husband had abused a former wife whom he had also met through a marriage broker.

Each year hundreds of Internet bride services recruit thousands of women, mostly from Eastern Europe, Southeast Asia, and other economically depressed parts of the globe, to marry their American clients. These marriage broker Web sites play off old stereotypes of foreign women as subservient wives.

A 1999 report by the INS estimated that there were at least 200 marriage broker companies operating in the United States and that each year as many as 4,000 to 6,000 individuals in U.S., almost all male, found foreign spouses through for-profit international marriage brokers.

My International Marriage Broker Regulation Act, and this DOJ authorization bill, will give these foreign women knowledge to protect themselves. They will know if their American fiance has a history of violence, and they will know their rights should they find themselves in an abusive relationship.

This bill will also stop what I call the ''wife lottery,'' where men apply for several fiancee visas at the same time and marry the woman whose visa is approved first.

This legislation is a giant step towards protecting women who use the services of marriage brokers. I want to thank the chairman and ranking member for including it in this bill, and I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I rise today in strong support of the language contained in the Justice Department Authorization Act that reauthorizes the Violence Against Women Act.

Scratch the surface of any of our Nation's most challenging social problems, from crime in schools to gang violence and homelessness, and we are likely to find the root cause is domestic violence, which disproportionately affects women and girls.

Law enforcement officers report that domestic violence calls are among their most frequent. Judges find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants. Schools report that children with emotional problems often come from environments where violence is the norm.

This is why, while it is extremely important to combat violence against women, it is just as important to combat domestic violence involving the youngest of victims. This year's VAWA reauthorization bill takes that necessary step by clarifying that programs contained in VAWA can serve youth as well. It also adds programs that specifically target children and youth and their unique needs. Among these are the authorization of grants for services designed for young people who are victims of domestic and dating violence, sexual assault and stalking, and prevention programs that work with children and teens to stop the cycle of violence.

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Helping the young victims of domestic violence has always been an important issue to me. In the 107th Congress, I introduced the Legal Assistance for Victims of Dating Violence Act, which amended VAWA to allow legal assistance grants to be used to help the victims of dating violence. I am pleased to say that this language was included in VAWA when it was reauthorized in 2000, and is maintained in the VAWA language included in the DOJ Authorization Act today.

I commend the Committee on the Judiciary for providing additional services to victims of dating violence through this legislation. Violence begets violence, and it is incumbent on us to try to break the cycle. This is done by helping victims of domestic violence, especially our youngest victims before they become perpetrators of domestic violence later in life.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today in support of provisions of my bill, H.R. 3188, the Immigrant Victims of Violence Protection Act, which are included in the Violence Against Women Act reauthorization. These immigrant provisions reflect hard, bipartisan work of many Members of Congress, and I thank the gentleman from Michigan (Mr. CONYERS) for his leadership on this issue.

This bill is a good start. It would help immigrant women who need to leave their abusive spouses by preventing their deportation while their application is being considered. It would provide them access to work permits, so that they can get a job on their own and gain economic security independent of their abusers. In addition to spouses, this bill would also protect battered children, as well as parents, from abusive family members.

However, we can do more. For example, this bill does not include provisions which would allow battered victims access to health insurance, food and other benefits required to escape their abuser. I will work hard to include these provisions in the final bill enacted.

As a first generation American and someone who represents an immigrant rich community in Chicago, I understand the unique challenges immigrant women face. ''My neighbor called the police, but I did not sign the report out of fear,'' said a Mexican immigrant and mother of four at a press conference I held in Chicago. She said she stayed with her abusive husband for 13 years to be with her children.

This is the voice of women across the country that need our help to get out of the cycle of abuse. This Congress must remain vigilant in its fight to protect one of the most vulnerable populations in this country. I challenge my colleagues to make the fight against domestic violence a top priority.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding me time.

It has been my intent today to join with my colleagues from Washington State to offer two amendments to this bill. Two years ago, a terrible murder-homicide was committed in a parking lot in my district. This crime was particularly unusual in that it was committed by the chief of the Tacoma Police Department who murdered his wife, Crystal Judson Brame, while their two children sat in another car just a few yards away.

The investigation that ensued found serious problems with the Tacoma Police Department, which had led to the hiring and continued promotion of an individual with a history of domestic violence. Upon promotion to chief, violence committed by Chief Brame against his wife was not addressed by the department, even when police units had responded to a call.

The bottom line in this case is that the Tacoma Police Department did not have a strong and enforceable policy to address domestic violence committed by a member of the police force, and this was not a deficiency exclusive to Tacoma. Because of this, the Washington State legislature passed a law establishing strong standards for law enforcement agencies within the State to prevent and punish future incidents of domestic violence committed by law enforcement officers.

Our law enforcement officers work very hard to protect us and to keep our streets safe. All too often, our law enforcement officers are called upon to put their lives on the line to protect us and keep us safe. The strain this puts on individual officers is enormous, and I am deeply concerned by the anecdotal evidence indicating the possibility of a higher incidence of domestic violence among law enforcement officers than among the public.

To this end, I and my colleagues, the gentleman from Washington (Mr. INSLEE), the gentleman from Washington (Mr. SMITH) and the gentleman from Washington (Mr. REICHERT), sought to offer an amendment to establish a Federal study to determine if there is a direct link between the nature of the job and domestic violence.

I understand the majority had concerns with this proposal, and I look forward to working with the majority to try and devise a solution that can answer these questions. I understand, Mr. Chairman, that there may be a possibility of it being included in a GAO study that the committee is going to ask for, and this may be one way to find out the information.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, it is my intention to have the GAO do a study on this issue. I am hopeful that we will be able to speed it up so that we can get it in a timely manner.

Mr. DICKS. Mr. Chairman, reclaiming my time, I just want to point out the STOP Grants Program is available, and we believe that police departments and local governments can apply today for grants, and I would urge all of them to do so.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime.

Mr. SCOTT of Virginia. Mr. Chairman, the bill as passed by the Committee on the Judiciary makes important improvements on the Department of Justice authorization. It was approved on a bipartisan basis. It deals with the Violence Against Women Act, especially as it applies to immigrants, the COPS authorization, fighting drug abuse. It adds administrative efficiencies, and, as I indicated, it came out of committee on a bipartisan basis. Unfortunately, the manager's amendment will ruin this bipartisan cooperation.

Reference has been made to the letter we have received from the NAACP that points out that the bill as passed out by the Committee on the Judiciary was much better than the manager's amendment.

Mr. Chairman, there were no hearings on this amendment, there is no public comment, it is just a manager's amendment which is supposed to be uncontroversial. It would have been helpful if we could have had committee consideration and agreed on bipartisan language.

I am sensitive to the concerns of the chairman that the Constitution may jeopardize the language that is in the bill, but I think we should have worked it out, and, in the absence of an agreement, I would hope that we would defeat the manager's amendment. If we are expected to appropriately address and relieve racial tensions in our communities, the only way I think we can do this appropriately at this point would be to defeat the manager's amendment and come back and try to work out language that everyone can agree on.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I wish there were time to have committee consideration of this. However, there are certain legislature provisions in the Violence against Women Act that expire on September 30, and, if we keep on talking and talking and talking, you are going to see a good part of the VAWA end up disappearing. That is why we have to deal with this issue today.

I would urge adoption of the manager's amendment to remove the cloud of the constitutional challenge over the money that is to be sent to underserved racial and ethnic minorities.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding me this time and giving me this opportunity to be heard.

I would like to say specifically to the gentleman from Wisconsin, time sometimes is of the essence, but the reality is that minority women and immigrant women, for them time is of the essence, and it is important that we have programming that focuses in on issues that involve cultural sensitivities.

In many of the ethnic and minority communities, it is taboo to bring a lawsuit or to bring a charge against your husband, and we, therefore, need to give States the opportunity to have the ability to craft programs that would allow them and encourage them to come forward, and that was the sense of the legislation as it came out of the committee.

I would encourage the gentleman to consider removing his manager's amendment in the interest of the racial and ethnic minority women who are out here suffering daily from domestic violence charges. It is so important that we understand that domestic violence cases continue to be on the rise. It is important that we understand in fact that racial and ethnic minority women are often not willing to come forward and bring charges.

I don't know about the gentleman from Wisconsin (Mr. SENSENBRENNER), but I was a prosecutor for 8 years, heading the Cuyahoga County prosecutor's office, and that was always one of the challenges we had dealing with racial and ethnic minorities. I think it is such a wonderful opportunity for us to say to them, just as we are talking about what is happening with Hurricane Katrina, have we not thought about racial and ethnic issues, that we ought to pay attention to that, right now, today in this legislation.

I would encourage the gentleman, as he has encouraged us, to reconsider his decision to remove that important provision from the manager's amendment, and we could continue to have some bipartisan support.

As the House considers H.R. 3402, the DOJ/Violence against Women Reauthorization Act, VAWA, today, I rise to express my disappointment and strong opposition to a manager's amendment submitted late last night, by the majority staff of the Judiciary Committee. This amendment seeks to strike "racial and ethnic minorities" from the definition of underserved populations in the STOP grants section of VAWA. Mr. Chairman, my initial reaction to hearing about this proposed amendment was give me a break! Why? What is the majority looking to accomplish by striking this language from the legislation. What is the goal! Somebody help me understand this!

STOP grants are the heart of VAWA funding. By striking this language from the legislation, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence will continue to be compromised.

Mr. Chairman, many racial and ethnic minority women and immigrant women are less likely to report instances of domestic violence than Caucasian women because they face institutional barriers to reporting abuse or seeking help for domestic violence. These women often face restrictions on public assistance, limited access to immigration relief, lack of translators or bilingual professionals, little educational material in the woman's native language, treatment programs that do not take into account ethnic and cultural differences, and prohibitive fee structures. The VAWA Reauthorization provisions in H.R. 3402 establish grants that will provide these women with information to get the assistance they need.

Violence against women and children is a serious, widespread problem in America. Each year, close to 1 million incidents of violence are reported against a current or former spouse, boyfriend, or girlfriend. On average, more than 3 women are murdered by their husbands or boyfriends in this country every day, and approximately 1 in 5 female high school students reports being physically and/or sexually abused by a dating partner. Last year, in the State of Ohio, 129 fatalities occurred as a result of domestic violence. In addition, there were over 100,000 domestic calls and arrests as well as over 17,000 new civil protection orders issued. It is important to understand that violence against women and children not only devastates families but it devastates entire communities. Reauthorization of VAWA '05 is integral to providing practical solutions to improving the response of the criminal justice and legal systems by expanding funding for local groups working with underserved communities, strengthening the criminal justice response to sexual assault, providing services for children and youth, and advocating for effective prevention programs.

The manager's amendment seeking to strike this language from the legislation would be a slap in the face to minority women across the country. I urge my colleagues to oppose the manager's amendment.

Mr. CONYERS. Mr. Chairman, I am happy to yield 2½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a very vital participant in crafting this legislation.

Ms. ZOE LOFGREN of California. Mr. Chairman, I have been on the Committee on the Judiciary for 11 years, and I have concerns that the committee is not fulfilling completely its responsibility. There have been no oversight hearings in the full committee of either the FBI or the Bureau of Prisons in the whole 11 years I served. The last general oversight hearing on the FBI was at the subcommittee level in 1997.

The lack of committee oversight has created real problems in the way the FBI fails to conduct its business properly. Last February, in an appropriations subcommittee, we found out that the FBI had invested about $170 million on its Virtual Case File computer system and they admitted that $104 million of that spending was a loss to taxpayers. Then in March, the whole projects was scrapped and we learned from news reports that the new Sentinel system will cost an additional $792 million.

Meanwhile, the U.S. Department of Justice's Office of Inspector General tells us in the July report that the FBI's backlog of untranslated FISA material continues to grow. This means that material that is vital to our national defense is not getting looked at in a timely manner. It often gets discarded before it is looked at, and that is unacceptable.

Earlier this year, I worked with many of my colleagues to introduce the Violence Against Women Act, which is in this bill. My bill would have included provisions that established grant programs to protect child victims of domestic violence, grant programs for housing needs, to protect immigrants who are victims of domestic violence and to protect victims of domestic violence on tribal lands. Not all of these measures made it into the bill, and I am hopeful in conference those provisions that were left out can be added in.

I want to mention one issue which has recently come to my attention, which is the issue of tribal victims of domestic violence who are not receiving VAWA's protections. I was going to offer an amendment today to allow the Attorney General to appoint prosecutors designated by tribal governments as special assistant U.S. Attorneys to bring VAWA prosecutions in Federal Court. However, when I looked into it, it turns out the Attorney General already has this authority through his general authority to appoint special prosecutors. So I would like to urge the Attorney General to address this issue and to use his authority to make sure that perpetrators of domestic violence on tribal lands do not escape prosecution.

We do not always need to change the law, we just need accomplishment and accountability in the administration, and I hope we can use our oversight authority to make sure we have the kind of accomplishment and accountability in the FBI that we are currently lacking.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) the ranking member of the Subcommittee on Immigration of the Committee on the Judiciary.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time; and let me thank the chairman, first of all, for his willingness to include, or to continue to include, an important amendment dealing with early release for Federal prisoners.

That is why I rise, because I believe we can work this issue out. I would ask the chairman and the ranking member, as we move toward this legislative finality of the authorization bill that we take a second look at this language that was included that has to do with racial ethnic minorities.

Let me join my colleague, or allow me to join my colleague, the gentlewoman from California (Ms. ZOE LOFGREN) in the work that she has done on the Violence Against Women Act. I have also included language in the omnibus immigration bill dealing with racial ethnic minorities, and this language is key to be reincluded. Why? Because too often, racial and ethnic minorities have lacked access to services and their safety has been compromised.

I want to compromise, frankly, Mr. Chairman, with all of those individuals who, for some reason or another, believe that this is a preference, a quota. It is not. It is an outreach mechanism to ensure that States who receive Federal monies, and we have done this often before, we have done this with the issue dealing with procurement. We have insisted on it not being quotas. This is only to say that ethnic and racial minorities many times are not able to access the questions of dealing with domestic violence. We know that that is not an occurring incident in high numbers in these communities, language barriers that do not allow individuals to access resources.

This is where the Congress can intervene, because VAWA intended for all underserved communities to have a fair chance of addressing these crimes in holding perpetrators accountable. Even when these women will go to court, we need culturally sensitive individuals, whether it is individuals from Southeast Asia, whether it is individuals from Africa or the Caribbean, whether it is individuals from the poor areas of America.

This is a viable amendment, language that should be reincluded; and I ask my colleagues, let us work together. Let us not misinterpret and make this a racial issue when it is not. It is an outreach issue. It is an aspiration issue. It is a goal issue. And I would ask my colleagues to support the language being reinstated at this time.

Mr. Chairman, I rise in support of the underlying legislation that has been introduced by my colleague on the Committee, Ranking Member JOHN CONYERS, Jr. The spirit of bipartisanship that went into crafting H.R. 3402, the "Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009" is to be commended.

H.R. 3402 will reauthorize the Justice Department and its various offices and components. While the Appropriations Committee is responsible for issuing funds to government bodies, it is the purview of authorizing committees to permit the agencies to spend those funds. Congress last authorized the Justice Department in 2002, through the 21st Century Department of Justice Appropriations Authorization Act. While the House passed authorization legislation in the 108th Congress, the Senate failed to act before adjournment.

I am particularly pleased that this bill contains provisions from my bill entitled "Save Our Children: Stop the Violent Predators Against Children DNA Act of 2005 (H.R. 244)" and the "Enhanced Protections for Trafficked Persons Act of 2005."

Furthermore, I would like to highlight the fact that the Violence Against Women Act of 2005 that is part of the legislation we are considering today, contains important provisions that will enhance protections to immigrant victims of domestic violence, sexual assault and trafficking. I am happy that these provisions resulted from bipartisan efforts of members of this committee. They will significantly improve safety for immigrant victims. I thank Congresswomen LOFGREN and SOLIS for their leadership.

While VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, there are still many women and children whose lives are in danger today. Many VAWA eligible victims of domestic violence, sexual assault, child abuse or trafficking are still being deported. This bill will implement VAWA's original intent by stopping the deportation of immigrant victims of domestic violence, sexual assault, and trafficking who qualify for VAWA immigration benefits. Very importantly the bill contains provisions designed to deter Immigration and Customs Enforcement officers from arresting immigrant victims seeking help from domestic violence shelters, rape crisis centers and protection orders. It also removes obstacles in immigration law that cut victims off from VAWA cancellation of removal and adjustment of status including improved rules for VAWA motions to reopen. VAWA 2005 will extend immigration relief to all victims of family violence by preventing victims of incest and child abuse perpetrated by a U.S. citizen or permanent resident parent from being cut off from VAWA's immigration protections when they turn 21; by protecting non-citizen parents abused by their adult U.S. citizen sons or daughters; by protecting adopted and abused children; and by securing protection for children of immigrant victims of domestic violence, sexual assault, and trafficking. Very importantly this bill contains provisions that will guarantee economic security for immigrant victims and their children by granting employment authorization to adult victims who have filed valid immigration cases. Yet I am very opposed to the Manager's amendment that eliminates the outreach to racial and ethnic women who are victims of domestic abuse. We must add that language back into the underlying bill and I will vigorously oppose the Manager's amendment.

The trafficking provisions in this bill are of particular importance to me and I am very pleased that additional protections for trafficking victims and tools to help prosecute traffickers have been included in the bill. These VAWA 2005 provisions will extend the statute of limitations on bringing charges for trafficking, slavery, and involuntary servitude to 10 years. This legislation will protect family members of trafficking victims from retaliation by traffickers abroad by helping family members reunite with trafficking victims in the United States, including the use of parole. It will also allow for extension of duration of T visas when needed to facilitate prosecution of traffickers. We will also require reports to Congress on the number of law enforcement officers trained on identifying trafficking victims and on the T and U visa protections and law enforcement certification process. Finally the bill will shorten the time T visa victims have to wait before filing for lawful permanent residency, particularly in cases in which the prosecution against the traffickers has been completed.

In addition, I thank the chairman and ranking member for their cooperation in incorporating the language of an amendment that I offered that expresses a commitment of Congress to continue exploring the benefits of granting "good time release" to non-violent Federal incarcerated persons. This is an initiative that I have pursued for a long time and will continue until we make real progress. The language of my amendment to this effect was passed in the 108th Congress as part of H.R. 1829 and in the Subcommittee on Crime this Congress as H.R. 2965.

Mr. Chairman, I hope that this legislation will pass into law retaining all of the beneficial provisions that I have enumerated above.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I appreciate the ranking member's work and his yielding me this time, and the work of the chairman. I much appreciate that the gentlemen have come forward, both of them, before the deadline on their portions of the bill. I am particularly appreciative of the dating violence, because since the last bill, we have infected young people down to the high school age, so the way in which we enlarge that section is very important.

I do want everybody to know that all you could do was the sections falling under your jurisdictions. Before this is all done, we have to deal with the other sections of the bill, like the housing sections of the bill, for example. That, of course, is not with you; you are just trying to get the part that is with you so that the deadline would be reached.

But my city is typical. Twenty to 40 women come to court every year, we have 48 emergency beds, a thousand women in motels. The major reason that these women say, no, I love him, that is why I am staying with him, is that they do not have anyplace to go. In fact, what you have is women facing homelessness or staying with an abuser. So before this process is all over, I hope we will bear in mind that the other sections of this bill that cannot be before us now are part and parcel of all we are trying to do here.

I salute the Committee on the Judiciary, the chairman and the ranking member, for doing all they could at this point; and let us get to work on the rest of the bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentlewoman from California (Ms. SOLIS), the head of the Women's Caucus.

Ms. SOLIS. Mr. Chairman, I rise today to address the reauthorization of the Violence Against Women Act.

While I am supportive of the underlying bill, the manager's amendment that we will soon consider creates a serious problem for women of color who are victims of domestic violence. The manager's amendment will weaken the definition of "underserved communities," so that groups that work specifically to help women of color who

are victims of domestic violence would continue to be ignored by the grants process through the Department of Justice.

After all the bipartisan work that we have done throughout the years to work on this to reach a balanced approach, just this morning we heard that the Republican leadership was shortchanging the women of color and were taking out this very key language.

When considering VAWA, we must recognize the conflicts and problems facing women of color, particularly immigrant women, who are victims of domestic violence. Women of color are less likely to report incidents of domestic violence, which means that studies of domestic violence among communities of color do not reflect the reality of these women's lives. Women of color who are victims of violence are at even greater risk when their spouses control their immigration status.

Women of color also face institutional barriers to reporting abuse and seeking help, partly because they do not have access to individuals who understand their language. It is important to have translators available. It is important to have outreach literature available to them in their native language.

By addressing domestic violence in these communities in a way that understands their culture and honors their values, we greatly increase the chances of making a difference for women of color who are being abused. It is my hope that the reauthorization of the Violence Against Women Act is comprehensive and meets the needs of all women.

Mr. Chairman, I urge my colleagues to oppose the manager's amendment and to join those national domestic violence groups in opposing the manager's amendment: the National Network to End Domestic Violence, Family Violence Prevention Fund, National Coalition to End Domestic Violence, Sisters of Color Ending Sexual Assault, Legal Momentum, and lastly, the NAACP.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I deeply regret a minor change that was made to ensure that the money for underserved communities is not tied up in litigation is being turned into a partisan issue. There is no malevolent thought on the part of the majority to do so.

Now, let me say that the language in the base bill presumes that racial and ethnic minorities are underserved. That was the presumption for which there are no congressional findings. And because grant language is construed with strict scrutiny by the courts, setting up a preference based on racial and ethnic minorities is going to end up at minimum tying up the money that the people on the other side of the aisle who are complaining about the manager's amendment want to get into society to help solve these problems.

Now, the manager's amendment ensures that attention is paid to whatever community is underserved, not simply assuming that a community is underserved, even though there is no evidence on the table to back up that assumption.

Now, the manager's amendment uses the words ''underserved racial and ethnic populations,'' together with other types of underserved populations. So the words ''underserved,'' ''racial,'' and ''ethnic populations'' is contained in the manager's amendment. I think this is a small price to pay to prevent the money that is to be sent out in grants under this section of the Violence Against Women Act to be tied up for weeks and months and years.

Mr. Chairman, the time has come to recognize that there is a legal problem in this, rather than making political points.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the reauthorization of the Violence Against Women Act. The Violence Against Women Act has been instrumental in protecting women from domestic violence, sexual assault, dating violence, and stalking. Domestic violence often has devastating consequences for women, their families and society as a whole.

The Violence Against Women Act Reauthorization provides essential grants including educational programs for the prevention of domestic violence in schools, battered women's shelters, a national domestic violence hotline, grants to improve law enforcement and prosecution of violent crimes against women, among others. It also provides much needed services for the protection of children from maltreatment, sexual assault, and domestic violence.

I believe it is important to provide preventative domestic violence programs as well as help those who have been affected by domestic violence with programs that can help them recover and protect them in the future. Many of the domestic violence programs that we have today would not be able to continue without the reauthorization of the Violence Against Women Act. I urge all my colleagues to support this important piece of legislation and allow these much needed programs and services to continue so that we may continue to work to stop domestic violence.

Mrs. MALONEY. Mr. Chairman, earlier today, during debate on the rule for this bill, the gentleman from Georgia who was managing the floor for the majority stated that my amendments to this bill were not germane.

I would like the RECORD to show that the Parliamentarian has advised me that both amendments are in fact germane.

Just to be clear, the rules committee did not reject this amendment because it was not germane—it certainly is— They rejected it, I believe, because they were simply trying to shield Members of Congress from having to go on the record against offering information to rape victims that could help prevent pregnancy or abortion.

Again, please let the RECORD show that my amendments were germane.

Mr. RUPPERSBERGER. Mr. Chairman, I stand in support of H.R. 3402, the reauthorization of the Department of Justice. I applaud the authors of the Violence Against Women Act for addressing the far reaching problems associated with domestic abuse. I urge my colleagues to join with me in support of this legislation.

Domestic violence is a tragedy. It affects far too many women all over America.

Earlier this year, a body was found in my district in Cherry Hill that was thought to be the body of a woman who had been reported missing. She had left for her job in Towson that morning but never arrived at work. She had not made contact with friends or relatives, and after her boyfriend led police to the body it was decided to keep him in custody. This kind of tragedy needs to stop.

There is no profile for being a battered woman. Any woman is at risk of being abused. The highest risk factor is simply being born a woman.

Victims may experience many different forms of abuse. They include physical harm as well as mental dangers that are just as damaging. Both physical and mental abuse destroy self-esteem and independence and cause damage which cannot be undone. Many women lack the courage or ability to leave abusive relationships and even more frightening is that abuses nearly always escalate in frequency and degree over time.

Children witnessing domestic abuse also suffer. Children who live in an abusive home may become withdrawn, anxious, depressed, confused and angry. They also are at risk for learning dangerous behavior and continuing in an abusive cycle.

The Violence Against Women Act was originally passed in 1994. It made huge progress in the way domestic violence was viewed. Since 1994 the VAWA has provided resources and protections for victims of domestic violence and sexual assault. The VAWA has saved lives and helped millions of victims find safety, security and self-sufficiency.

The VAWA was reauthorized in 2000. Since that time over $14 billion dollars in social costs, prevented medical and mental health care and enforcement costs have been saved.

The VAWA provides practical solutions for criminal justice and legal systems. It develops standards for protecting the confidentiality of victims, and allows for the enforcement of protective orders across state lines.

We must take this critical step in preventing and addressing abuse. We must solve the problem of domestic violence. I fully support the reauthorization of the Violence Against Women Act.

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 3402 which reauthorizes the Violence Against Women Act. Domestic violence is an issue throughout our Nation and in my district. Federal funding of the Violence Against Women Act has helped decrease domestic violence on Guam, and the reauthorization of these programs will ensure that the progress we have achieved in reducing domestic violence will continue. In reauthorizing this Act, Congress sends the message that domestic violence will not be tolerated and we stand with women on this issue.

Statistics show that in 2001 alone, more than half a million women were victims of nonfatal violence by a partner. But these women were more than statistics—they were someone's mother, daughter, sister, or friend. Their voices have been heard and that is why

I support H.R. 3402 and the reauthorization of the Violence Against Women Act.

Mr. GOODLATTE. Mr. Chairman, I rise in support of H.R. 3402, the Department of Justice Appropriations Authorization Act, which contains an amendment that I proposed during the consideration of the bill by the House Judiciary Committee to address the rising threat of Organized Retail Theft, ORT.

ORT poses a serious threat to our Nation's consumers and businesses. It is estimated that professional organized retail theft rings are responsible for pilfering up to $30 billion in merchandise from retail stores annually.

Organized retail theft groups typically target everyday household commodities and consumer items that can be easily sold through fencing operations, flea markets, swap meets and shady store-front operations. Items that are routinely stolen include over-the-counter drug products, such as analgesics and cold medications, razor blades, camera film, batteries, videos, DVDs, CDs, smoking cessation products, infant formula and computer software items. Thieves often travel from retail store to retail store, and from state to state, stealing relatively small amounts of goods from each store, but cumulatively stealing significant amounts of goods. Once stolen, these products can be sold back to fencing operations, which can dilute, alter and repackage the goods and then resell them, sometimes back to the same stores from which the products were originally stolen.

When a product does not travel through the authorized channels of distribution, there is an increased risk that the product has been altered, diluted, reproduced and/or repackaged. These so-called ''diverted products'' pose significant health risks to the public, especially the diverted medications and food products. Diverted products also cause considerable financial losses for legitimate manufacturers and retailers. Ultimately, the consumers bear the brunt of these losses as retail establishments are forced to raise prices to cover the additional costs of security and theft prevention measures.

At the State level, organized retail theft crimes are normally prosecuted under state shoplifting statutes as mere misdemeanors. As a result, the thieves that participate in organized retail theft rings typically receive the same punishment as common shoplifters. The thieves who are convicted usually see very limited jail time or are placed on probation. I believe that the punishment does not fit the crime in these situations. Mere slaps on the wrists of these criminals has practically no deterrent effect. In addition, criminals who are involved in organized retail theft rings pose greater risks to the public because their intent is for the goods to be resold. Because the routes of these diverted products are extremely difficult to trace, there is a greater risk that these goods will be faulty, outdated and dangerous for consumer use. The punishment for these interstate crimes should be greater than that for common shoplifters.

In December 2003, in response to growth of ORT crimes, the FBI established an organized retail theft initiative. While this is a good start, much work needs to be done to combat this problem.

The amendment incorporated into H.R. 3402 will earmark resources for DOJ to address ORT crimes to ensure that these crimes receive the appropriate attention. Specifically, this amendment creates a Federal definition of organized retail theft crimes, and authorizes $5 million for each of the next three fiscal years for educating and training Federal law enforcement regarding these crimes, as well as for investigating, apprehending and prosecuting individuals engaged in these crimes. In addition, this amendment directs the FBI to consult with the private sector in order to construct a database, housed in the private sector, where retail establishments, as well as Federal, State, and local law enforcement can compile evidence on specific organized retail theft crimes to aid investigations and prosecutions. Often, a lack of information about the interstate nature of these crimes prevents federal law enforcement from getting involved in these cases. This database will help put the pieces together to show the organized and multi-state nature of these crimes, as well as provide important evidence for prosecutions.

I want to thank Chairman SENSENBRENNER for his willingness to address organized retail theft crimes in this important authorizing legislation, and I look forward to continuing to work to combat these serious crimes.

Mr. SHAYS. Mr. Chairman, I rise it support of H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009, particularly the sections which re-authorizes portions of the Violence Against Women Act that are under the jurisdiction of the House Judiciary Committee.

I am a long-time supporter of programs authorized by the Violence Against Women Act. I believe Congress must proactively work to combat crimes against women including domestic violence, rape and other sex crimes.

In 1994, I voted for the Violent Crime Control and Law Enforcement Act, which incorporated VAWA. This legislation established a number of grant programs designed to aid law enforcement officers and prosecutors, encourage arrest policies, stem domestic violence and child abuse, and establish training programs for victim advocates and counselors.

I am deeply concerned about the scourge of domestic violence and other crimes against women, and recognize the need for support services and tough prosecution guidelines. Each year, approximately 2 million women are physically or sexually assaulted or stalked by an intimate partner in the United States. Perpetrators of these reprehensible crimes must be punished, and victims must have the services available to help transition to a normal life.

Passing H.R. 3402 will ensure the development and continuation of programs that work to prevent violence and assist survivors and their families regain their safety and self-sufficiency. I strongly support these programs and encourage my colleagues to support the bill.

Mr. WEINER. Mr. Chairman, I rise today to thank the bipartisan leadership of the Judiciary Committee for its hard work shepherding through this powerful reauthorization of Department of Justice activities, a bill that I strongly support. The bill authorizes a total of $95 billion, including $24.4 billion for the FBI, $7.25 billion for the Drug Enforcement Administration, and $6.85 billion for U.S. Attorneys. It is a true victory that the committee leadership included reauthorization of the landmark Violence Against Women Act in this bill. It is essential that Congress stands strong and protects victims of domestic violence and other crimes against women. The bill's new $15 million a year grant program will help colleges and universities prevent dating violence, sexual assault and stalking on campuses.

Mr. Chairman, as this bill moves to conference, I want to highlight two provisions that was included in the original text of H.R. 3402 at my request. Section 321 will close loopholes that have allowed those impersonating police officers to evade conviction, while section 253 reauthorizes the Community Oriented Policing Services grant program, and makes it easier for local police departments to apply for and win grants by consolidating it into a single grant program. Whereas cities used to submit different application for hiring, and one for overtime and one for technology and one for training—this language allows them to only have to submit one application.

Section 321, language inserted in the original bill at my request and based upon the Badge Security Enhancement Act of 2003, amends criminal prohibitions on the use of a false badge to close loopholes used by many to evade prosecution and conviction. No longer will criminals be able to claim that they badges the use to impersonate police officers are just souvenirs or collectors items. Instead, my language amends the criminal code so that the only acceptable defense for possessing a counterfeit police badge is for use in a dramatic production or for a legitimate law enforcement purpose. There are countless website where one can purchase a very convincing NYPD police badge and then use it to commit a crime. It is common sense that we close these loopholes in order to protect the public and our law enforcement personnel. Also, language offered by Mrs. SLAUGHTER expands the criminal ban on counterfeit police badges to also include the misuse of uniforms, identification, and all other insignia of all public officials, but maintains my language that limits acceptable defenses in the case of counterfeit badges.

Mr. Chairman, I consider reauthorization of the COPS program to be a singular triumph of this bill. By reauthorizing the program at $1.05 billion a year for 4 years, we are providing a valuable resource to local law enforcement as they fight crime and protect the homeland from terrorist threats. Throughout its history, the COPS program has put more than 118,000 cops on the beat in more than 12,000 communities, and added 7,407 officers to the force in New York City. This is the ultimate democratic program, with a small ''d,'' as it benefits small towns and big cities alike throughout our country. The reauthorization amount in the bill will pay for an estimated 13,000 new cops on the beat nationally each year, and 3,640 NYFD officers over the length of this authorization.

The reauthorization will also allow Federal funds for the first time to flow to hiring officers to perform intelligence, anti-terror and homeland security duties. These are federal responsibilities and this language will help special terrorism units throughout the country, such as those at the NYFD and the LAPD.

I have also worked with Mr. ROTHMAN to ensure that $30 million a year of the COPS reauthorization goes to the Secure our Schools Program to make grants for school security, including installing metal detectors, personnel and student training, and coordination with local law enforcement.

Authorities across the country agree that COPS works. A GAG report issued this summer that found a 13 percent drop in violent

crime because of COPS. Former Attorney General Ashcroft once said of COPS in June 2003 that, ''Let me just say that I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional people, feet on the street, that crime could be affected and that people would be safer and more secure. We believe that the COPS program demonstrated that conclusively.''

I would like to thank advocates both in this House and in the law enforcement community who have stood with me and fought for COPS reauthorization. The COPS program is endorsed by the Fraternal Order of Police, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Association of Police Organizations, National Sheriffs' Association, U.S. Conference of Mayors. The PROTECTION Act, offered to reauthorize COPS for 6 years in 2004 had 224 cosponsors. I would like to thank Ms. LINDA SÁNCHEZ and Mr. KELLER for their support, and commend our committee's leaders, Mr. CONYERS and Chairman SENSENBRENNER for agreeing to include COPS reauthorization in this very important piece of legislation.

In particular, I would like to thank both the Democratic and Republican staff of the Judiciary Committee, both of whom worked tirelessly on this piece of legislation, and who deserve the entire House's thanks. I would like to extend my gratitude to Sampak Garg, Perry Apelbaum and Ted Kalo of Mr. CONYERS' staff and Beth Sokul, Katy Crooks, Sean McLaughlin and Michael Volkov of Mr. SENSENBRENNER's staff, who all worked with me on these important provisions in the bill.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the reauthorization of the Violence Against Women Act (VAWA) that is a part of today's Department of Justice Authorization Act. Enacted in 1994, this law provides access to programs and services for many victims of domestic violence, sexual assault, dating violence, and stalking. Since VAWA was first passed, domestic violence has decreased by almost 50 percent and incidents of rape have decreased by 60 percent More than one million women have used the judicial system to obtain domestic violence protective orders.

During my time as a former King County Prosecutor I saw how VAWA successfully helped many people. The criminal justice system was improved by training police and prosecutors to respond more effectively to incidences of domestic violence or sexual assaults. The Act also provided legal aid so victims may seek justice to their crimes. It provided the tools in order to protect the victims and provide them with the services they need to escape this horrible situation.

But there is still more work to be done. Each year, 960,000 incidents of violence are reported in which the offender has acted against a current or former spouse, boyfriend or girlfriend. It is unacceptable that women are still being abused. It is unacceptable that high school students are sexually harassed. It is unacceptable that these victims face the fear and embarrassment of telling others about their situation.

Unfortunately, some victims are faced with the situation where their abuser is a law enforcement officer. I recognize that law enforcement officers are faced with many complex situations and a great deal of work-related stress. I recognize that law enforcement officers are faced with complex situations on a day to day basis while trying to make our communities safer. However, these situations can push many to their limits and cause hardships in their jobs and personal lives.

I would like to bring to your attention the case of Crystal Judson. On April 26, 2003, Tacoma Police Chief David Brame shot his wife, Crystal Judson Brame, before he killed himself in a parking lot in Gig Harbor, a community near my district. Their two young children, ages 8 and 5, sat nearby in their father's car. Crystal had been the victim of abuse for many years prior to this incident, but she was unable to obtain help for herself and her children in part because she lacked the tools and resources she needed.

Unfortunately, there was no policy in place for the City of Tacoma or the Tacoma Police to address this issue.

In response to this incident, the Washington State Legislature passed a law in 2004 establishing standards for law enforcement agencies within the state to prevent and punish future incidents of domestic violence committed by law enforcement officers. I am pleased to see law enforcement agencies taking this matter seriously and implementing policies that help them address these situations.

I am disappointed that I—along with several of my colleagues from Washington State—were not able to offer two amendments that sought to address this issue. The first amendment would have simply clarified that Services, Training, Officers, and Prosecution (STOP) program grants were available to law enforcement agencies to develop policies to address law enforcement officer domestic abuse. STOP grants promotes a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women by encouraging the development and strengthening of effective law enforcement and prosecution strategies to address violent crimes against women and the development and strengthening of victim services in cases involving violent crimes against women.

The second amendment would initiate a study conducted by the Department of Justice to investigate the incidence of domestic violence involving law enforcement officers. Little research has been done on this specific issue in over a decade. A study conducted by the Justice Department could provide policymakers with critical facts and information as we seek to undertake a federal effort to address the issue. While I am pleased that Chairman SENSENBRENNER agreed to conduct a GAO Report on law enforcement-officer-involved domestic violence, I hope this study will be conducted in a speedy manner to ensure other victims like Crystal Brame are not left without a voice.

I am committed to working with my colleagues to ensure ample funding for VAWA and STOP grants. I look forward to supporting the Chairman in his request and look forward to the results so we can do more to assist victims of domestic abuse.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong support of the provisions contained in the Justice Department authorization bill that relate to the Violence Against Women Act. It is fitting that we are considering this measure today, as yesterday this body passed H. Con. Res. 209, which will designate October as National Domestic Violence Awareness Month.

The Violence Against Women Act was first authorized in 1994. Since that time, the rate of family violence has dropped from 5.4 to 2.1 victims per 1,000 U.S. residents over the age of 12. These provisions expand upon the many successes of the Violence Against Women Act since its inception. They will enhance the civil and criminal response to violence against women, will improve services and outreach to victims, and will provide additional resources for sexual assault victims through rape crisis centers and State coalitions.

I am also pleased that provisions in this Act will address the needs of victims from communities of color, and which aid immigrant and tribal victims have been strengthened. However, I am concerned that the manager's amendment will strike the phrase ''ethnic and racial'' from several sections in the bill, which will have the effect of specific racial and ethnic communities not having their specific concerns addressed.

This amendment should be rejected, thereby helping to ensure that racial and ethnic minority women will have their safety needs met through culturally-appropriate services.

By leaving the language as it stands, the Violence Against Women Act will ensure that racial and ethnic minority women will have their safety needs met through culturally appropriate services.

Rejecting the amendment also will ensure that culturally specific, community-based organizations will have the opportunity to access Federal funds that address domestic violence, sexual violence and other social ills.

Two years ago, I was pleased to support a Federal earmark for Communities Against Domestic Violence, a worthwhile organization in Northern Virginia which provides public awareness and education programs designed to discourage domestic violence in the Hispanic, Vietnamese and Korean communities.

Finally, I would like to pay tribute to my constituents from the local offices on Women in the city of Alexandria and Fairfax County, Arlington County's Domestic Violence Services and Violence Intervention Program and the numerous non-profit organizations which work to address domestic violence issues and break this devastating and destructive cycle of violence.

I urge all my colleagues to oppose the manager's amendment, and to support the reauthorization of the Violence Against Women Act.

Mr. NADLER. Mr. Chairman, this is a good bill. Particularly, I am a strong supporter of the section renewing the Violence Against Women Act, and a new program I've worked on, the Jessica Gonzales Victim Assistance Program, to better enforce protective orders. Today, together, we are making a big leap forward in protecting women who are victims.

For many years domestic violence has been viewed as a woman's problem, but that is not the case. Domestic violence is a woman's problem, a man's problem, the community's problem. The time is long overdue for men to take a stand and say that domestic violence is unacceptable.

On June 27, in Castle Rock v. Gonzales, the Supreme Court held that the police did not have a mandatory duty to make an arrest under a court-issued protective order to protect a woman from a violent husband. The ruling ended a lawsuit by a Colorado woman

who claimed the police did not do enough to prevent her violent husband from killing their 3 young daughters. The ruling said Jessica Gonzales did not have a constitutional right to police enforcement of the protective court order against her husband.

The heartbreaking details of this case show the desperate need for legislation. That's why I have drafted the Jessica Gonzales Victim Assistance Program, which will restore some of the effectiveness of protective orders.

The Jessica Gonzales Victim Assistance Program would place special victim assistants in local law enforcement agencies to serve as liaisons between the agencies and victims of domestic violence, dating violence, sexual assault, and stalking in order to improve the enforcement of protection orders.

I support the underlying bill and the renewal of the Violence Against Women Act.

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 3402, a measure that reauthorizes most Justice Department programs through FY 2009, with some extended through FY 2010. I support this measure because it provides crucial funding for Justice Department programs. The bill authorizes $95 billion through FY 2010, including $5.8 billion for the FBI in FY 2006, and $5 billion for Federal prisons.

I am especially glad to see that this bill reauthorizes programs funded under the Violence Against Women Act (VAWA) which is designed to combat crimes often targeted toward women, such as stalking, domestic violence, and sexual assault. During the past decade, VAWA of 1994 and 2000 have provided tremendous protections and support for victims of domestic violence, stalking, and sexual assault. VAWA funding has provided law enforcement agencies, the judicial system, rape crisis centers, and domestic violence shelters with the expertise and services they need to do the work of prevention and protection of those affected by violence. The reauthorization of VAWA will allow us to continue to fund crucial and successful programs and expand on 10 years of progress to further provide safety and stability for survivors of gender-based violence.

I am disappointed that late last night, Judiciary Majority staff submitted a manager's amendment which strikes ''racial and ethnic minorities'' from the definition of underserved populations in the STOP grants section of VAWA. STOP grants are the heart of VAWA funding. Without this language, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence will continue to be shortchanged. This language change is a major flaw in the Manager's Amendment and I oppose the amendment.

H.R. 3402 also merges the Byrne Grant Program and the Local Law Enforcement Block Grant program, and renames it the Edward Byrne Memorial Justice Assistance Grant Program. It authorizes $1.1 billion for this program in FY 2006 and such sums as are necessary for fiscal years 2007 through 2009. Finally, the bill re-organizes the Community Oriented Policing Services (COPS) program by consolidating all the different grant programs into a single block grant program. The bill authorizes $1 billion in each of fiscal years 2006 through 2009 for this important crime fighting program.

Mr. Chairman, this is a very good bill overall and I am glad to see Republicans working with Democrats on such an important measure.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in support of several important programs that will be reauthorized in H.R. 3402, The Department of Justice Authorization Act. The two programs that I'd like to highlight are the Community Oriented Policing Services (COPS) program and the State Criminal Alien Assistance Program (SCAAP). Both COPS and SCAAP provide critical resources that help local law enforcement do their job.

The COPS program consists of Federal grants to provide assistance to eligible police departments to help improve community policing efforts and law enforcement support activities including: hiring or rehiring police officers, purchasing equipment; paying overtime; and building support systems.

The COPS program has long had bipartisan support in Congress, even in the face of repeated proposed budget cuts from this Administration. Despite these budget proposals Congress worked in a bipartisan way to appropriate funding for the COPS program and ensure that our local law enforcement agencies continued to receive these valuable grants. I hope that the formal reauthorization of the COPS program through H.R. 3402 clarifies the Congressional recognition of the significance of the COPS programs to local law enforcement, and the importance of the COPS program now and in the future.

The SCAAP reimburses states and localities for the cost of detaining criminal aliens. These funds are critical for local law enforcement agencies; especially those in border states like California, that routinely cover the cost of incarcerating undocumented criminal aliens. Between FY2001 and FY2005, SCAAP funding decreased by $265 million. This is unacceptable and places a significant burden on cash-strapped States that desperately need reimbursement.

I supported the Kolbe/Dreier/Lewis amendment to increase the authorized funding for SCAAP to $750 million for FY06, $850 million for FY07, and $950 million for FY08–11. I am pleased that this amendment was accepted as it will provide much needed funds to the states and improve their ability to work with the Federal government on border security and immigration issues.

Ms. PELOSI. Mr. Chairman, for 10 years, the Violence Against Women Act (VAWA) has strengthened communities and provided critical, life-saving support to victims of violence. VAWA has meant that no victim of violence has to suffer in silence. This legislation has been a tremendous success in addressing an appalling problem: since VAWA was enacted in 1994, states have passed more than 660 laws to combat domestic violence, dating violence, sexual assault and stalking. The National Domestic Violence Hotline has answered more than 1 million calls. VAWA has strengthened communities across the country and saved countless lives. But we can and must do more.

Women should feel safe whether in public or private: In their workplace, in their homes, and walking on the street. Yet many women continue to live in fear. One in three American women report being physically or sexually abused by a partner at some point in their lives, and more than three women are murdered by their husbands or boyfriends in this country every day. We cannot tolerate the violence, abuse, and sexual assault that pervade our communities. As a nation, we must fight this epidemic in every way possible.

Today, the House reauthorized VAWA, making dramatic improvements to the existing law by establishing new rape crisis centers and increasing grants for community organizations that work to prevent and eliminate domestic violence. The reauthorization of VAWA is a critical step and a national commitment to keep future generations of women and children safe.

Unfortunately, the spirit of VAWA came under attack today by the House Republicans. Judiciary Committee Chairman SENSENBRENNER offered an amendment that eliminated carefully crafted provisions of the bipartisan bill that recognized that racial and ethnic minorities face unique challenges in reporting and getting help for domestic violence, sexual assault, trafficking and stalking. With this change, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence and sexual assault will continue to be shortchanged.

VAWA is one of the crowning achievements of the Congressional Caucus on Women's Issues and a truly bipartisan success. I urge the Senate to reject the Sensenbrenner amendment and return the bill to its original, bipartisan version.

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

The CHAIRMAN. All time for general debate has expired.

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KING of Iowa) having assumed the chair, Mr. LAHOOD, 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. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1604

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOEHNER) at 4 o'clock and 4 minutes p.m.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore. Pursuant to House Resolution 462 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3402.

□ 1605

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 further consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the committee 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 committee amendment in the nature of a substitute is as follows:

H.R. 3402

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 ''Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations for fiscal year 2006.
Sec. 102. Authorization of appropriations for fiscal year 2007.
Sec. 103. Authorization of appropriations for fiscal year 2008.
Sec. 104. Authorization of appropriations for fiscal year 2009.
Sec. 105. Organized retail theft.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.
Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
Sec. 203. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
Sec. 204. Clarification of uses for regional information sharing system grants.
Sec. 205. Integrity and enhancement of national criminal record databases.
Sec. 206. Extension of matching grant program for law enforcement armor vests.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

Sec. 211. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime

Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.
Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.
Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.
Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
Sec. 225. Change of certain reports from annual to biennial.

Subtitle D—Preventing Crime

Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.
Sec. 232. Changes to distribution and allocation of grants for drug courts.
Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.
Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.

Subtitle E—Other Matters

Sec. 241. Changes to certain financial authorities.
Sec. 242. Coordination duties of Assistant Attorney General.
Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.
Sec. 244. Repeal of certain programs.
Sec. 245. Elimination of certain notice and hearing requirements.
Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
Sec. 248. Office of Audit, Assessment, and Management.
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TITLE III—MISCELLANEOUS PROVISIONS

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Sec. 306. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
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TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

Sec. 401. Short title.
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Sec. 509. Preventing cyberstalking.
Sec. 510. Repeat offender provision.
Sec. 511. Prohibiting dating violence.
Sec. 512. GAO study and report.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 601. Technical amendment to Violence Against Women Act.
Sec. 602. Sexual assault services program.
Sec. 603. Amendments to the rural domestic violence and child abuse enforcement assistance program.
Sec. 604. Assistance for victims of abuse.
Sec. 605. GAO study of National Domestic Violence Hotline.
Sec. 606. Grants for outreach to underserved populations.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 701. Services and justice for young victims of violence.
Sec. 702. Grants to combat violent crimes on campuses.
Sec. 703. Safe havens.
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TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

Sec. 801. Preventing violence in the home.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

Sec. 900. Short title; references to VAWA–2000; regulations.

Subtitle A—Victims of Crime

Sec. 901. Conditions applicable to U and T visas.

Sec. 902. Clarification of basis for relief under hardship waivers for conditional permanent residence.
Sec. 903. Adjustment of status for victims of trafficking.

Subtitle B—VAWA Petitioners

Sec. 911. Definition of VAWA petitioner.
Sec. 912. Self-petitioning for children.
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Sec. 916. Access to VAWA protection regardless of manner of entry.
Sec. 917. Eliminating abusers' control over applications for adjustments of status.
Sec. 918. Parole for VAWA petitioners and for derivatives of trafficking victims.
Sec. 919. Exemption of victims of domestic violence, sexual assault and trafficking from sanctions for failure to depart voluntarily.
Sec. 920. Clarification of access to naturalization for victims of domestic violence.
Sec. 921. Prohibition of adverse determinations of admissibility or deportability based on protected information.
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Sec. 931. Removing 2 year custody and residency requirement for battered adopted children.
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Sec. 935. Cancellation of removal.
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Sec. 938. Conforming relief in suspension of deportation parallel to the relief available in VAWA–2000 cancellation for bigamy.
Sec. 939. Correction of cross-reference to credible evidence provisions.
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TITLE X—SAFETY ON TRIBAL LANDS

Sec. 1001. Purposes.
Sec. 1002. Consultation.
Sec. 1003. Analysis and research on violence on tribal lands.
Sec. 1004. Tracking of violence on tribal lands.
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Sec. 1006. GAO report to Congress on status of prosecution of sexual assault and domestic violence on tribal lands.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.— For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,934,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,480,608,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United Sates. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement

regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, ''organized retail theft'' means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

"Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program";

(B) by amending section 500 to read as follows:

"SEC. 500. NAME OF PROGRAM.

''(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

''(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).''; and

(C) by inserting after section 500 the following new sections:

"SEC. 501. DESCRIPTION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

''(A) Law enforcement programs.

''(B) Prosecution and court programs.

''(C) Prevention and education programs.

''(D) Corrections and community corrections programs.

''(E) Drug treatment and enforcement programs.

''(F) Planning, evaluation, and technology improvement programs.

''(G) Crime victim and witness programs (other than compensation).

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

''(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

''(1) neighborhood or community-based organizations that are private and nonprofit;

''(2) units of local government; or

''(3) tribal governments.

''(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

''(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

''(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

''(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

''(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

''(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

''(A) vehicles, vessels, or aircraft;

''(B) luxury items;

''(C) real estate;

''(D) construction projects (other than penal or correctional institutions); or

''(E) any similar matters.

''(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

''(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

''(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

"SEC. 502. APPLICATIONS.

''To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

''(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

''(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

''(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

''(A) the application (or amendment) was made public; and

''(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

''(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

''(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

''(A) the programs to be funded by the grant meet all the requirements of this subpart;

''(B) all the information contained in the application is correct;

''(C) there has been appropriate coordination with affected agencies; and

''(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

"SEC. 503. REVIEW OF APPLICATIONS.

''The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

"SEC. 504. RULES.

''The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

"SEC. 505. FORMULA.

''(a) ALLOCATION AMONG STATES.—

''(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

''(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the total population of a State to—

''(ii) the total population of the United States; and

''(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

''(ii) the average annual number of such crimes reported by all States for such years.

''(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a 'minimum allocation State'), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

''(A) allocate 0.25 percent of the total amount to each State; and

''(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

''(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

''(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

''(2) 40 percent shall be for grants to be allocated under subsection (d).

''(c) ALLOCATION FOR STATE GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

''(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

''(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

''(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

''(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

''(2) ALLOCATION.—

''(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

''(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

''(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

''(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

''(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

''(ii) but for this paragraph, the amount of funds allocated under this section to—

''(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

''(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

''(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

''(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

''(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

''(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

''(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

''(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

''(g) SPECIAL RULES FOR PUERTO RICO.—

''(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

''(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

''(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

''SEC. 506. RESERVED FUNDS.

''Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

''(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

''(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

''SEC. 507. INTEREST-BEARING TRUST FUNDS.

''(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

''(b) EXPENDITURES.—

''(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

''(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

''(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

''(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

''SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.''.

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking ''such as'' and all that follows through ''the M.O.R.E. program'' and inserting ''such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program''.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking ''pursuant to section 511 or 515'' and inserting ''pursuant to section 515'';

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking ''the program evaluations as required by section 501(c) of this part'' and inserting ''program evaluations'';

(ii) in subsection (a)(2), by striking ''evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part'' and inserting ''evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part''; and

(iii) in subsection (b)(2), by striking ''programs funded under section 506 (formula grants) and section 511 (discretionary grants)'' and inserting ''programs funded under section 505 (formula grants)'';

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''section 506'' and inserting ''section 505''; and

(ii) in subsection (a)(1), by striking ''an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503'' and inserting ''an assessment of the impact of such activities on meeting the purposes of subpart 1'';

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking ''the purposes of section 501 of this title'' and inserting ''the purposes of such subpart 1''; and

(ii) by striking ''the application submitted pursuant to section 503 of this title'' and inserting ''the application submitted pursuant to section 502 of this title'';

(E) in section 808 (42 U.S.C. 3789), by striking ''the State office described in section 507 or 1408'' and inserting ''the State office responsible for the trust fund required by section 507, or the State office described in section 1408,'';

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking ''for the purposes of section 506(a)'' and inserting ''for the purposes of section 505(a)'';

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking ''section 506(a)'' and inserting ''section 505(a)'';

(ii) in paragraph (2)—

(I) by striking ''section 503(a)'' and inserting ''section 502''; and

(II) by striking ''section 506'' and inserting ''section 505'';

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking ''The office designated under section 507 of title I'' and inserting ''The office responsible for the trust fund required by section 507'';

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking ''and reflects consideration of the statewide strategy under section 503(a)(1)''; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking ''The Office designated under section 507'' and inserting ''The office responsible for the trust fund required by section 507''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking ''more than 5 recipients'' and inserting ''more than 5 individuals, or groups of individuals, as recipients''.

SEC. 203. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking ''the Director of the Office of Justice Assistance'' and inserting ''the Assistant Attorney General for the Office of Justice Programs''.

SEC. 204. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting ''regional'' before ''information sharing systems'';

(2) by amending paragraph (3) to read as follows:

''(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;''; and

(3) by striking ''(5)'' at the end of paragraph (4).

SEC. 205. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: ''The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.'';

(2) by amending paragraph (19) of subsection (c) to read as follows:

''(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;''; and

(3) in subsection (d)—

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

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

(C) by adding at the end the following:

''(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.''.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking ''particular individual'' and inserting ''private person or public agency''.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking ''Except as provided by Federal law other than this title, no'' and inserting ''No''.

SEC. 206. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2007'' and inserting ''2009''.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

''SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

''(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

''SEC. 104. WEED AND SEED STRATEGIES.

''(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

''(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

''(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

''(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

''(B) community revitalization efforts, including enforcement of building codes and development of the economy.

''(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

''(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

''(A) in a voting capacity, representatives of—

''(i) appropriate law enforcement agencies; and

''(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

''(B) in a voting capacity, both—

''(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

''(ii) the United States Attorney for the District encompassing the community;

''(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

''(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

''(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

''(1) the United States Attorney for the District encompassing the community must certify to the Director that—

''(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

''(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

''(C) the steering committee is capable of implementing the strategy appropriately; and

''(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

''(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

''(1) a sustainable Weed and Seed strategy that includes—

''(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

''(B) a significant community-oriented policing component; and

''(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

''(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

''(e) GRANTS.—

''(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

''(2) USES.—For each grant under this subsection, the community receiving that grant—

''(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

''(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

''(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

''(A) for a period of more than 10 fiscal years;

''(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

''(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

''(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

''(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

''(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

''(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

''(B) The requirement of subparagraph (A)—

''(i) may be satisfied in cash or in kind; and

''(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

''(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.''.

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

Subtitle C—Assisting Victims of Crime

SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after ''Director'';

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

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

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

''(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraphs (1)(A) and (1)(C)''; and

(ii) by striking ''and'' at the end;

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

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

''(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).''.

SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: '', which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

''(A) attaches conditions inconsistent with applicable laws or regulations; or

''(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.''.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking ''expended'' and inserting ''obligated''.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking '', acting through the Director,'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.''.

SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF SPECIFIC PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after ''violent crimes against women'' the following: ''to develop and strengthen victim services in cases involving violent crimes against women''.

(b) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (a), by striking ''to States'' and all that follows through ''tribal governments'';

(2) in subsection (c)(3)(A), by striking ''police'' and inserting ''law enforcement''; and

(3) in subsection (d)—

(A) in the second sentence, by inserting after ''each application'' the following: ''submitted by a State''; and

(B) in the third sentence, by striking ''An application'' and inserting ''In addition, each application submitted by a State or tribal government''.

(c) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

SEC. 225. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than one month after the end of each even-numbered fiscal year,''.

Subtitle D—Preventing Crime

SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking ''an offense that'' and inserting ''a felony-level offense that''.

SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b).

(b) TECHNICAL ASSISTANCE AND TRAINING.—Such section is further amended by adding at the end the following new subsection:

''(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.''.

SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking ''offenders with substance abuse problems'' and inserting ''offenders, and other individuals under the jurisdiction of the court, with substance abuse problems''.

SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(1) directed at the substance abuse problems of the prisoners; and

''(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.''.

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking ''section 6503(d)'' and inserting ''sections 3335(b) or 6503(d)''; and

(2) by striking ''section 6503'' and inserting ''sections 3335(b) or 6503''.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking ''pursuant to section 501(a)'' and inserting ''pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)''.

(c) FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.—Section 530C(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(8) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.''.

(d) AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after ''the Bureau of Justice Statistics,'' the following: ''the Office for Victims of Crime,''.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting '', including placing special conditions on all grants, and determining priority purposes for formula grants'' before the period at the end.

SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking ''unless such requirement is terminated under'' and inserting ''for the time period specified in''.

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAMS.—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.—Part F (42 U.S.C. 3769–3769d).

(2) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA (42 U.S.C. 3797a–3797e).

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking ''(a)'' before ''Whenever,''.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking '', after reasonable notice and opportunity for a hearing,''; and

(B) by striking '', except as otherwise provided herein''.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking ''(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))''.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking ''program or project'' and inserting ''program, plan, or project''.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking ''which'' and inserting '', including faith-based, that''.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking ''and'' at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

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

''(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).''.

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after ''The Attorney General'' the following: ''or the Secretary of Homeland Security, as applicable,''; and

(2) in subsection (b)(1)—

(A) by striking ''the Immigration and Naturalization Service'' and inserting ''the Department of Homeland Security'';

(B) by striking ''shall not exceed the lesser of the amount'' and inserting ''shall be the amount billed, not to exceed the amount'';

(C) by striking ''items and services'' and all that follows through ''the Medicare program'' and inserting ''items and services under the Medicare program''; and

(D) by striking ''; or'' and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

''SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

''(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

''(1) The program under part Q of this title.

''(2) Any grant program carried out by the Office of Justice Programs.

''(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

''(c) PERFORMANCE AUDITS REQUIRED.—

''(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount

of money awarded under all such grant programs.

''(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

''(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

''(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

''(B) at the end of each year of the grant period, if the grant period is more than 1 year.

''(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

''(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

''(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

''SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

''(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

''(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

''(2) Providing information, training, and technical assistance.

''(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

''(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

''(5) Any other similar means.

''(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

''(d) BEST PRACTICES.—The Director shall—

''(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

''(2) incorporate those characteristics into the training provided under this section.

''(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

''SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

''(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

''(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

''(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

''SEC. 108. AVAILABILITY OF FUNDS.

''(a) PERIOD FOR AWARDING GRANT FUNDS.—

''(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

''(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

''(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

''(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

''(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

''(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 253. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking ''ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—'' and inserting ''USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—'';

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

''(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

''(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

''(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

''(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

''(B) security assessments;

''(C) security training of personnel and students;

''(D) coordination with local law enforcement; and

''(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;

''(5) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;''; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

''(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;'';

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking ''subsection (i)'' and inserting ''subsection (g)''; and

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

''(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

''(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

''(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

''(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.''.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking ''section 1701(d)'' and inserting ''section 1701(b)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking ''expended—'' and all that follows through ''2000'' and inserting ''expended $1,047,119,000 for each of fiscal years 2006 through 2009''; and

(2) in subparagraph (B)—

(A) by striking ''section 1701(f)'' and inserting ''section 1701(d)''; and

(B) by striking the third sentence.

SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

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

''(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;''; and

(3) in paragraph (4) by striking ''and'' and all that follows through the end and inserting a semicolon.

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting ''with respect'' before ''to any individual''.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

''(m) In any case in which the Bureau paid, before the date of the enactment of Public Law 107–196, any benefit under this part to an individual who—

''(1) before the enactment of that law was entitled to receive that benefit; and

''(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.''.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

''(4) if there is no surviving spouse or surviving child—

''(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

''(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or''.

SEC. 255. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking ''or'' at the end;

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

(3) by adding at the end the following:

''(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.''.

SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking ''2002 through 2005'' and inserting ''2006 through 2009''.

SEC. 257. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 258. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''; and

(2) in subsection (b)(1)(A)(ii) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking ''or'' at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking ''to be used to be used'' and inserting ''to be used''.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking ''sections'' and inserting ''section''.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking ''title 18'' and inserting ''title 28''.

(d) CAPITALIZATION CORRECTION.—Subsections (a) and (b) of section 2703 of title 18, United States Code, are each amended by striking ''CONTENTS OF WIRE OR ELECTRONIC'' and inserting ''CONTENTS OF WIRE OR ELECTRONIC''.

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

''3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.''.

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

SEC. 303. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 304. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentially, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 305. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 306. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 307. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting ''or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,'' after ''in a Federal prison,'':

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking ''one year'' and inserting ''five years''.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking ''six months'' and inserting ''two years'' in each of subsections (a)(4) and (b).

SEC. 308. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(a) of title 18, United States Code, is amended in each of paragraphs (1) and (2) by inserting ''or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General'' after ''an inmate of a prison''.

SEC. 309. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: ''In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.''.

SEC. 310. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

''(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;''; and

(2) striking clause (xliv) and inserting the following:

''(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);''.

SEC. 311. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking ''2 years'' and inserting ''3 years''.

SEC. 312. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3298. Trafficking-related offenses

''No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3298. Trafficking-related offenses.''.

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting '', or for ten years after the offense, whichever is longer'' after ''of the child''.

SEC. 313. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit ''center of excellence'' that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

SEC. 314. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $2,000,000 for each of fiscal years 2006 through 2009.

SEC. 315. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking ''2006'' and inserting ''2009''.

SEC. 316. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include reseach-based bullying and gang prevention programs;''.

SEC. 317. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

''Sec.

''599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.

''599B. Personnel management demonstration project.''.

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

''§ 599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives'';

and

(B) in subsection (b)(2), by inserting ''of section 1111 of the Homeland Security Act of 2002

(as enacted on the date of the enactment of such Act)'' after ''subsection (c)'',

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

''§ 599B. Personnel management demonstration project'',

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

''40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives ..... 599A''.

SEC. 318. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $20,000,000 for fiscal year 2006;

''(2) $20,000,000 for fiscal year 2007;

''(3) $20,000,000 for fiscal year 2008;

''(4) $20,000,000 for fiscal year 2009; and

''(5) $20,000,000 for fiscal year 2010.''.

SEC. 319. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $2,500,000 for fiscal year 2006.

(2) $3,000,000 for fiscal year 2007.

(3) $3,000,000 for fiscal year 2008.

(4) $3,000,000 for fiscal year 2009.

SEC. 320. SENSE OF CONGRESS RELATING TO ''GOOD TIME'' RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a ''good time'' release program for non-violent criminals in the Federal prison system.

SEC. 321. POLICE BADGES.

Section 716 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''is a genuine police badge and'' after ''that the badge''; and

(2) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that the badge is a counterfeit police badge and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''.

SEC. 322. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: ''Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.''.

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

SEC. 401. SHORT TITLE.

Titles IV through X of this Act may be cited as the ''Violence Against Women Reauthorization Act of 2005''.

SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before section 2001 (42 U.S.C. 3796gg) the following new sections:

''SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN ARE GENDER-NEUTRAL.

''In this part, and in any other Act of Congress, unless the context unequivocally requires otherwise, a provision authorizing or requiring the Department of Justice to make grants, or to carry out other activities, for assistance to victims of domestic violence, dating violence, stalking, sexual assault, or trafficking in persons, shall be construed to cover grants that provide assistance to female victims, male victims, or both.

''SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

''(a) IN GENERAL.—In this part, and in any violence against women provision, unless the context unequivocally requires otherwise, the following definitions apply:

''(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

''(2) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

''(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

''(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

''(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

''(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

''(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

''(4) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

''(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

''(B) court security personnel;

''(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

''(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

''(5) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or minor victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

''(6) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in an ongoing social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship based on a consideration of—

''(A) the length of the relationship;

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.

''(7) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in an ongoing social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) The length of the relationship.

''(ii) The type of relationship.

''(iii) The frequency of interaction between the persons involved in the relationship.

''(8) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 60 years of age or older that constitutes the willful—

''(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

''(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

''(9) INDIAN.—The term 'Indian' means a member of an Indian tribe.

''(10) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Assistance and Self-Determination Act of (25 U.S.C. 4101 et seq., as amended).

''(11) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(12) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

''(13) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

''(14) LEGAL ASSISTANCE.—The term 'legal assistance'—

''(A) includes assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in—

''(i) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

''(ii) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy, subject to subparagraph (B); and

''(B) does not include representation of a defendant in a criminal or juvenile proceeding.

''(15) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

''(16) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

''(17) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

''(18) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

''(19) RURAL AREA AND RURAL COMMUNITY.—The terms 'rural area' and 'rural community' mean—

''(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

''(B) any area or community, respectively, that is—

''(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

''(ii) located in a rural census tract.

''(20) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

''(21) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(22) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''(23) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

''(24) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

''(25) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

''(26) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic violence that is—

''(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

''(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

''(27) TRIBAL COALITION.—The term 'tribal coalition' means—

''(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or

''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

''(28) TRIBAL GOVERNMENT.—The term 'tribal government' means—

''(A) the governing body of an Indian tribe; or

''(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(29) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

''(A) the governing body of any Indian tribe;

''(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

''(C) any tribal nonprofit organization.

''(30) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

''(31) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

''(32) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

''(33) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work, or a demonstrated capacity to work effectively in collaboration with an organization with a documented history of effective work, concerning domestic violence, dating violence, sexual assault, or stalking.

''(34) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

''(b) VIOLENCE AGAINST WOMEN PROVISION.—In this section, the term 'violence against women provision' means any provision required by law to be carried out by or through the Violence Against Women Office.

"SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT PROGRAM CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

''(a) IN GENERAL.—In carrying out grants under this part, and in carrying out grants under any other violence against women grant program, the Director of the Violence Against Women Office shall ensure each of the following:

''(1) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking, and their families, each grantee and subgrantee shall reasonably protect the confidentiality and privacy of persons receiving services.

''(B) NONDISCLOSURE.—Subject to subparagraph (C), grantees and subgrantees shall not—

''(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

''(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate or is requested by a Member of Congress—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; and

''(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for investigation, prosecution, and enforcement purposes.

''(2) APPROVED ACTIVITIES.—In carrying out activities under the grant program, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(3) NON-SUPPLANTATION.—Any Federal funds received under the grant program shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities carried out under the grant.

''(4) USE OF FUNDS.—Funds authorized and appropriated under the grant program may be used only for the specific purposes described in the grant program and shall remain available until expended.

''(5) EVALUATION.—Grantees must collect data for use to evaluate the effectiveness of the program (or for use to carry out related research), pursuant to the requirements described in paragraph (1)(D).

''(6) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

''(7) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph shall not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

''(b) VIOLENCE AGAINST WOMEN GRANT PROGRAM.—In this section, the term 'violence against women grant program' means any grant program required by law to be carried out by or through the Violence Against Women Office.''.

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

SEC. 501. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(8)) is amended by striking ''$185,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$215,000,000 for each of fiscal years 2006 through 2010''.

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) by striking '', and specifically, for the purposes of—'' and inserting '', including collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking, and specifically only for the purposes of—'';

(2) in paragraph (5), by inserting after ''protection orders are granted,'' the following: ''supporting nonprofit nongovernmental victim services programs and tribal organizations in working with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking,'';

(3) in paragraph (10), by striking ''and'' after the semicolon; and

(4) by adding at the end the following:

''(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families; and

''(13) supporting the placement of special victim assistants (to be known as 'Jessica Gonzales Victim Assistants') in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

''(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

''(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

''(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

''(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.''.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: ''and describe how the State will address the needs of racial and ethnic minorities and other underserved populations''; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

''(D) recognize and meaningfully respond to the needs of racial and ethnic and other underserved populations and ensure that monies set aside to fund services and activities for racial and ethnic and other underserved populations are distributed equitably among those populations.''.

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by subsection (c), is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''5 percent'' and inserting ''10 percent'';

(B) in paragraph (2), by striking ''1/54'' and inserting ''1/56'';

(C) in paragraph (3), by striking ''and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54'' and inserting ''Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56'';

(D) in paragraph (4), by striking ''1/54'' and inserting ''1/56'';

(E) in paragraph (5), by striking ''and'' after the semicolon;

(F) in paragraph (6), by striking the period and inserting ''; and''; and

(G) by adding at the end:

''(7) such funds shall remain available until expended.'';

(2) in subsection (c)(3)(B), by inserting after ''victim services'' the following: '', of which at least 10 percent shall be distributed to culturally specific community-based organizations''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) a memorandum of understanding showing that tribal, territorial, State, or local prosecution, law enforcement, and court and victim service provider subgrantees have consulted with tribal, territorial, State, or local victim services programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.''.

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by this section, is further amended by adding at the end the following:

''(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

''(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence, sexual assault, stalking, and dating violence.

''(2) INDIAN TRAINING.—The Director of the Violence Against Women Office shall ensure that training, technical assistance, and data collection regarding violence against Indian women will be developed and provided by entities having expertise in tribal law and culture.

''(j) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—As a condition of receiving grant amounts under this part, the recipient shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal, or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.''.

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

''(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.''.

(g) POLYGRAPH TESTING PROHIBITION.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following new section:

''SEC. 2012. POLYGRAPH TESTING PROHIBITION.

''In order to be eligible for grants under this part, a State, Indian tribal government, or unit of local government must certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer, or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial or local law to submit to a polygraph examination or similar truth-telling device or method as a condition for proceeding with the investigation, charging or prosecution of such an offense. A victim's refusal to submit to the aforementioned shall not prevent the investigation, charging or prosecution of the pending case.''.

(h) NO MATCHING REQUIREMENT.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is further amended by adding at the end the following new section:

''SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN GRANTEES.

''No matching funds shall be required for a grant or subgrant made under this part, if made—

''(1) to a law enforcement agency having fewer than 20 officers;

''(2) to a victim service provider having an annual operating budget of less than $5,000,000; or

''(3) to any entity that the Attorney General determines has adequately demonstrated financial need.''.

SEC. 502. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking ''$65,000,000

for each of fiscal years 2001 through 2005.'' and inserting ''$65,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.''.

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence, dating violence, sexual assault, and stalking as serious violations'';

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after ''State'' the following: '', tribal, territorial,'';

(B) in paragraph (1), by striking ''mandatory arrest or'';

(C) in paragraph (2), by—

(i) inserting after ''educational programs,'' the following: ''protection order registries,''; and

(ii) striking ''domestic violence and dating violence.'' and inserting ''domestic violence, dating violence, sexual assault, and stalking. Such policies, educational programs, registries, and training shall incorporate confidentiality and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.'';

(D) in paragraph (3), by—

(i) striking ''domestic violence cases'' and inserting ''domestic violence, dating violence, sexual assault, and stalking cases''; and

(ii) striking ''groups'' and inserting ''teams'';

(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(F) in paragraph (6), by—

(i) striking ''other'' and inserting ''civil''; and

(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and

(G) by adding at the end the following:

''(9) To enhance and support the capacity of victims services programs to collaborate with and inform efforts by State and local jurisdictions and public officials and agencies to develop best practices and policies regarding arrest of domestic violence, dating violence, sexual assault, and stalking offenders and to strengthen protection order enforcement and to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(10) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

''(11) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, nongovernmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families.

''(12) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.'';

(3) in subsection (c)—

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

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that—

''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging or prosecution of such an offense; and

''(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, charging or prosecution of the offense.''; and

(4) by striking subsections (d) and (e) and inserting the following:

''(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: '', dating violence, sexual assault, or stalking''.

(d) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

''SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.

''Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence and dating violence.''.

SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

(B) inserting after ''effective aid to'' the following: ''adult, youth, and minor''; and

(C) striking ''domestic violence, dating violence, stalking, or sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, or stalking'';

(2) in subsection (c), by striking ''private nonprofit entities, Indian tribal governments,'' and inserting ''nonprofit, nongovernmental organizations, Indian tribal governments and tribal organizations, territorial organizations,'';

(3) in each of paragraphs (1), (2), and (3) of subsection (c), by striking ''victims of domestic violence, stalking, and sexual assault'' and inserting ''victims of domestic violence, dating violence, sexual assault, and stalking'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''domestic violence, dating violence, or sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, or stalking''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

''(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organizations and coalitions, as well as appropriate tribal, State, territorial, and local law enforcement officials of their work; and''; and

(5) in subsection (f)—

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

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $55,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by—

(I) striking ''5 percent'' and inserting ''10 percent'';

(II) striking ''programs'' and inserting ''tribal governments or tribal organizations'';

(III) inserting ''adult, youth, and minor'' after ''that assist''; and

(IV) striking ''domestic violence, dating violence, stalking, and sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, and stalking''; and

(ii) in subparagraph (B), by striking ''technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault'' and inserting ''technical assistance in civil and crime victim matters to adult, youth, and minor victims of sexual assault''.

SEC. 504. COURT TRAINING AND IMPROVEMENTS.

The Violence Against Women Act of 1994 is amended by adding after subtitle I (42 U.S.C. 14042) the following:

''Subtitle J—Violence Against Women Act Court Training and Improvements

''SEC. 41001. SHORT TITLE.

''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

''SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS.

''(a) PURPOSE.—The purpose of this section is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking to be used for the following purposes—

''(1) improved internal civil and criminal court functions, responses, practices, and procedures;

''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

''(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial and local law;

''(4) to enable courts or court-based or court-related programs to develop new or enhance current—

''(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services and linguistically and culturally specific services, or a court system dedicated to the adjudication of domestic violence cases);

''(B) community-based initiatives within the court system (such as court watch programs, victim advocates, or community-based supplementary services);

''(C) offender management, monitoring, and accountability programs;

''(D) safe and confidential information-storage and -sharing databases within and between court systems;

''(E) education and outreach programs (such as interpreters) to improve community access,

including enhanced access for racial and ethnic communities and racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968); and

''(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

''(5) to provide training, technical assistance, and data collection to tribal, Federal, State, territorial or local courts wishing to improve their practices and procedures or to develop new programs; and

''(6) to provide training for specialized service providers, such as interpreters.

''(b) GRANT REQUIREMENTS.—Grants awarded under this section shall be subject to the following conditions:

''(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

''(A) tribal, Federal, State, territorial or local courts or court-based programs, provided that the court's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue; and

''(B) national, tribal, State, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

''(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—

''(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

''(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

''(c) EVALUATION.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may evaluate the grants funded under this section.

''(2) TRIBAL GRANTEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2006 to 2010.

''(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

''SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CURRICULA.

''(a) NATIONAL CURRICULA.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

''(A) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(B) if the primary grantee does not have demonstrated expertise such issues, the curricula shall be developed by the primary grantee in partnership with an organization having such expertise.

''(b) TRIBAL CURRICULA.—

''(1) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

''(A) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

''(B) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 to 2010.

''(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this section.

''(3) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

''SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

''(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve youth victims of dating violence, domestic violence, sexual assault, and stalking between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault, and stalking.

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to enable entities to jointly carry out cross training and other collaborative initiatives that seek to carry out the purposes of this section. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 3 fiscal years.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that shall include—

''(A) a Tribal, State, Territorial or local juvenile, family, civil, criminal or other trial court with jurisdiction over domestic violence, dating violence, sexual assault or stalking cases (hereinafter referred to as 'courts'); and

''(B) a victim service provider that has experience in working on domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people.

''(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts to—

''(1) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determine relevant barriers to such services in a particular locality;

''(2) establish and enhance linkages and collaboration between courts, domestic violence or sexual assault service providers, and, where applicable, law enforcement agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault or stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the varying needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

''(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

''(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and assure necessary services dealing with the health and mental health of youth victims are available.

''(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with law enforcement agencies and religious and community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

''(f) DISTRIBUTION.—In awarding grants under this section—

''(1) not less than 10 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

''(2) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

''(3) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

''(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(g) REPORTS.—

''(1) REPORTS.—Each of the entities that are members of the applicant collaboration described in subsection (b)(3) and that receive a grant under this section shall jointly prepare and submit a report to the Attorney General every 18 months detailing the activities that the entities have undertaken under the grant and such additional information as the Attorney General

may require. Each such report shall contain information on—

''(A) the activities implemented by the recipients of the grants awarded under this section; and

''(B) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

''(i) the staffs of courts;

''(ii) domestic violence, dating violence, sexual assault, and stalking service providers; and

''(iii) law enforcement agencies and community organizations.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended—

(1) by striking ''State or Indian tribe'' each place it appears and inserting ''State, Indian tribe, or territory'';

(2) by striking ''State or tribal'' each place it appears and inserting ''State, tribal, or territorial''; and

(3) in subsection (a) by striking ''State or tribe'' and inserting ''State, Indian tribe, or territory''.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking ''and enforced as if it were'' and inserting ''and enforced by the court and law enforcement personnel of the other State, Indian tribal government, or Territory as if it were''.

(c) PROTECTION ORDERS.—Sections 2265 and 2266 of title 18, United States Code, are both amended by striking ''protection order'' each place it appears and inserting ''protection order, restraining order, or injunction''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by striking paragraph (5) and inserting the following:

''(5) PROTECTION ORDER, RESTRAINING ORDER, OR INJUNCTION.—The term 'protection order, restraining order, or injunction' includes—

''(A) any injunction or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''.

SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994, as amended by this Act, is further amended by adding after subtitle J (as added by section 504) the following:

''Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

''SEC. 41101. TASK FORCE.

''The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall include representatives from States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent personally identifying information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

''SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $1,000,000 for each of fiscal years 2006 through 2010.

''(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.''.

SEC. 507. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''2001'' and inserting ''2006''; and

(2) by striking ''2005'' and inserting ''2010''.

SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.

Section 40114 of the Violence Against Women Act of 1994 is amended to read as follows:

''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

''There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 509. PREVENTING CYBERSTALKING.

Section 2261A of title 18, United States Code, is amended—

(1) in paragaph (1)—

(A) by inserting after ''intimidate'' the following: '', or places under surveillance with the intent to kill, injure, haras, or intimidate,''; and

(B) by inserting after ''or serious bodily injury to,'' the following: ''or causes substantial emotional harm to,'';

(2) in paragraph (2)(A), by striking ''to kill or injure'' and inserting ''to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emtional harm to,''; and

(3) in paragraph (2), in the matter following clause (iii) of subparagraph (B)—

(A) by inserting after ''uses the mail'' the following: '', any interactive computer service,''; and

(B) by inserting after ''course of conduct that'' the following: ''causes substantial emotional harm to that person or''.

SEC. 510. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

''§ 2265A. Repeat offender provision

''The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.''.

SEC. 511. PROHIBITING DATING VIOLENCE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''; and

(2) in paragraph (2), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''.

SEC. 512. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

''(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only for the specific programs and activities expressly described in this part.''.

SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2013 (as added by section 501 of this Act) the following:

''SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

''(a) PURPOSE.—The purposes of this section are—

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and minor victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization except for the perpetrator of such victimization; and

''(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

''(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and

Indian tribes, tribal organizations, and nonprofit tribal organizations within Indian country and Alaskan native villages for the establishment, maintenance and expansion of rape crisis centers or other programs and projects to assist those victimized by sexual assault.

''(2) SPECIAL EMPHASIS.—States, territories and tribal entities will give special emphasis to the support of community-based organizations with a demonstrated history of providing intervention and related assistance to victims of sexual assault.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to any culturally specific community-based organization that—

''(A) is a private, nonprofit organization that focuses primarily on racial and ethnic communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into partnership with an organization having such expertise;

''(C) has expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

''(D) has an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

''(2) AWARD BASIS.—The Attorney General shall award grants under this subsection on a competitive basis for a period of no less than 3 fiscal years.

''(d) SERVICES AUTHORIZED.—For grants under subsection (b) and (c) the following services and activities may include—

''(1) 24 hour hotline services providing crisis intervention services and referrals;

''(2) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(3) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

''(4) support mechanisms that are culturally relevant to the community;

''(5) information and referral to assist the sexual assault victim and family or household members;

''(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

''(7) collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault; and

''(8) the development and distribution of educational materials on issues related to sexual assault and the services described in clauses (A) through (G).

''(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and expansion of such coalitions as determined by the National Center for Injury Prevention and Control Office in collaboration with the Violence Against Women Office of the Department of Justice.

''(B) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection because such entity has not previously applied or received funding under this subsection.

''(f) COALITION ACTIVITIES AUTHORIZED.—Grant funds received under subsection (e) may be used to—

''(1) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or Indian tribe;

''(2) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(3) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(4) design and conduct public education campaigns;

''(5) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe; and

''(6) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(g) APPLICATION.—

''(1) Each eligible entity desiring a grant under subsections (c) and (e) shall submit an application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(2) Each eligible entity desiring a grant under subsection (b) shall include—

''(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

''(B) a plan for an equitable distribution of grants and grant funds within the State, territory or tribal area and between urban and rural areas within such State or territory;

''(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

''(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

''(h) REPORTING.—

''(1) Each entity receiving a grant under subsection (b), (c) and (e) shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amounts so appropriated shall remain available until expended.

''(2) ALLOCATIONS.—Of the total amount appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring and administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section, except that in subsection (c) up to 5 percent of funds appropriated under that subsection may be available for technical assistance to be provided by a national organization or organizations whose primary purpose and expertise is in sexual assault within racial and ethnic communities;

''(C) not less than 75 percent shall be used for making grants to states and territories and tribal entities under subsection (b) of which not less than 10 percent of this amount shall be allocated for grants to tribal entities. State, territorial and tribal governmental agencies shall use no more than 5 percent for administrative costs;

''(D) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c); and

''(E) not less than 10 percent shall be used for making grants to state, territorial and tribal coalitions under subsection (e) of which not less than 10 percent shall be allocated for grants to tribal coalitions.

The remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of the several States, the District of Columbia, and the territories.

''(3) MINIMUM AMOUNT.—Of the amount appropriated under section (i)(2)(C), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the territories. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of the combined States, or for territories, the population of the combined territories.''.

SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

''SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration between—

''(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

''(B) law enforcement agencies;

''(C) prosecutors;

''(D) courts;

''(E) other criminal justice service providers;

''(F) human and community service providers;

''(G) educational institutions; and

''(H) health care providers;

''(2) to establish and expand nonprofit, nongovernmental, State, tribal, and local government services in rural communities to adult, youth, and minor victims; and

''(3) to increase the safety and well-being of women and children in rural communities, by—

''(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

''(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

''(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award 3-year grants, with a possible extension for an additional 3 years, to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

''(1) implementing, expanding, and establishing cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

''(2) providing treatment, counseling, and other long- and short-term assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and

''(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

''(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

''(d) ALLOTMENTS AND PRIORITIES.—

''(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

''(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—

''(A) IN GENERAL.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

''(B) ESCALATION.—The percentage required by subparagraph (A) shall be—

''(i) 30 percent, for any fiscal year for which $45,000,000 or more is made available to carry out this section;

''(ii) 35 percent, for any fiscal year for which $50,000,000 or more is made available to carry out this section; or

''(iii) 40 percent, for any fiscal year for which $55,000,000 or more is made available to carry out this section.

''(C) SAVINGS CLAUSE.—Nothing in this paragraph shall prohibit an applicant from applying for funding to address domestic violence, dating violence, sexual assault, or stalking, separately or in combination, in the same application.

''(D) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

''(3) ALLOTMENT FOR TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

''(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

''(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.

SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2014 (as added by section 602 of this Act) the following:

''SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.

''(a) GRANTS AUTHORIZED.—The Attorney General may award grants to appropriate entities—

''(1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault who are 50 years of age or older;

''(2) to improve the physical accessibility of existing buildings in which services are or will be rendered for victims of domestic violence and sexual assault who are 50 years of age or older;

''(3) to provide training, consultation, and information on abuse by caregivers, domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and to enhance direct services to such individuals;

''(4) for training programs to assist law enforcement officers, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and

''(5) for multidisciplinary collaborative community responses to victims.

''(b) USE OF FUNDS.—Grant funds under this section may be used—

''(1) to implement or expand programs or services to respond to the needs of persons 50 years of age or older who are victims of domestic violence, dating violence, sexual assault, stalking, or elder abuse;

''(2) to provide personnel, training, technical assistance, data collection, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

''(3) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

''(4) to conduct cross-training for victim service organizations, governmental agencies, and nonprofit, nongovernmental organizations serving individuals with disabilities; about risk reduction, intervention, prevention and the nature of dynamic of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

''(5) to provide training, technical assistance, and data collection to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

''(6) to provide training, technical assistance, and data collection on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

''(A) the Americans with Disabilities Act of 1990; and

''(B) section 504 of the Rehabilitation Act of 1973;

''(7) to purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

''(8) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault through collaborative partnerships between—

''(A) nonprofit, nongovernmental agencies;

''(B) governmental agencies serving individuals with disabilities; and

''(C) victim service organizations; or

''(9) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

''(A) a State;

''(B) a unit of local government;

''(C) a nonprofit, nongovernmental organization such as a victim services organization, an organization serving individuals with disabilities or a community-based organization; and

''(D) a religious organization.

''(2) LIMITATION.—A grant awarded for the purposes described in subsection (b)(9) shall be awarded only to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5)).

''(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

''(e) REPORTING.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report evaluating the effectiveness of programs administered and operated pursuant to this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,500,000 for each of the fiscal years 2006 through 2010 to carry out this section.''.

SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) STUDY REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study of the National Domestic Violence Hotline to determine the effectiveness of the Hotline in assisting victims of domestic violence.

(b) ISSUES TO BE STUDIED.—In conducting the study under subsection (a), the Comptroller General shall—

(1) compile statistical and substantive information about calls received by the Hotline since its inception, or a representative sample of such calls, while maintaining the confidentiality of Hotline callers;

(2) interpret the data compiled under paragraph (1)—

(A) to determine the trends, gaps in services, and geographical areas of need; and

(B) to assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal, racial, and ethnic populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal, racial, or ethnic populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various racial, ethnic, and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 is amended by adding after subtitle K (as added by section 506) the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

''(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

''(b) GRANTS AUTHORIZED.—The Attorney General, through the Violence Against Women Office, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

''(2) set aside not more than 10 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

''(3) set aside up to 8 percent for training and technical assistance, to be provided—

''(A) to organizations that are establishing or have established collaborative responses and services; and

''(B) by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Attorney General shall consider the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

''(e) GRANT AWARDS.—The Attorney General shall award grants under this section for periods of not more than 3 fiscal years.

''(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

''(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

''(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

''(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

''(B) domestic violence or dating violence in child protection cases; and

''(C) the needs of both the child and non-abusing parent;

''(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers by—

''(A) increasing the safety, autonomy, capacity, and financial security of non-abusing parents or caretakers, including developing service plans and utilizing community-based services that provide resources and support to non-abusing parents;

''(B) protecting the safety, security, and well-being of children by preventing their unnecessary removal from a non-abusing parent, or, in cases where removal of the child is necessary to protect the child's safety, taking the necessary steps to provide appropriate and community-based services to the child and the non-abusing parent to promote the safe and appropriately prompt reunification of the child with the non-abusing parent;

''(C) recognizing the relationship between child maltreatment and domestic violence or dating violence in a family, as well as the impact of and danger posed by the perpetrators' behavior on adult, youth, and minor victims; and

''(D) holding adult, youth, and minor perpetrators of domestic violence or dating violence, not adult, youth, and minor victims of abuse or neglect, accountable for stopping the perpetrators' abusive behaviors, including the development of separate service plans, court filings, or community-based interventions where appropriate;

''(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve adult, youth, and minor victims;

''(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

''(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

''(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult, youth, and minor victims and their children, legal assistance and advocacy for adult, youth, and minor victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

''(h) GRANTEE REQUIREMENTS.—

''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require, consistent with the requirements described herein. The application shall—

''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

''(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

''(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

''(A) shall include a State or local child welfare agency or Indian Tribe;

''(B) shall include a domestic violence or dating violence victim service provider;

''(C) may include a court;

''(D) may include a law enforcement agency, or Bureau of Indian Affairs providing tribal law enforcement; and

''(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

''(3) REPORTS.—Each entity receiving a grant under this section shall report to the Attorney General every 18 months, detailing how the funds have been used.

"SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs to serve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

''(2) a religious or community-based organization that specializes in working with youth victims of domestic violence, dating violence, sexual assault, or stalking;

''(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

''(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

''(2) TYPES OF PROGRAMS.—Such a program—

''(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

''(B) shall include linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations or linkages to existing services in the community tailored to the needs of racial and ethnic and other underserved populations;

''(C) may include mental health services;

''(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

''(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

''(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

''(d) AWARDS BASIS.—

''(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

''(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

''(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

''(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General every 18 months a report of how grant funds have been used.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2006 through 2010 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) CONFIDENTIALITY.—

(A) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the

safety of adult and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and sub-grantees under this section shall reasonably—

(i) protect the confidentiality and privacy of persons receiving services under the grants and subgrants; and

(ii) not disclose and personally identifying information, or individual client information, collected in connection with services requested, utilized, or denied through programs provided by such grantees and subgrantees under this section.

(B) CONSENT.—A grantee or subgrantee under this section shall not reveal personally any identifying information or individual client information collected as described in subparagraph (A) without the informed, written, and reasonably time-limited consent of the person (or, in the case of an unemancipated minor, the minor and the parent or guardian of the minor) about whom information is sought, whether for the program carried out under this section or any other Federal, State, tribal, or territorial assistance program.

(C) COMPELLED RELEASE AND NOTICE.—If a grantee or subgrantee under this section is compelled by statutory or court mandate to disclose information described in subparagraph (A), the grantee or subgrantee—

(i) shall make reasonable attempts to provide notice to individuals affected by the disclosure of information; and

(ii) shall take steps necessary to protect the privacy and safety of the individual affected by the disclosure.

(D) PERMISSIVE SHARING.—Grantees and subgrantees under this section may share with each other, in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements—

(i) aggregate data, that is not personally identifying information, regarding services provided to their clients; and

(ii) demographic information that is not personally identifying information.

(E) COURT-GENERATED AND LAW ENFORCEMENT-GENERATED INFORMATION.—Grantees and subgrantees under this section may share with each other—

(i) court-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(ii) law enforcement-generated information.

(F) DEFINITION.—As used in this paragraph, the term ''personally identifying information'' means individually identifying information from or about an individual, including—

(i) first and last name;

(ii) home or other physical address, including street name and name of city or town;

(iii) email address or other online contact information, such as an instant-messaging user identifier or a screen name that reveals an individual's email address;

(iv) telephone number;

(v) social security number;

(vi) Internet Protocol (''IP'') address or host name that identifies an individual;

(vii) persistent identifier, such as a customer number held in a ''cookie'' or processor serial number, that is combined with other available data that identifies an individual; or

(viii) information that, in combination with the information in any of the clauses (i) through (vii), would serve to identify any individual, including—

(I) grade point average;

(II) date of birth;

(III) academic or occupational interests;

(IV) athletic or extracurricular interests;

(V) racial or ethnic background; or

(VI) religious affiliation.

(3) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(4) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each of fiscal years 2006 through 2010.

SEC. 703. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

***"SEC. 1301. SAFE HAVENS FOR CHILDREN."**;*

(2) in subsection (a)—

(A) by inserting '', through the Director of the Office on Violence Against Women,'' after ''Attorney General'';

(B) by inserting ''public or nonprofit nongovernmental entities, and to'' after ''may award grants to'';

(C) by inserting ''dating violence,'' after ''domestic violence,'';

(D) by striking ''to provide'' and inserting the following:

''(1) to provide'';

(E) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

''(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

''(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

''(C) set aside not more than 8 percent for training, technical assistance, and data collection to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the ''Supporting Teens through Education and Protection Act of 2005'' or the ''STEP Act''.

(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall

not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

(f) GRANT TERM AND ALLOCATION.—

(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

(g) DISTRIBUTION.—

(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent native American.

(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

(k) REPORTING AND DISSEMINATION OF INFORMATION.—

(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

SEC. 801. PREVENTING VIOLENCE IN THE HOME.

The Violence Against Women Act of 1994 is amended by adding after subtitle L (as added by section 701) the following:

"Subtitle M—Strengthening America's Families by Preventing Violence in the Home

"SEC. 41301. PURPOSE.

''The purpose of this subtitle is to—

''(1) prevent crimes involving domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

''(2) increase the resources and services available to prevent domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

''(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

''(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

''(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

''(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence.

"SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in consultation with the Secretary of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

''(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of racial and ethnic and other underserved populations, as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968;

''(B) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

''(C) awarding up to 8 percent for the funding of training, technical assistance, and data collection programs from the amounts made available under this section for a fiscal year; and

''(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

''(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker;

''(2) training and coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection; or

''(3) advocacy within the systems that serve children to improve the system's understanding of and response to children who have been exposed to domestic violence and the needs of the nonabusing parent.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, child care, after school programs, and health and mental health providers; or

''(2) a State, territorial, tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children who have been exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

''(B) ensure linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations.

''(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, providing additional information as the Director shall require.

''SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

''(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968);

''(B) with respect to gender-specific programs described under subsection (c)(1)(A), ensuring reasonable distribution of funds to programs for boys and programs for girls;

''(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(D) awarding up to 8 percent for the funding of training, technical assistance, and data collection for grantees and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—

''(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

''(A) public education and community based programs, including gender-specific programs in accordance with applicable laws—

''(i) to encourage children and youth to pursue only mutually respectful, nonviolent relationships and empower them to reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) that include at a minimum—

''(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

''(II) strategies to help participants be as safe as possible; or

''(B) public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, stalking, and sexual assault conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

''(2) MEDIA LIMITS.—No more than 25 percent of funds received by a grantee under this section may be used to create and distribute media materials.

''(d) ELIGIBLE ENTITIES.—

''(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

''(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

''(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

''(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

''(D) a program that provides culturally specific services.

''(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

''(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

''(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) for a grant under subsection (c)(1)(A), describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

''(B) provide, where appropriate, linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations;

''(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

''(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

''(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, including an evaluation of funded programs and providing additional information as the Director shall require.

''SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants on a competitive basis to home visitation programs, in collaboration with law enforcement, victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

''(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall—

''(A) consider the needs of underserved populations;

''(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

''(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

''(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

''(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

''(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

''(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

''(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, and stalking;

''(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

''(iii) link new parents with existing community resources in communities where resources exist; and

''(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.''.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

SEC. 900. SHORT TITLE; REFERENCES TO VAWA–2000; REGULATIONS.

(a) SHORT TITLE.—This title may be cited as ''Immigrant Victims of Violence Protection Act of 2005''.

(b) REFERENCES TO VAWA–2000.—In this title, the term ''VAWA–2000'' means the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security, and Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of VAWA–2000) and the amendments made by (and the provisions of) this title. In applying such regulations, in the case of petitions, applications, or certifications filed on or before the effective date of publication of such regulations for relief covered by such regulations, there shall be no requirement to submit an additional petition, application, or certification and any priority or similar date with respect to such a petition or application shall relate back to the date of the filing of the petition or application.

Subtitle A—Victims of Crime

SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien so described who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;''.

(b) DURATION OF U AND T VISAS.—

(1) U VISAS.—Section 214(p) of such Act (8 U.S.C. 1184(p)) is amended by adding at the end the following new paragraph:

''(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but—

''(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

''(B) shall be extended if the alien files an application for adjustment of status under section 245(m), until final adjudication of such application.''.

(2) T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as redesignated by section 8(a)(3) of the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), is amended by adding at the end the following:

''(7) The authorized period of status of an alien as a nonimmigrant status under section 101(a)(15)(T) shall be 4 years, but—

''(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity relating to human trafficking that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

''(B) shall be extended if the alien files an application for adjustment of status under section 245(l), until final adjudication of such application.''.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO U AND T NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

(B) by inserting ''(subject to subsection (b))'' after ''except''; and

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

''(b) The limitation based on inadmissibility under section 212(a)(9)(B) and the exceptions specified in numbered paragraphs of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), other than from such classification under subparagraph (C) or (D) of such section.''.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

(d) CERTIFICATION PROCESS FOR VICTIMS OF TRAFFICKING.—

(1) VICTIM ASSISTANCE IN INVESTIGATION OR PROSECUTION.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is amended—

(A) in clause (i)(I), by striking ''investigation and prosecution'' and inserting ''investigation or prosecution, by the United States or a State or local government''; and

(B) in clause (iii)—

(i) by striking ''INVESTIGATION AND PROSECUTION'' and ''investigation and prosecution'' and inserting ''INVESTIGATION OR PROSECUTION'' and ''investigation or prosecution'', respectively;

(ii) in subclause (II), by striking ''and'' at the end;

(iii) in subclause (III), by striking the period and inserting ''; or''; and

(iv) by adding at the end the following new subclause:

''(IV) responding to and cooperating with requests for evidence and information.''.

(2) CLARIFYING ROLES OF ATTORNEY GENERAL AND SECRETARY OF HOMELAND SECURITY.—

(A) Section 107 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105) is amended—

(i) in subsections (b)(1)(E)(i)(II)(bb), (b)(1)(E)(ii), (e)(5), and (g), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(ii) in subsection (c), by inserting '', Secretary of Homeland Security,'' after ''Attorney General''.

(B) Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears.

(C) Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) in subparagraph (B), by striking ''Attorney General'' the first place it appears and inserting ''Secretary of Homeland Security''; and

(iii) in subparagraph (B), by striking ''Attorney General, in the Attorney General's discretion'' and inserting ''Secretary, in the Secretary's discretion''.

(D) Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(i) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(ii) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(E) Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' the first place it appears in paragraphs (1) and (2) and in paragraph (5);

(ii) by striking ''Attorney General'' and inserting ''Secretary'' the second place it appears in paragraphs (1) and (2); and

(iii) in paragraph (2), by striking ''Attorney General's'' and inserting ''Secretary's''.

(3) REQUEST BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is amended by adding at the end the following: ''State or local law enforcement officials may request that such Federal law enforcement officials permit the continued presence of trafficking victims. If such a request contains a certification that a trafficking victim is a victim of a severe form of trafficking, such Federal law enforcement officials may permit the continued presence of the trafficking victim in accordance with this paragraph.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b)(1), (c), and (d)(3) shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR DURATION OF T VISAS.—In the case of an alien who is classified as a nonimmigrant under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) before the the date of implementation of the amendment made by subsection (b)(2) and whose period of authorized stay was less than 4 years, the authorized period of status of the alien as such a nonimmigrant shall be extended to be 4 years and shall be further extended on a year-by-year basis as provided in section 214(o)(7) of such Act, as added by such amendment.

(3) CERTIFICATION PROCESS.—(A) The amendments made by subsection (d)(1) shall be effective as if included in the enactment of VAWA–2000.

(B) The amendments made by subsection (d)(2) shall be effective as of the applicable date of transfer of authority from the Attorney General to the Secretary of Homeland Security under the Homeland Security Act of 2002 (Public Law 107–296).

SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by adding at the end the following: ''An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the ground or grounds for such relief without the application being resubmitted.''.

(b) APPEALS.—Such section is further amended by adding at the end the following: ''Such an application may not be considered if there is a final removal order in effect with respect to the alien.''.

(c) CONFORMING AMENDMENT.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by inserting before the period at the end the following: ''or qualifies for a waiver under section 216(c)(4)''.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendment made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(a) REDUCTION IN REQUIRED PERIOD OF PRESENCE AUTHORIZED.—

(1) IN GENERAL.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(A) in paragraph (1)(A), by inserting ''subject to paragraph (6),'' after ''(A)'';

(B) in paragraph (1)(A), by inserting after ''since'' the following: ''the earlier of (i) the date the alien was granted continued presence under section 107(c)(3) of the Trafficking Victims Protection Act of 2000, or (ii)''; and

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

''(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien's adjustment of status under this subsection if a Federal, State, or local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling certifies that the official has no objection to such waiver or reduction.''.

(2) CONFORMING AMENDMENT.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)) is amended by adding at the end the following new paragraph:

''(5) CERTIFICATION OF NO OBJECTION FOR WAIVER OR REDUCTION OF PERIOD OF REQUIRED PHYSICAL PRESENCE FOR ADJUSTMENT OF STATUS.—In order for an alien to have the required period of physical presence under paragraph (1)(A) of section 245(l) of the Immigration and Nationality Act waived or reduced under paragraph (6) of such section, a Federal, State, and local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling may provide for a certification of having no objection to such waiver or reduction.''.

(b) TREATMENT OF GOOD MORAL CHARACTER.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)), as amended by subsection (a)(1), is amended—

(1) in paragraph (1)(B), by inserting ''subject to paragraph (7),'' after ''(B)''; and

(2) by adding at the end the following new paragraph:

''(7) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may waive consideration of a disqualification from good moral character described in section 101(f) with respect to an alien if there is a connection between the disqualification and the trafficking with respect to the alien described in section 101(a)(15)(T)(i).''.

(c) ANNUAL REPORT ON TRAINING OF LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(g)) is amended by adding at the end the following: ''Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and certification for assistance as nonimmigrants under section 101(a)(15)(T) of such Act.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual reports beginning with the report for fiscal year 2006.

Subtitle B—VAWA Petitioners

SEC. 911. DEFINITION OF VAWA PETITIONER.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

''(51) The term 'VAWA petitioner' means an alien whose application or petition for classification or relief under any of the following provisions (whether as a principal or as a derivative) has been filed and has not been denied after exhaustion of administrative appeals:

''(A) Clause (iii), (iv), or (vii) of section 204(a)(1)(A).

''(B) Clause (ii) or (iii) of section 204(a)(1)(B).

''(C) Subparagraph (C) or (D) of section 216(c)(4).

''(D) The first section of Public Law 89–732 (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty.

''(E) Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277).

''(F) Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100).

''(G) Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 212(a)(6)(A)(ii)(I) of such Act (8 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking ''qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)'' and inserting ''is a VAWA petitioner''.

(2) Section 212(a)(9)(C)(ii) of such Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking ''to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(3) Subsections (h)(1)(C) and (g)(1)(C) of section 212 (8 U.S.C. 1182) is amended by striking ''qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(4) Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by striking ''an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''a VAWA petitioner''.

(5) Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking ''is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(6) Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking ''they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''the applicants were VAWA petitioners''.

(7) Section 245(a) of such Act (8 U.S.C. 1255(a)) is amended by striking ''under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' and inserting ''as a VAWA petitioner''.

(8) Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking ''under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)'' and inserting ''as a VAWA petitioner''.

(9) For additional conforming amendments to sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of the Immigration and Nationality Act, see sections 832(b)(2) and 817(a) of this Act.

SEC. 912. SELF-PETITIONING FOR CHILDREN.

(a) SELF-PETITIONING BY CHILDREN OF PARENT-ABUSERS UPON DEATH OR OTHER TERMINATION OF PARENT-CHILD RELATIONSHIP.—

(1) CITIZEN PARENTS.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

(A) by striking ''or who'' and inserting ''who''; and

(B) by inserting after ''domestic violence,'' the following: ''or who was a child of a United States citizen parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(2) LAWFUL PERMANENT RESIDENT PARENTS.—

(A) IN GENERAL.—Section 204(a)(1)(B)(iii) of such Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended—

(i) by striking ''or who'' and inserting ''who''; and

(ii) by inserting after ''domestic violence,'' the following: ''or who was a child of a lawful permanent resident resident who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(B) CONFORMING TREATMENT OF DECEASED SPOUSES.—Section 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is amended—

(i) by redesignating subitems (aaa) and (bbb) as subitems (bbb) and (ccc), respectively; and

(ii) by inserting before subitem (bbb), as so redesignated, the following:

''(aaa) whose spouse died within the past 2 years;''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

(B) TRANSITION IN CASE OF CITIZEN PARENTS WHO DIED BEFORE ENACTMENT.—In applying the amendments made by paragraphs (1) and (2)(A) in the case of an alien whose citizen parent or lawful permanent resident parent died or whose parent-child relationship with such parent terminated during the period beginning on October 28, 1998, and ending on the date of the enactment of this Act, the following rules apply:

(i) The reference to ''within the past 2 years'' in section 204(a)(1)(A)(iv) or 204(a)(1)(B)(iii), respectively, of the Immigration and Nationality Act in the matter inserted by such paragraph is deemed to be a reference to such period.

(ii) The petition must be filed under such section within 2 years after the date of the enactment of this Act (or, if later, 2 years after the alien's 18th birthday).

(iii) The determination of eligibility for benefits as a child under such section (including under section 204(a)(1)(D) of the Immigration and Nationality Act by reason of a petition authorized under such section) shall be determined as of the date of the death of the citizen parent or lawful permanent resident parent or the termination of the parent-child relationship.

(b) PROTECTING VICTIMS OF CHILD ABUSE FROM AGING OUT.—

(1) CLARIFICATION REGARDING CONTINUATION OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(i)(I)) is amended—

(A) by striking ''clause (iv) of section 204(a)(1)(A)'' and inserting ''subparagraph (A)(iv)'' each place it appears; and

(B) by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable'' and inserting ''to continue to be treated as an immediate relative under section 201(b)(2)(A)(i), or a petitioner for preference status under section 203(a)(3) if subsequently married''.

(2) CLARIFICATION REGARDING APPLICATION TO CHILDREN OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(D) of such Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(A) in clause (i)(I)—

(i) by inserting after the first sentence the following new sentence: ''Any child who attains 21 years of age who has filed a petition under subparagraph (B)(iii) that was filed or approved before the date on which the child attained 21 year of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under section 203(a)(2)(A), with the same priority date assigned to the self-petition filed under such subparagraph.''; and

(ii) in the last sentence, by inserting ''in either such case'' after ''shall be required to be filed'';

(B) in clause (i)(III), by striking ''paragraph (1), (2), or (3) of section 203(a)'' and inserting ''section 203(a)(2)(A)''; and

(C) in clause (ii), by striking ''(A)(iii), (A)(iv),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed before, on, or after the date of the enactment of VAWA–2000.

(c) CLARIFICATION OF NO SEPARATE ADJUSTMENT APPLICATION FOR DERIVATIVE CHILDREN.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended by adding at the end the following: ''In the case of a petition under clause (ii), (iii), or (iv) of section 204(a)(1)(A) that includes an individual as a derivative child of a principal alien, no adjustment application other than the adjustment application of the principal alien shall be required for adjustment of status of the individual under this subsection or subsection (c).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(d) LATE PETITION PERMITTED FOR ADULTS ABUSED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), is amended by adding at the end the following new clause:

''(iv) In the case of an alien who qualified to petition under subparagraph (A)(iv) or (B)(iii) as of the date the individual attained 21 years of age, the alien may file a petition under such respective subparagraph notwithstanding that the alien has attained such age or been married so long as the petition is filed before the date the individual attains 25 years of age. In the case of such a petition, the alien shall remain eligible for adjustment of status as a child notwithstanding that the alien has attained 21 years of age or has married, or both.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of

the enactment of this Act and shall apply to individuals who attain 21 years of age on or after the date of the enactment of VAWA–2000.

SEC. 913. SELF-PETITIONING PARENTS.

(a) IN GENERAL.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new clause:

''(vii) An alien who—

''(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who within the past 2 years lost or renounced citizenship status related to battering or extreme cruelty by the United States citizen son or daughter or who within the past two years died;

''(II) is a person of good moral character;

''(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) by virtue of the alien's relationship to the son or daughter referred to in subclause (I); and

''(IV) resides, or has resided in the past, with the citizen daughter or son;

may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under such section if the alien demonstrates that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen son or daughter.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICATIONS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by the United States citizen spouse'';

(2) in subparagraph (A)(iv), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by such parent'';

(3) in subparagraph (B)(ii)(II)(aa)(CC)(bbb), as redesignated by section 912(a)(2)(B)(i), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by the lawful permanent resident spouse''; and

(4) in subparagraph (B)(iii), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by such parent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of VAWA–2000.

SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) RELIEF.—

(1) LIMITATION ON REMOVAL OR DEPORTATION.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following new subsection:

''(d)(1) In the case of an alien in the United States for whom a petition as a VAWA petitioner has been filed, if the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the petition is approved or the petition is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended until a final determination is made on an application for adjustment of status.

''(2) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the application is approved or the application is denied after exhaustion of administrative appeals.

''(3) During a period in which an alien is provided deferred action under this subsection, the alien shall not be removed or deported. ''.

(2) LIMITATION ON DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) LIMITATION ON DETENTION OF CERTAIN VICTIMS OF VIOLENCE.—(1) An alien for whom a petition as a VAWA petitioner has been approved or for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been approved, subject to paragraph (2), the alien shall not be detained if the only basis for detention is a ground for which—

''(A) a waiver is provided under section 212(h), 212(d)(13), 212(d)(14), 237(a)(7), or 237(a)(2)(a)(V); or

''(B) there is an exception under section 204(a)(1)(C).

''(2) Paragraph (1) shall not apply in the case of detention that is required under subsection (c) or section 236A.''.

(3) EMPLOYMENT AUTHORIZATION.—

(A) FOR VAWA PETITIONERS.—Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

''(K)(i) In the case of an alien for whom a petition as a VAWA petitioner is approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(B) FOR ALIENS WITH APPROVED T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as amended by section 901(b)(2), is amended by adding at the end the following new paragraph:

''(8) In the case of an alien for whom an application for nonimmigrant status (whether as a principal or derivative) under section 101(a)(15)(T) has been approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(4) PROCESSING OF APPLICATIONS.—Section 204(a)(1)(K) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(K)), as added by paragraph (3)(A), is amended by adding at the end the following:

''(ii) A petition as a VAWA petitioner shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to petitions and applications filed before, on, or after such date.

(b) APPLICANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) RELIEF WHILE APPLICATION PENDING.—In the case of an alien who has applied for relief under this paragraph and whose application sets forth a prima facie case for such relief or who has filed an application for relief under section 244(a)(3) (as in effect on March 31, 1997) that sets forth a prima facie case for such relief—

''(i) the alien shall not be removed or deported until the application has been approved or, in the case it is denied, until all opportunities for appeal of the denial have been exhausted; and

''(ii) such an application shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) FIANCEES.—

(1) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(A) in subclause (I)(bb), by inserting after ''during the marriage'' the following: ''or relationship intended by the alien to be legally a marriage or to conclude in a valid marriage'';

(B) in subclause (II)(aa)—

(i) by striking ''or'' at the end of subitem (BB);

(ii) by inserting ''or'' at the end of subitem (CC); and

(iii) by adding at the end the following new subitem:

''(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;'';

(C) in subclause (II)(cc), by striking ''or who'' and inserting '', who'' and by inserting before the semicolon at the end the following: '', or who is described in subitem (aa)(DD)''; and

(D) in subclause (II)(dd), by inserting ''or who is described in subitem (aa)(DD)'' before the period at the end.

(2) EXCEPTION FROM REQUIREMENT TO DEPART.—Section 214(d) of such Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: ''unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien or child was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens admitted before, on, or after such date.

(b) SPOUSES WHO ARE CONDITIONAL PERMANENT RESIDENTS.—

(1) IN GENERAL.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply to an alien who seeks adjustment of status on the basis of an approved petition for classification as a VAWA petitioner.''.

(2) CONFORMING APPLICATION IN CANCELLATION OF REMOVAL.—Section 240A(b)(2)(A)(i) of such Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) by striking ''or'' at the end of subclause (II);

(B) by adding ''or'' at the end of subclause (III); and

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

''(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;''.

(3) EXCEPTION TO RESTRICTION ON ADJUSTMENT OF STATUS.—The second sentence of section 245(d)(1) of such Act (8 U.S.C. 1255(d)(1)), as designated by paragraph (1)(A), is amended by inserting ''who is not described in section 204(a)(1)(A)(iii)(II)(aa)(DD)'' after ''alien described in section 101(a)(15)(K)''.

(4) APPLICATION UNDER SUSPENSION OF DEPORTATION.—Section 244(a)(3) of such Act (as in effect on March 31, 1997) shall be applied (as if in effect on such date) as if the phrase ''is described in section 240A(b)(2)(A)(i)(IV) or'' were inserted before ''has been battered'' the first place it appears.

(5) EFFECTIVE DATE.—The amendments made by this subsection, and the provisions of paragraph (4), shall take effect on the date of the enactment of this Act and shall apply to applications for adjustment of status, for cancellation of removal, or for suspension of deportation filed before, on, or after such date.

(c) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking ''(d)'' and inserting ''(d)(1)'';

(2) by inserting after the second sentence the following: ''Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse.''; and

(3) by adding at the end the following:

''(2)(A) Subject to subparagraph (B), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

''(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to more than 2 applying aliens; and

''(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

''(B) The Secretary of Homeland Security may, in the discretion of the Secretary, waive the limitation in subparagraph (A), if justification exists for such a waiver.

''(3) For purposes of this subsection—

''(A) the term 'child abuse' means a felony or misdemeanor crime, as defined by Federal or State law, committed by an offender who is a stranger to the victim, or committed by an offender who is known by, or related by blood or marriage to, the victim, against a victim who has not attained the lesser of—

''(i) 18 years of age; or

''(ii) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides; and

''(B) the terms 'domestic violence' and 'sexual assault' have the meaning given such terms in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).''.

(d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.—

(1) IN GENERAL.—Section 209(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted and who was battered or was the subject of extreme cruelty perpetrated by such refugee or whose child was battered or subjected to extreme cruelty by such refugee (without the active participation of such spouse in the battery or cruelty), or

''(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time of the filing of the asylum application and who was battered or was the subject of extreme cruelty perpetrated by such refugee,''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and—

(A) section 209(b)(3)(B) of the Immigration and Nationality Act, as added by paragraph (1)(B), shall apply to spouses of refugees for whom an asylum application is granted before, on, or after such date; and

(B) section 209(b)(3)(C) of such Act, as so added, shall apply with respect to the child of a refugee for whom an asylum application is filed before, on, or after such date.

(e) VISA WAIVER ENTRANTS.—

(1) IN GENERAL.—Section 217(b)(2) of such Act (8 U.S.C. 1187(b)(2)) is amended by inserting after ''asylum,'' the following: ''as a VAWA petitioner, or for relief under subparagraph (T) or (U) of section 101(a)(15), under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997),''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to waivers provided under section 217(b)(2) of the Immigration and Nationality Act before, on, or after such date as if it had been included in such waivers.

(f) EXCEPTION FROM FOREIGN RESIDENCE REQUIREMENT FOR EDUCATIONAL VISITORS.—

(1) IN GENERAL.—Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended, in the matter before the first proviso, by inserting ''unless the alien is a VAWA petitioner or an applicant for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15)'' after ''for an aggregate of a least two years following departure from the United States''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to aliens regardless of whether the foreign residence requirement under section 212(e) of the Immigration and Nationality Act arises out of an admission or acquisition of status under section 101(a)(15)(J) of such Act before, on, or after the date of the enactment of this Act.

SEC. 917. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) APPLICATION OF MOTIONS TO REOPEN FOR ALL VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subclause (I), by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner''; and

(2) in subclause (II), by inserting ''or adjustment of status'' after ''cancellation of removal''.

(b) APPLICATION OF VAWA DEPORTATION PROTECTIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETITIONERS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

''(i) if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) or under section 244(a)(3) of such Act (8 U.S.C. 1254(a)(3)); and''; and

(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

(c) APPLICATION OF VAWA-RELATED RELIEF UNDER SECTION 202 OF NACARA.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

(2) in subparagraph (E), by inserting after ''April 1, 2000'' the following: '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005'' .

(d) PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if the alien demonstrates a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(e) SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as amended by section 1511(a) of VAWA–2000, is amended—

(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''.

(f) SELF-PETITIONING RIGHTS UNDER SECTION 203 OF NACARA.—Section 309 of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 203(a) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(i)(VII)(aa), as amended by section 1510(b) of VAWA–2000—

(A) by striking ''or'' at the end of subitem (BB);

(B) by striking ''and'' at the end of subitem (CC) and inserting ''or''; and

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

''(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and''; and

(2) in subsection (g)—

(A) by inserting ''(1)'' before ''Notwithstanding'';

(B) by inserting ''subject to paragraph (2),'' after ''section 101(a) of the Immigration and Nationality Act)),''; and

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

''(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(i). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act.''.

(g) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), as amended by section 915(a)(3)(A), is amended by adding at the end the following new subparagraph:

''(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child's) eligibility as a VAWA petitioner or for such nonimmigrant status.''.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DERIVATIVES OF TRAFFICKING VICTIMS.

(a) IN GENERAL.—Section 240A(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(4)) is amended—

(1) in the heading, by striking ''CHILDREN OF BATTERED ALIENS'' and inserting ''BATTERED ALIENS, CHILDREN OF BATTERED ALIENS, AND DERIVATIVE FAMILY MEMBERS OF TRAFFICKING VICTIMS,'';

(2) in subparagraph (A)—

(A) by striking ''or'' at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

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

''(iii) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a United States citizen spouse, parent, or son or daughter and who is admissible and eligible for an immigrant visa;

''(iv) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent, who is admissible and would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available to the alien, and who filed a petition for classification under section 204(a)(1)(B), if at least 3 years has elapsed since the petitioner's priority date; or

''(v) an alien whom the Secretary of State determines would, but for an application or approval, meet the conditions for approval as a nonimmigrant described in section 101(a)(15)(T)(ii).''; and

(3) in subparagraph (B)—

(A) in the first sentence, by striking ''The grant of parole'' and inserting ''(i) The grant of parole under subparagraph (A)(i) or (A)(ii)'';

(B) in the second sentence, by striking ''covered under this paragraph'' and inserting ''covered under such subparagraphs'';

(C) in the last sentence, by inserting ''of subparagraph (A)'' after ''clause (i) or (ii)''; and

(D) by adding at the end the following new clauses:

''(ii) The grant of parole under subparagraph (A)(iii) or (A)(iv) shall extend from the date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such subparagraphs shall be treated as if they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).

''(iii) The grant of parole under subparagraph (A)(v) shall extend from the date of the determination of the Secretary of State described in such subparagraph to the time the application for status under section 101(a)(15)(T)(ii) has been finally adjudicated. Failure by such an alien to exercise due diligence in filing a visa petition on the alien's behalf may result in revocation of parole.''.

(b) CONFORMING REFERENCE.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

''(C) Parole is provided for certain battered aliens, children of battered aliens, and parents of battered alien children under section 240A(b)(4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended—

(1) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(2) by adding at the end the following new paragraph:

''(2) The ineligibility for relief under paragraph (1) shall not apply to an alien who is a VAWA petitioner, who is seeking status as a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart and the battery or extreme cruelty, trafficking, or criminal activity, referred to in the respective provision.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) and shall apply to failures to depart voluntarily occurring before, on, or after the date of the enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting after ''extreme cruelty by a United States citizen spouse or parent'' the following: '', regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty''.

(b) USE OF CREDIBLE EVIDENCE.—Such section is further amended by adding at the end the following: ''The provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed before, on, or after the date of the enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) APPLICATION OF RESTRICTIONS ON ADDITIONAL DEPARTMENTS.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367) is amended—

(1) in subsection (a), as amended by section 1513(d) of VAWA–2000—

(A) in the matter before paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor or any other official or employee of the Department of Homeland Security, the Department of State, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of any such Department)''; and

(B) in paragraph (2), by striking ''of the Department,'' and inserting ''of any such Department,''; and

(2) in subsection (b)—

(A) in paragraphs (1), by striking ''The Attorney General may provide, in the Attorney General's discretion'' and inserting ''The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor may provide, in each's discretion'';

(B) in paragraph (2), by striking ''The Attorney General may provide in the discretion of the Attorney General'' and inserting ''The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and the Secretary of Labor may provide, in each's discretion''; and

(C) in paragraph (5), by striking ''is authorized to disclose'' and inserting '', Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor, or Attorney General may disclose''.

(b) INCREASING SCOPE OF ALIENS AND INFORMATION PROTECTED.—Subsection (a) of such section is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by striking ''furnished solely by'' and inserting ''furnished by or derived from information provided solely by'';

(B) by striking ''or'' at the end of subparagraph (D);

(C) by adding ''or'' at the end of subparagraph (E); and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) in the case of an alien applying for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000 or status under section 101(a)(15)(T) of the Immigration and Nationality Act, the trafficker or perpetrator,''; and

(2) in paragraph (2)—

(A) by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act), or under''; and

(B) by striking ''or section 244(a)(3) of such Act as an alien (or the parent of a child) who has been battered or subjected to extreme cruelty.'' and inserting the following: '', section 101(a)(15)(T), section 214(c)(15), or section 240A(b)(2) of such Act, or section 244(a)(3) of such Act (as in effect on March 31, 1997), or for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000, or any derivative of the alien;''.

(c) PROVIDING FOR CONGRESSIONAL REVIEW.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(6) Subsection (a) shall not apply to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Judiciary Committees of the House of Representatives and of the Senate in the exercise of Congressional oversight authority information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).''.

(d) APPLICATION TO JUVENILE SPECIAL IMMIGRANTS.—Subsection (a) of such section, as amended by subsection (b)(2)(B), is amended—

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

(2) by adding ''or'' at the end of paragraph (2); and

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

''(3) in the case of an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been abused, neglected, or abandoned, contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under clause (iii)(I) of such section.''.

(e) IMPROVED ENFORCEMENT.—Subsection (c) of such section is amended by adding at the end the following: ''The Office of Professional Responsibility in the Department of Justice shall be responsible for carrying out enforcement under the previous sentence.''.

(f) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

''(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—Removal proceedings shall not be initiated against an alien unless there is a certification of either of the following:

''(1) No enforcement action was taken leading to such proceedings against the alien—

''(A) at a domestic violence shelter, a victims services organization or program (as described in section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968), a rape crisis center, a family justice center, or a supervised visitation center; or

''(B) at a courthouse (or in connection with the appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15).

''(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.''.

(2) COMPLIANCE.—Section 384(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367(c)) is amended by inserting ''or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act'' after ''in violation of this section''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations or disclosures made on or after such date.

SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop consistent and accurate materials, including an information pamphlet described in subsection (b), on legal rights and resources for immigrant victims of domestic violence for dissemination to applicants for K nonimmigrant visas. In preparing such materials, the Secretary shall consult with non-governmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault and other crimes.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(2) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(3) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(4) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters.

(5) The obligations of parents to provide child support for children.

(6) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(7) A warning concerning the potential use of K nonimmigrant visas by individuals who have a history of committing domestic violence, sexual assault, or child abuse.

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under subsection (a) that shall be used by consular officers when reviewing the pamphlet in interviews under section (e)(2).

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet under subsection (b) shall, subject to paragraph (2), be translated by the Secretary of State into the following languages: Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, and Hindi.

(2) REVISION.—Every two years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine the specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(e) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be made available and distributed as follows:

(1) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(A) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant, or in English if no translation into the applicant's primary language is available.

(B) In addition, in the case of an applicant for a nonimmigrant visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) the Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under subparagraph (A), a copy of the petition submitted by the petitioner for such applicant under section 214(d) of such Act (8 U.S.C. 1184(d)).

(C) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under such section 214(d). The Secretary of State, in turn, shall share any such criminal background information that is in the public record with the nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this subparagraph shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(2) CONSULAR INTERVIEWS.—The pamphlet shall be distributed directly to K nonimmigrant visa applicants at all consular interviews for such visas. The consular officer conducting the visa interview shall review the pamphlet and summary with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English.

(3) CONSULAR ACCESS.—The pamphlet shall be made available to the public at all consular posts. Summaries of the pamphlets under subsection (c) shall be made available to foreign service officers at all consular posts.

(4) POSTING ON STATE DEPARTMENT WEBSITE.—The pamphlet shall be posted on the website of the Department of State as well as on the websites of all consular posts processing K nonimmigrant visa applications.

(f) K NONIMMIGRANT DEFINED.—For purposes of this section, the term ''K nonimmigrant visa'' means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to provide for adjudication of petitions and adjustment applications of VAWA petitioners (as defined in section 101(a)(51) of the Immigration and Nationality Act, as added by section 911(a)) and of aliens seeking status as nonimmigrants under subparagraph (T) or (U) of section 101(a)(15) of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting after ''at least two years'' the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

(b) CONFORMING NATURALIZATION AMENDMENT.—Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is amended by inserting before the period at the end the following: ''or the child is residing in the United States pursuant to a lawful admission for permanent residence and has been battered or subject to extreme cruelty by the citizen parent or by a family member of the citizen parent residing in the same household ''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications pending or filed on or after such date.

SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY FOR VAWA PETITIONERS.

(a) WAIVER OF FALSE CLAIM OF U.S. CITIZENSHIP.—

(1) IN GENERAL.—Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by inserting ''(and, in the case of a VAWA petitioner who demonstrates a connection between the false claim of United States citizenship and the petitioner being subjected to battery or extreme cruelty, clause (ii))'' after ''clause (i)''.

(2) CONFORMING REFERENCE.—Section 212(a)(6)(C)(iii) of such Act (8 U.S.C. 1182(a)(6)(C)(iii)) is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

(1) IN GENERAL.—Section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR BATTERED ALIENS.—Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA petitioner or is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.''.

(2) CONFORMING AMENDMENT.—Section 212(a)(4)(C)(i) of such Act (8 U.S.C. 1182(a)(4)(C)(i)) is amended to read as follows:

''(i) the alien is described in subparagraph (E); or''.

(c) EFFECTIVE DATE.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply regardless of whether the conviction was entered, crime, or disqualifying event occurred before, on, or after such date.

SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by sections 403(a) and 404(a) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended by adding at the end the following new paragraph:

''(15) In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H)(i) of such section, respectively, the Secretary of Homeland Security shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject to extreme cruelty perpetrated by the spouse of the alien spouse. Requests for

relief under this paragraph shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who obtained the status of an alien spouse before, on, or after such date.

SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDITIONAL PERMANENT RESIDENCE FOR INTENDED SPOUSES.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting '', or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of VAWA–2000.

SEC. 935. CANCELLATION OF REMOVAL.

(a) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting ''subject to paragraph (5),'' after ''(C)''; and

(ii) by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'';

(B) in paragraph (2)(A), by amending clause (iv) to read as follows:

''(iv) subject to paragraph (5), the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and''; and

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

''(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(7) shall apply in the application of paragraphs (1)(C) and (2)(A)(iv) (including waiving grounds of deportability) in the same manner as they apply under section 237(a). In addition, for purposes of such paragraphs and in the case of an alien who has been battered or subjected to extreme cruelty and if there was a connection between the inadmissibility or deportability and such battery or cruelty with respect to the activity involved, the Attorney General may waive, in the sole unreviewable discretion of the Attorney General, any other ground of inadmissibility or deportability for which a waiver is authorized under section 212(h), 212(d)(13), 212(d)(14), or 237(a)(2)(A)(v), and the exception described in section 204(a)(1)(C) shall apply.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 1504(a) of VAWA–2000.

(b) CLARIFYING NONAPPLICATION OF CANCELLATION CAP.—

(1) IN GENERAL.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following new subparagraph:

''(C) Aliens with respect to their cancellation of removal under subsection (b)(2).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cancellations of removal occurring on or after October 1, 2004.

SEC. 936. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(A) in subparagraph (A), by inserting '', except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)'' before the period at the end; and

(B) in subparagraph (C)—

(i) in the heading of clause (iv), by striking ''SPOUSES AND CHILDREN'' and inserting ''SPOUSES, CHILDREN, AND PARENTS'';

(ii) in the matter before subclause (I) of clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply'' and inserting ''Any limitation under this section on the deadlines for filing such motions shall not apply'';

(iii) in clause (iv)(I), by inserting ''or section 244(a)(3) (as in effect on March 31, 1997)'' after ''section 240A(b)(2)'';

(iv) by striking ''and'' at the end of clause (iv)(II);

(v) by striking the period at the end of clause (iv)(III) and inserting ''; and''; and

(vi) by adding at the end the following:

''(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall stay the removal of the alien pending final disposition of the motion including exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—

(1) IN GENERAL.—Section 1506(c)(2) of VAWA–2000 is amended—

(A) in the matter before clause (i) of subparagraph (A), by striking ''Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation'' inserting ''Notwithstanding any limitation on the number of motions, or the deadlines for filing motions (including the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act before the title III–A effective date), to reopen or rescind deportation or exclusion'';

(B) in the matter before clause (i) of subparagraph (A), by striking ''there is no time limit on the filing of a motion'' and all that follows through ''does not apply'' and inserting ''such limitations shall not apply to the filing of a single motion under this subparagraph to reopen such proceedings'';

(C) by adding at the end of subparagraph (A) the following:

''The filing of a motion under this subparagraph shall stay the removal of the alien pending a final disposition of the motion including the exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.'';

(D) in subparagraph (B), by inserting ''who are physically present in the United States and'' after ''filed by aliens''; and

(E) in subparagraph (B)(i), by inserting ''or exclusion'' after ''deportation''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 937. REMOVAL PROCEEDINGS.

(a) TREATMENT OF BATTERY OR EXTREME CRUELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended by inserting ''battery or extreme cruelty of the alien or any child or parent of the alien or'' after ''exceptional circumstances (such as''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a failure to appear that occurs before, on, or after such date.

SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPORTATION PARALLEL TO THE RELIEF AVAILABLE IN VAWA–2000 CANCELLATION FOR BIGAMY.

Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall be applied as if ''or by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or permanent resident's bigamy'' were inserted after ''by a spouse or parent who is a United States citizen or lawful permanent resident''.

SEC. 939. CORRECTION OF CROSS-REFERENCE TO CREDIBLE EVIDENCE PROVISIONS.

(a) CUBAN ADJUSTMENT PROVISION.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note), as amended by section 1509(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) NACARA.—Section 202(d)(3) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), as amended by section 1510(a)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(c) IIARAIRA.—Section 309(c)(5)(C)(iii) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 1510(b)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(d) HRIFA.—Section 902(d)(1)(B)(iii) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538), as amended by section 1511(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of VAWA–2000.

SEC. 940. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.—

(1) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(A) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(B) in the fourth sentence, by striking ''section 240A(b)(2)(B)'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(2) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of such Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if included in the enactment of section 1504(a) of VAWA (114 Stat. 1522).

(b) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(c) PUNCTUATION CORRECTION.—Effective as if included in the enactment of section 5(c)(2) of VAWA–2000, section 237(a)(1)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking the period at the end and inserting ''; or''.

(d) CORRECTION OF DESIGNATION AND INDENTATION.—The last sentence of section

212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)), as added by section 1505(a) of VAWA–2000, is amended—

(1) by striking ''section 212(a)(9)(C)(i)'' and inserting ''clause (i)'';

(2) by redesignating paragraphs (1) and (2), and subparagraphs (A) through (D) of paragraph (2), as subclauses (I) and (II), and items (aa) through (dd) of subclause (II), respectively; and

(3) by moving the margins of each of such paragraphs and subparagraphs 6 ems to the right.

(e) ADDITIONAL TECHNICAL CORRECTIONS.—(1) Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1227(a)(7)(A)(i)(I)) is amended by striking ''is self-defense'' and inserting ''in self-defense''.

(2) Section 245(l)(2)(B) of such Act (8 U.S.C. 1255(l)(2)(B)) is amended by striking ''(10(E))'' and inserting ''(10)(E))''.

TITLE X—SAFETY ON TRIBAL LANDS

SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of domestic violence, dating violence, sexual assault, and stalking on Tribal lands;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to domestic violence, dating violence, sexual assault, and stalking on Tribal lands under their jurisdiction; and

(3) to ensure that perpetrators of domestic violence, dating violence, sexual assault, and stalking on Tribal lands are held accountable for their criminal behavior.

SEC. 1002. CONSULTATION.

(a) IN GENERAL.—The Secretary of the Interior and the Attorney General shall each conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including consultation concerning—

(1) the timeliness of the Federal grant application and award processes;

(2) the amounts awarded under each program directly to tribal governments, tribal organizations, and tribal nonprofit organizations;

(3) determinations not to award grant funds;

(4) grant awards made in violation of the eligibility guidelines to a nontribal entity; and

(5) training, technical assistance, and data collection grants for tribal grant programs or programs addressing the safety of Indian women.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON TRIBAL LANDS.

(a) NATIONAL BASELINE STUDY.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women.

(b) SCOPE.—

(1) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(A) domestic violence;

(B) dating violence;

(C) sexual assault;

(D) stalking; and

(E) murder.

(2) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in paragraph (1) committed against Indian women.

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under subsection (a).

(2) MEMBERS.—The Director shall appoint to the task force representatives from—

(A) national tribal domestic violence and sexual assault nonprofit organizations;

(B) tribal governments; and

(C) the National Congress of American Indians.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the findings made in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f); and

(2) by inserting after subsection (c) the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

''(1) identification records;

''(2) criminal history records;

''(3) protection orders; and

''(4) wanted person records.''.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 2015 (as added by section 604 of this Act) the following:

''SEC. 2016. TRIBAL DIVISION.

''(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, to be responsible for—

''(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

''(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

''(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

''(6) providing assistance to the Department of Justice to develop policy and to enforce Federal law relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(7) maintaining a liaison with the judicial branches of Federal, State and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

''(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386) is used to enhance the capacity of Indian tribes to address the safety of members of Indian tribes.

''(2) ACCOUNTABILITY.—The Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

''(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

''(B) development and maintenance of tribal domestic violence shelters or programs for battered members of Indian tribes, including sexual assault services, that are based upon the unique circumstances of the members of Indian tribes to be served;

''(C) development of tribal educational awareness programs and materials;

''(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against memberes of Indian tribes; and

''(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

''SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the ''Director''), shall take such setasides and combine them to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, and stalking. Grants made under this program shall be administered by the Tribal Division of the Office on Violence Against Women.

''(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

''(A) Section 2007 (42 U.S.C. 3796gg–1), Grants to Combat Violent Crimes Against Women.

''(B) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

''(C) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

''(D) Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), Safe Havens for Children Pilot Program.

''(E) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

''(F) Section 41002 of the Violence Against Women Act of 1994, Grants for Court Training and Improvements.

''(G) Section 2014(b), Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

''(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment. Section 41202, Services to Advocate For and Respond to Teens.

''(I) Section 704, Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking In Middle And High Schools.

''(b) PURPOSE OF PROGRAM AND GRANTS.—

''(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of members of Indian tribes consistent with tribal law and custom, specifically the following:

''(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

''(B) To strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

''(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director may make grants to Indian tribes for the purpose of enhancing participating tribes' capacity to address the safety of members of Indian tribes. Each participating tribe shall exercise its right of self-determination and self-governance in allocating and using funds made available under the program. Each participating tribe may use funds under the program to support its specific tribally based response to increasing the safety of members of Indian tribes. Grants under the program shall support the governmental efforts identified by the Indian tribe required according to its distinctive ways of life to increase the safety of members of Indian tribes from crimes of sexual assault, domestic violence, dating violence, stalking, kidnapping, and murder.

''(c) DISBURSEMENT.—Not later than 120 days after the receipt of an application under this section, the Attorney General, through the Director, shall—

''(1) disburse the appropriate sums provided for under this section; or

''(2) inform the Indian tribe why the application does not conform to the terms of the application requirements.

''(d) REQUIRED PROCEDURES.—

''(1) DEADLINE TO PROVIDE NOTICE.—No later than 60 days after receiving an appropriation of funds supporting the program required by this section, Director shall—

''(A) publish in the Federal Register notification of—

''(i) the availability of those funds to Indian tribes;

''(ii) the total amount of funds available; and

''(iii) the process by which tribes may participate in the program; and

''(B) mail each Indian tribe a notification of the matters required by subparagraph (A), together with instructions on the process, copies of application forms, and a notification of the deadline for submission of an application.

''(2) DEADLINE TO MAKE FUNDS AVAILABLE.—No later than 180 days after receiving an appropriation referred to in paragraph (1), the Director shall distribute and make accessible those funds to Indian tribes opting to participate in the program.

''(3) FORMULA.—The Director shall distribute those funds according to the following formula:

''(A) 60 percent of the available funds shall be allocated equally to all Indian tribes who exercise the option to access the funds.

''(B) The remaining 40 percent shall be allocated to the same Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

''(4) SET-ASIDE.—No later than 120 days after receiving an appropriation referred to in paragraph (1), the Director shall set aside not less than 5 percent and up to 7 percent of the total amount of those funds for the purpose of entering into a cooperative agreement or contract with one or more tribal organizations with demonstrated expertise in providing training and technical assistance to Indian tribes in addressing domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, tribal law, and customary pratices. At least one of the cooperative agreements or contracts shall be entered into with a single tribal organization to provide comprehensive technical assistance to participating tribal governments. Such training and technical assistance shall be specifically designed to address the unique legal unique legal status, distinct cultural ways of life, and geographic circumstances of the Indian tribes receiving funds under the program.

''(e) RECIPIENT REQUIREMENTS.—

''(1) IN GENERAL.—Indian tribes may receive funds under the program required by this section as individual tribes or as a consortium of tribes.

''(2) SUBGRANTS AND OTHER ARRANGEMENTS.—Participating tribes may make subgrants or enter into contracts or cooperative agreements with the funds under the program to enhance the safety of, and end domestic violence, dating violence, sexual assault, and stalking against, members of Indian tribes.

''(3) SET ASIDE.—Participating tribes must set aside no less than 50 percent of their total allocation under this section for tribally specific domestic violence, dating violence, sexual assault, or stalking victim services and advocacy for members of Indian tribes. The services supported with funds under the program must be designed to address the unique circumstances of the individuals to be served, including the customary practices and linguistic needs of the individuals within the tribal community to be served. Tribes shall give preference to tribal organizations or tribal nonprofit organizations providing advocacy services to members of Indian tribes within the community to be served such as a safety center or shelter program for members of Indian tribes. In the case where the above organizations do not exist within the participating tribe, the participation and support from members of Indian tribes in the community to be served is sufficient to meet this requirement.

''(f) ADMINISTRATION REQUIREMENTS.—

''(1) APPLICATION.—To reduce the administrative burden for Indian tribes, the Director shall prepare an expedited application process for Indian tribes participating in the program required by this section. The expedited process shall facilitate participating tribes' submission of information—

''(A) outlining project activities;

''(B) describing how the project activities will enhance the Indian tribe's response to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

''(C) identifying the tribal partner providing advocacy and related services for members of Indian tribes who are victims of crimes of domestic violence, dating violence, sexual assault, and stalking.

''(2) REPORTING AND EVALUATION.—The Director shall alleviate administrative burdens upon participating Indian tribes by—

''(A) developing a reporting and evaluation process relevant to the distinct governance of Indian tribes;

''(B) requiring only essential data to be collected; and

''(C) limiting reporting to an annual basis.

''(3) GRANT PERIOD.—The Director shall award grants for a two-year period, with a possible extension of another two years to implement projects under the grant.

''(g) PRESUMPTION THAT MATCHING FUNDS NOT REQUIRED.—

''(1) IN GENERAL.—Given the unique political relationship between the United States and Indian tribes differentiates tribes from other entities that deal with or are affected by, the Federal Government, the Director shall not require an Indian tribe to match funds under this section, except as provided in paragraph (2).

''(2) EXCEPTION.—If the Director determines that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1), the Director may waive the operation of paragraph (1) for that tribe.

''(h) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in—

''(1) the development and delivery of services to members of Indian tribes who are victimized;

''(2) the development and implementation of tribal governmental responses to such crimes; and

''(3) the traditional and customary practices of Indian tribes to such crimes.''.

SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF PROSECUTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE ON TRIBAL LANDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall submit to the Congress a report on the prosecution of sexual assault and domestic violence committed against adult American Indians and Alaska Natives.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of prosecution of such cases by the United States district attorneys of such cases.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal criminal jurisdiction and charged according to the following provisions of title 18, United States Code: Sections 1153, 1152, 113, 2261(a)(1)(2), 2261A(1), 2261A(2), and 922(g)(8).

(3) A summary of the number of—

(A) reports received;

(B) investigations conducted;

(C) declinations and basis for declination;

(D) prosecutions, including original charge and final disposition;

(E) sentences imposed upon conviction; and

(F) male victims, female victims, Indian defendants, and non-Indian defendants.

(4) The priority assigned by the district to the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(5) Any recommendations by the Comptroller General for improved Federal prosecution of such cases.

(c) YEARS COVERED.—The report required by this section shall cover the years 2000 through 2005.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–236. 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, 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 109–236.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 6, line 14, strike ''pardon and''.

Page 10, line 14, strike ''pardon and''.

Page 25, line 1, insert ''(1)'' before ''Any''.

Page 25, line 7, strike the close quotation marks and strike ''; and''.

Page 25, after line 7, insert the following:

''(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.''.

Page 27, strike line 23, and insert the following:

''(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);''.

Page 40, after line 16, insert the following as quoted matter:

SEC. 508. INCLUSION OF INDIAN TRIBES.

In this subpart, the term ''State'' includes an Indian tribal government.

Page 40, line 17, redesignate section 508 as section 509.

Page 43, strike lines 8 through 11 and insert the following:

(ii) by striking ''the application submitted pursuant to section 503 of this title.'' and inserting ''the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).'';

Page 46, line 5, insert ''tribal,'' before ''and local''.

Page 47, beginning on line 1, strike ''National Criminal History Background Check System'' and insert ''National Instant Criminal Background Check System''.

Page 55, line 22, before the close quotation marks, insert the following as quoted matter:

SEC. 105. INCLUSION OF INDIAN TRIBES.

For purposes of sections 103 and 104, the term ''State'' includes an Indian tribal government.

Page 65, strike line 1 and all that follows through line 10.

Page 65, line 11, strike ''(d)'' and insert ''(c)''.

Page 67, line 3, strike ''provisions'' and insert ''provision''.

Page 67, line 4, strike ''are'' and insert ''is''.

Page 67, strike lines 7–8.

Page 74, line 12, strike ''5'' and insert ''3''.

Page 78, line 1, strike ''**OFFICE**'' and insert ''**DIVISION**''.

Page 78, line 4, strike ''an office'' and insert ''of Science and Technology, the Division''.

Page 78, line 5, strike ''a Director'' and insert ''an individual''.

Page 78, line 6, strike ''Office'' and insert ''Division''.

Page 78, beginning on line 10, strike ''Office, the Director'' and insert ''Division, the head of the Division''.

Page 80, line 17, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''Programs''.

Page 81, line 2, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''General''.

Page 81, line 11, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''General''.

Page 83, strike line 22 and all that follows through page 84, line 8.

Page 84, line 22, insert ''and'' at the end.

Page 84, line 25, strike the semicolon and all that follows through page 85, line 19, and insert a period.

Page 90, after line 6, insert the following new section:

SEC. 259. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) IN GENERAL.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking ''2003'' and inserting ''2009''.

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after ''The Attorney General'' the following: '', acting through the Office of Community Oriented Policing Services,''.

Page 91, strike lines 5 through 9.

Page 91, after line 19, insert the following:

''(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103–322 is amended by striking subsection (c).''.

Page 91, line 24, strike ''predominately'' and insert ''predominantly''.

Page 96, strike lines 6 through 9, and insert the following:

inserting ''or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''in a Federal prison,'':

Page 97, strike lines 3 through 8, and insert the following:

Section 1791(d)(4) of title 18, United States Code, is amended by inserting ''or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''penal facility''.

Page 100, line 24, insert after ''bullying'' the following: '', cyberbullying,''.

Page 104, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 323. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 324. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

Page 116, line 2, insert ''or sexual assault'' after ''violence''.

Page 120, beginning on line 3, strike ''subparagraph (C)'' and insert ''subparagraphs (C) and (D)''.

Page 120, line 19, insert '', except that consent for release may not be given by the abuser of the minor or person with disabilities, or the abuser of the other parent of the minor'' before the period.

Page 121, line 15, strike ''and'' at the end.

Page 121, line 18, insert ''protection order'' after ''governmental''.

Page 121, line 20, strike the period and insert ''; and''.

Page 121, after line 20, insert the following:

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.''.

Page 123, line 13, strike ''3793(a)(8)'' and insert ''3793(a)(18)''.

Page 126, lines 1–2, strike ''racial and ethnic minorities and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.'' .

Page 126, lines 6–7, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,'' .

Page 126, lines 8–9, strike ''racial and ethnic and other underserved'' and insert ''those''.

Page 126, line 24, insert ''coalitions for'' after the open quotation marks.

Page 130, line 4, insert ''or Indian Tribal government'' after ''State''.

Page 130, line 9, insert ''(1)'' before ''Part''.

Page 130, line 17, strike ''that'' and insert ''must certify''.

Page 130, line 18, insert ''will'' after ''practices''.

Page 131, after line 2, insert the following:

(2) COMPLIANCE.—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-l(d)) is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; and''; and

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

''(4) proof of compliance with the requirements regarding polygraph testing provided in section 2012.''.

Page 134, at the end of line 25, add the following: ''Although funds may be used to support the co-location of project partners, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.''.

Page 135, line 2, insert ''probation and parole officers,'' after ''prosecutors,''.

Page 135, line 6, strike the close quotation marks and the semicolon at the end.

Page 135, after line 6, insert the following:

''(13) To develop, to enhance, and to maintain protection order registries.'';

Page 135, line 13, insert ''that'' after ''certify''.

Page 135, line 15, strike ''that''.

Page 135, line 15, insert ''will'' after ''practices''.

Page 137, beginning on line 2, strike ''to offer'' and all that follows through ''violence''.

Page 142, lines 8–12, strike ''racial and ethnic communities'' and all that follows through the semicolon on line 12 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;'' .

Page 147, lines 22–23, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 150, line 3, strike ''assure'' and insert ''ensure''.

Page 151, line 23, strike ''every 18 months''.

Page 152, strike lines 2 through 15, and insert the following:

''tain information on the activities implemented by the recipients of the grants awarded under this section.''.

Page 158, line 7, insert ''(a) OFFENSES.—'' before ''Section''.

Page 158, after line 14, insert the following:

(b) DEFINITION.—Section 2216 of title 18, United States Code, is amended by adding at the end the following:

''(c) DEFINITION.—The term 'dating partner' refers to a person who is or has been in an ongoing relationship of a romantic or intimate nature with the abuser. Factors to consider in determining whether the relationship is or was ongoing include, but are not limited to, the length of the relationship and the frequency of interaction between the persons involved in the relationship.''.

Page 161, line 7, strike ''and''.

Page 161, line 19, strike the period and insert ''; and''.

Page 161, after line 19, insert the following:

''(3) to enhance coordinated community responses to sexual assault.''.

Page 162, line 9, insert ''and support coordinated community responses to sexual assault'' before the period at the end.

Page 164, line 11, strike ''and'' at the end.

Page 164, line 14, strike ''clauses (A) through (G).'' insert ''paragraphs (1) through (7);''.

Page 164, after line 14, insert the following:

''(9) sexual assault forensic examinations performed by specially trained examiners, including coordination of examiners with other responders and testimony by examiners; and

''(10) developing and enhancing coordinated community responses to sexual assault, including the development and enhancement of sexual assault response teams.''.

Page 170, line 4, strike ''between'' and insert ''among''.

Page 171, line 14, insert ''(including rural areas or rural communities in United States Territories)'' after ''rural communities''.

Page 171, line 17, strike ''between'' and insert ''among''.

Page 174, lines 10–13, strike ''racial and ethnic and other'' and all that follows through the period on line 13 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.''.

Page 183, line 3, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 183, beginning on line 18, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 186, lines 7–9, strike ''racial and ethnic and other'' and all that follows through the period on line 9 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.''.

Page 189, line 14, strike ''racial and ethnic minorities'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 190, line 3, strike ''racial and ethnic populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 191, line 13, strike ''may'' and insert ''shall''.

Page 191, line 24, strike ''every 18 months''.

Page 193, lines 15–16, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 193, lines 18–19, strike ''racial and ethnic and other underserved populations'' and insert ''those populations''.

Page 195, beginning on line 6, strike ''every 18 months''.

Page 205, line 18, strike ''ANNUAL'' and insert ''PERFORMANCE''.

Page 205, line 20, strike ''submit a biennial performance''.

Page 205, line 21, insert ''on activities conducted with grant funds'' before the period.

Page 206, strike lines 9 through 12, and insert the following:

(4) REPORT TO CONGRESS.—Not later than 30 days after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report for the period of 2 fiscal years at any time in which grants were made under this section and ending in such even-numbered fiscal year, that includes—

Page 207, line 13, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 212, line 16, insert '', except that consent for release may not be given by the abuser of the minor or of the other parent of the minor'' after ''guardian''.

Page 213, line 21 strike ''native'' and insert ''Native''.

Page 219, lines 7–10, strike ''racial and ethnic and other'' and all that follows through the semicolon on line 10 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;''.

Page 222, lines 4–5, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 222, beginning on line 7, strike ''every 18 months''.

Page 223, lines 5–8, strike ''racial and ethnic and other'' and all that follows through the semicolon on line 8 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;''.

Page 226, lines 23–24, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 227, beginning on line 10, strike ''every 18 months''.

Page 229, lines 23–24, strike ''racial ethnic and other underserved communities'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 306, line 9, insert ''National Institute of Justice in consultation with the'' after ''through the''.

Page 313, beginning on line 5, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

This manager's amendment makes several technical and clarifying changes requested by the Department of Justice. Probably more importantly, because this is the issue of controversy, it clarifies a provision in the legislation that may have been vulnerable to a constitutional challenge.

In its current form, a provision in the legislation could be viewed to prescribe race-based VAWA grant awards by conditioning certain grants upon an applicant's ability to address the needs of ethnic and racial minorities. The amendment addresses this issue by clarifying existing VAWA grant criteria that require applicants to indicate how they intend to meet the needs of populations that are currently underserved by existing VAWA programs. Specifically, the manager's amendment clarifies that such funding should be based on an applicant's ability to address the needs of ''populations underserved by geographic locations, underserved racial and ethnic populations, populations underserved because of special needs, such as language barriers, disabilities, alienage status, or age, and any other population determined to be underserved by the Attorney General.''

The amendment remedies the possible constitutional concerns that effectuates the intent of the committee

when drafting the legislation. Additionally, the amendment reauthorizes the Secure Our Schools grant program and ensures that it is preserved as a stand-alone program; authorizes a program for training prosecutors for child abuse cases; and ensures that Native American Tribes are eligible for certain DOJ grants, including the new Justice Assistance Grants program and the Weed and Seed program grants.

Finally, the amendment includes a provision to encourage cooperation between Federal, State and local courts and communities to ensure that the State and local courts will be able to continue to operate utilizing available Federal facilities in the wake of Hurricane Katrina and Hurricane Rita. I urge my colleagues to support the amendment.

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

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

Mr. Chairman, it is unfortunate that we on the committee can agree with everything, which should be being celebrated; but the one thing that is in disagreement creates the greatest amount of discussion. I regret that, but I think the manager's amendment has to be called into account because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color, and I cannot allow this to happen without making the comments that I do.

Let us understand that constitutional law is not some secret body of intelligence that is in the power of the members of the Committee on the Judiciary. This amendment, which is being taken out because it is thought to cause constitutional problems, is the same amendment that is supported by the National Network to End Domestic Violence, the Family Violence Prevention Fund, the National Coalition to End Domestic Violence, Break the Cycle, Legal Momentum, the NAACP, the YWCA and the Sisters of Color Ending Sexual Abuse.

The bill that passed the House and Senate Committees on the Judiciary contain language ensuring that the minorities who are victims of domestic and sexual assault would receive adequate services. That the members of the Committee on the Judiciary agreed upon. This language was necessary because the bureaucrats at the Department of Justice were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations.

Now this was unfortunately removed, but under current law since the Supreme Court's decision in Adarand and its decision in Grutter, specific set-asides that are race-based have been subject to strict scrutiny. There are no such set asides or quotas in the bill that passed the Committee on the Judiciary. The same provision has passed in the Senate, and we have lists of constitutional scholars to attest to the fact that this language does not require the distribution of money on the basis of race or ethnicity.

I urge my colleagues in a sense of fairness, not making political points, that we reject the manager's amendment.

I rise in strong opposition to the Managers' amendment because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color.

This is why the amendment is opposed by the groups that are working so hard to prevent rape and sexual assault—the National Network to End Domestic Violence; the Family Violence Prevention Fund; the National Coalition to End Domestic Violence; Legal Momentum; the NAACP; and the Sisters of Color Ending Sexual Assault.

The bill that passed both the House and Senate Judiciary Committees contains language ensuring that minorities who are victims of domestic violence and sexual assault would receive adequate services. The Members of the Judiciary Committee agreed—on a bipartisan basis—that this language was necessary because the bureaucrats at the Department of Justice were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations.

This is a serious problem because we know that people of color are far less likely than other groups to report incidents of rape and sexual assault. The only way we can reach out to these individuals is by supporting these non-traditional groups.

Unfortunately, between the Judiciary Committee and the floor, this provision—which has been in the bill since its introduction—suddenly became controversial. Out of the blue, the Administration has attempted to argue that there might, possibly be a constitutional problem with this provision.

Under current law, since the Supreme Court's decision in Adarand v. Pena and Grutter v. Bollinger, specific set asides that are race-based have been subject to strict scrutiny. Clearly, there are no such set asides or quotas in the bill that passed the Judiciary Committee.

The bill simply requires states to "describe how they will address the needs of racial and ethnic minorities and other underserved populations" and "to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved populations" and to ensure that each gets their fair share.

There is no set aside. There is no quota. Considering the needs of certain communities in no way violates the Constitution's Equal Protection Clause, and I would hope that the Members of this body would agree with that very common sense notion.

We have consulted with outside and independent constitutional experts and have confirmed that the Administration's last minute arguments do not pass the legal laugh test. For example, an esteemed constitutional scholar at the University of Texas, Professor Douglas Laycock, said the language does not require distribution of money on the basis of race or ethnicity, but rather requires states to be alert and ensure that underserved racial and ethnic populations are not subject to discrimination. "A state cannot be confident that funds are being administered and awarded in a non-discriminatory way unless it examines the treatment of racial and ethnic minorities. That is all these provisions require."

We have also received a letter from several other law professors who are experts in the field, including Professor Joan Meier of the George Washington University Law School, Professor Julie Goldscheid of the City University of New York School of Law, Professor Sally Goldfarb of Rutgers University School of Law, and Professor Martha Davis of the Northeastern School of Law. These professors authoritatively state that "referencing 'racial and ethnic minorities' meets the standard most recently laid out by the Supreme Court in Grutter v. Bollinger. [T]he Federal Government has a compelling interest in assuring that racial and ethnic minorities receive due consideration in the receipt of services, or grants flowing from the Violence Against Women Act. H.R. 3402 does not create quotas or unduly favor racial and ethnic minorities for government benefits. It simply urges that grantors give due consideration to their needs and interests."

Let me close by noting that in the last several weeks, some have raised questions about the Administration's and Congress' sensitivity to issues of race. In the aftermath of Hurricane Katrina, many openly wondered whether it was the race of the victims of the Hurricane that led to a sluggish federal response. The Nation watched and asked why we had left so many people of color behind.

Today, we have a chance to respond to this issue, by telling people of color and other minorities that if you are raped or assaulted, we will do our best to make sure that you have support and counseling. We will do our best to make sure that you are not victimized twice—first by the assailant, and second by the federal bureaucracy.

I urge my colleagues on both sides of the aisle to join with me in supporting the common sense idea of supporting these victims of rape and violence and vote down the Manager's amendment.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Let me say that the gentleman from Michigan correctly states the law that anything that has race-based quotas in it or set-asides is subject to strict scrutiny by the courts.

I am afraid that if the manager's amendment goes down, there will be a lawsuit and a temporary restraining order against disposing of any of these funds to underserved communities, and that would be a shame. What the manager's amendment does is err on the side of caution.

Now I point out that the bill, H.R. 357 of the 106th Congress, which the gentleman from Michigan himself introduced, does exactly what the manager's amendment proposes to do. And in section 651(c)(7), his bill from the 106th Congress says underserved populations include populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location, including rural isolation, language barriers, or any other populations determined to be underserved by the State planning process.

Now the gentleman from Michigan has changed his position. The manager's amendment keeps it the way it is because we know that the money will be flowing and cannot be enjoined as a result of a constitutional challenge irrespective of how that challenge ends up being finally decided by the courts. I urge adoption of the amendment.

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

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to remind the gentleman that it is not me who changed my position. The gentleman from Wisconsin supported the amendment. The amendment that he is striking in the manager's amendment, the gentleman supported in committee, so how can I be changing my position, please?

I have enjoyed the friendly exchanges we have had over the years, and I look forward to them in the future, but to threaten the House with the fact that an injunction might hold up the entire bill, it should be realized that for an injunction, it must be shown that there is a reasonable chance of passage.

□ 1615

He and I and, I think, probably the court would realize that there is nothing, nothing, in here that would suggest that there would be set-asides or quotas. There is nothing race-based here. He knows it; I know it; the committee knew it. And yet last night we were beset by this last problem. And all of the civil rights groups are arguing the same position.

So I urge that the manager's amendment be turned back.

Ms. SOLIS. Mr. Chairman, I rise today to address the reauthorization of the Violence Against Women Act.

While I am supportive of the underlying bill, the manager's amendment that we will soon consider creates serious problems for women of color who are victims of domestic violence.

This manager's amendment weakens the definition of underserved communities so that groups that work specifically to help women of color who are victims of domestic violence would continue to be ignored by the grants process of the Department of Justice.

After all of the bipartisan work that has been done to produce a balanced VAWA reauthorization, it is an outrage that at the last minute, Republican Leadership is shortchanging women of color who are victims of domestic violence.

When considering VAWA, we must recognize the complex problems facing women of color, particularly immigrant women, who are victims of domestic violence.

Women of color are less likely to report incidents of domestic violence, which means that studies of domestic violence among communities of color do not reflect the reality of these women's lives.

Women of color who are victims of domestic violence are at an even greater risk when their spouses control the immigration status of their family members.

Women of color also face institutional barriers to reporting abuse or seeking help for domestic violence, because of restrictions on public assistance, limited access to immigration relief, lack of translators, scarce educational materials in the woman's native language, and other factors.

By addressing domestic violence in these communities in a way that understands their culture and values, we greatly increase the chance of making a difference for women of color who are being abused.

It is my hope that the reauthorization for the Violence Against Women Act (VAWA) is comprehensive and meets the needs of all women.

I urge my colleagues to oppose the Manager's Amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in objection to the Manager's Amendment, which would weaken the Violence Against Women Act.

After months of bipartisan negations, H.R. 3402 came out of committee as a balanced bill that sought to help ALL women who are victims of violence.

With the removal of racial and ethnic minorities from the STOP grants section, we will be denying the significant problem of violence in our minority communities.

Unfortunately, domestic violence in our minority population is a substantial problem that is vastly under-reported. If we wish to eradicate violence in our communities we must proceed with policies that address cultural and language barriers.

Our government's commitment to minorities is being questioned by many. Passing this amendment sends a clear message that this Congress does not care about sexual assault and domestic violence in our communities of color.

I strongly urge my colleagues to vote "no" on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 191, not voting 17, as follows:

[Roll No. 499]

AYES—225

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

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver

Ortiz	Sánchez, Linda T.	Thompson (CA)
Owens	Sanchez, Loretta	Thompson (MS)
Pallone	Sanders	Tierney
Pascrell	Schakowsky	Towns
Pastor	Schiff	Udall (CO)
Paul	Schwartz (PA)	Udall (NM)
Payne	Scott (GA)	Van Hollen
Pelosi	Scott (VA)	Velázquez
Peterson (MN)	Serrano	Visclosky
Pomeroy	Sherman	Wasserman Schultz
Price (NC)	Slaughter	Waters
Rahall	Smith (WA)	Watson
Rangel	Snyder	Watt
Reyes	Solis	Waxman
Ross	Spratt	Weiner
Roybal-Allard	Stark	Wexler
Rush	Strickland	Woolsey
Ryan (OH)	Stupak	Wu
Sabo	Tanner	Wynn
Salazar		

NOT VOTING—17

Alexander	Culberson	Pickering
Berkley	Davis (FL)	Ruppersberger
Blumenauer	Gutierrez	Skelton
Boswell	Harman	Tancredo
Cleaver	Hunter	Tauscher
Costa	Melancon	

□ 1640

Ms. ESHOO and Mr. GRIJALVA changed their vote from ''aye'' to ''no.''

Mr. NUNES changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. SKELTON. Mr. Chairman, on rollcall No. 499, had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–236.

AMENDMENT NO. 2 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. 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. CUELLAR:

Page 23, after line 23, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) TASK FORCE.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force, and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug trafficking, violence, and kidnapping along the border between the United States and Mexico.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CUELLAR).

□ 1645

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman of the Committee on the Judiciary and also the ranking member. I believe this amendment is acceptable both to the chairman and the ranking member.

Mr. Chairman, I would like to thank Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS for putting together a good bill that will benefit the justice system in the United States.

Mr. Chairman, my amendment—number 40—to this bill will authorize appropriations for the newly structured Border Violence Task Force in Laredo, Texas.

My amendment will authorize appropriations of $10 million per year for the duration of the bill to provide for equipment, personnel, administrative, and technological costs. This authorization is necessary to provide the Border Violence Task Force the resources it needs to combat border violence.

My amendment will allow the Attorney General to designate the lead on the Border Violence Task Force that is currently being lead by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

This task force is an inter-agency law enforcement effort on the Federal, State, and local level to combat escalating violence on the United States-Mexico border. As the largest land port of entry in the United States, Laredo is a critical component of our Nation's economy. I have been working with officials from both sides of the border to help establish a collaborative solution to the violence, and the Border Violence Task Force is the result of that effort.

Our shared border with Mexico is one of our Nation's greatest cultural and economic assets. Unfortunately, in the past year, the growth and security of the border region has been threatened by a wave of violence. This violence has affected communities on both sides of the border, and has resulted in the highly publicized kidnapping of over 35 American citizens. If we are to restore peace and prosperity to our border communities, we need to act now.

Last May, I organized a Border Violence Task Force in Laredo, TX, to deal with border violence. The group included experts from the FBI; the Alcohol, Tobacco, and Firearms; Customs and Border Protection; Immigration and Customs Enforcement; the U.S. Marshal; the U.S. Attorney, the DEA, the State Department, U.S. Consulate in Nuevo Laredo, the Department of Public Safety-Narcotics, the Department of Public Safety-Intelligence, the local Webb County Sheriff, and the Laredo Chief of Police.

This Task Force has met a few times and the Special Agents-in-Charge in the region have agreed to work in a joint effort to develop a plan of action to address the escalating violence along the Mexico-United States border in Laredo, TX.

The task force will develop initiatives and strategies dealing specifically with the problems in the border region. The group will work in partnership and cooperation with each other maximizing their strengths and expertise.

This authorization represents a critical step forward for law enforcement in the border region, and the increased security and growth it will bring to the border will benefit communities throughout the Nation. I urge you to support the law enforcement officers on the United States-Mexico border who are working to keep our border communities safe.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from Texas has a great amendment, and we are happy to accept it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are delighted to accept the amendment on this side.

Mr. CUELLAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–236.

AMENDMENT NO. 3 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. 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. CUELLAR:

Page 23, after line 23, insert the following (and conform the table of contents accordingly):

SECTION 106. NATIONAL GANG INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

(1) the Federal Bureau of Investigation;

(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

(11) Federal, State, and local prisons and jails; and

(12) any other entity as appropriate.

(b) INFORMATION.—The Center established under subsection (a) shall make available

the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) ANNUAL REPORT.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to H.R. 3402—number 39—will authorize the Federal Bureau of Investigation National Gang Intelligence Center. This effort builds upon a $10 million appropriation given in fiscal year 2005 for the establishment of such a center, and will permanently ensure the presence and operation of this critical information network.

A version of this amendment was unanimously approved in H.R. 1279, the Gang Deterrence and Community Protection Act of 2005.

My amendment adds $10 million in authorization for the National Gang Intelligence Center for each fiscal year of the bill, which mirrors the $10 million appropriation given for fiscal year 2005.

In order to fully encompass the scope of gang intelligence collection and capabilities, my amendment not only includes collection and dissemination involving law enforcement from Federal, State, and local agencies, but also corrections agencies and penal institutions at the Federal, State and local levels.

The addition of these components will allow for intelligence gathering from entities involved in post-prosecution activities such as community-based corrections and incarceration.

My Congressional District, the 28th of Texas, is both rural and urban, and has the added concerns of the violence and drug trafficking along the U.S.-Mexico border. Along the border there is violence in Nuevo Laredo in Mexico that spills over into Laredo, in my district. For the pervasive gang problem, we definitely need a system of intelligence collection and sharing.

Increasingly, gangs operate on an interstate and even international level. Our law enforcement agencies are often handicapped in their gang enforcement efforts by a lack of clear communication and ready information. What is needed is a central clearinghouse, to coordinate the efforts of various law enforcement and corrections agencies to combat violent gang activity. An information-oriented approach to gang violence has been highly effective in my home State of Texas, and I am confident that it will be effective on a national level as well.

I urge passage of my amendment that will help our Nation's law enforcement professionals keep the tools they need to keep our communities safe.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman is batting 1.000 and ought to play for the Red Sox. We are happy to accept it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield.

Mr. CUELLAR. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, is this the amendment that authorizes the FBI National Gang Intelligence Center?

Mr. CUELLAR. That is correct.

Mr. CONYERS. Mr. Chairman, I am happy to accept the amendment.

Mr. CUELLAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–236.

AMENDMENT NO. 4 OFFERED BY MR. POE

Mr. POE. Mr. 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. POE:

Page 57, line 23, insert ''(a) IN GENERAL.—''.

Page 59, after line 6, insert the following new subsections:

(b) ADDITIONAL AMENDMENTS.—

(1) Section 1402 (42 U.S.C. 10601) is amended—

(A) in subsection (b)—

(i) in paragraph (4), by striking ''and'' at the end;

(ii) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(6) Amounts deposited pursuant to section 3612(c)(2), 3663(c)(3)(B), or 3663A(c)(3)(A) of title 18, United States Code.'';

(B) by amending subsection (c) to read as follows:

''(c)(1) Notwithstanding any other provision of law, the total amount to be distributed from the Fund in any fiscal year shall be an amount equal to the sum of the amounts required under subsection (d).

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.'';

(C) in subsection (d), by amending paragraph (2) to read as follows:

''(2) $20,000,000 shall be available for grants under section 1404A.'';

(D) in subsection (d)(3), by striking ''Of the sums'' and all that follows through ''such sums'' and inserting ''Such sums'';

(E) in subsection (d)(4)(A), by striking ''47.5 percent shall be available'' and inserting ''such sums as may be necessary'';

(F) in subsection (d)(4)(B), by striking ''47.5 percent shall be available'' and inserting ''such sums as may be necessary'';

(G) in subsection (d)(4)(C), by striking ''5 percent shall be available'' and inserting ''such sums as may be necessary''; and

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

''(f) In any fiscal year in which the amount in the Fund is less than the total amount required under subsection (d), there shall be transferred into the Fund an amount equal to such additional sums as may be required to fully fund grants under subsection (d) from the following:

''(1) Civil or administrative fines, forfeitures or other monetary penalties or assessments collected from persons adjudged to have violated any of the laws or regulations of the United States.

''(2) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 2722 of title 31 (known as the False Claims Act), other than funds awarded to a relator or for restitution.''.

(2) Section 1403 (42 U.S.C. 10602) is amended—

(A) in subsection (a)(1), by striking ''Except as provided in paragraph (2), the Director'' and inserting ''The Director''; and

(B) in subsection (a), by striking paragraph (2).

(3) Section 1404 (42 U.S.C. 10603) is amended—

(A) in subsection (a)(1) by striking ''Subject to'' and all that follows through the period at the end and inserting ''The Director shall make an annual grant from the Fund to the chief executive of each State for the financial support of eligible crime victim assistance programs. Each grant shall be the average amount of the grants made for this purpose during the previous three fiscal years plus 5 percent.''; and

(B) in subsection (c)(2) by inserting ''The total amount available for grants under this subsection shall be the average amount available for this purpose during the previous three fiscal years plus 5 percent.'' before ''Of the amount''.

(4) Section 1407 (42 U.S.C. 10604) is amended—

(A) in subsection (g), by inserting after ''effectiveness'' the following: '', including measurable results,''; and

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

''(i)(1) Every recipient of funds under this chapter shall submit an annual report to the Director in such fashion as the Director directs. The report shall include the amounts expended, quantitative data on the numbers of victims served, types of services provided and other supported activities, measurable results on the services and activities provided, and such other information as the Director may require. The Director may terminate or suspend current or future payments to recipients of funds under this chapter for failure to provide the Director with complete, accurate and timely information as required under this subsection.

''(2) The Director may request the cooperation and assistance of other Federal agencies in obtaining the information required under this subsection. The other agencies shall comply with all reasonable requests made by the Director, including the submission of information requested under paragraph (1).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 3663 of title 18, United States Code, is amended—

(A) in subsection (c)(1), by striking ''described in'' and all that follows through ''863),'';

(B) in subsection (c)(3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), and indenting appropriately;

(ii) by inserting before clause (i) (as so redesignated) the following new paragraph:

''(A) If the defendant was convicted of an offense described in section 401, 408(a), 409, 416, 420, or 422(a) of the Controlled Substances Act (21 U.S.C. 841, 848 (a), 849, 856, 861, 863):''; and

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

''(B) For all other offenses, restitution shall be deposited into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

(2) Section 3663A of title 18, United States Code, is amended in subsection (c)(3)(A) by inserting before the semicolon the following: '', in which case the court may order restitution to be paid into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)''.

(3) Section 3612 of title 18, United States Code, is amended in subsection (c)(2) by adding at the end the following: ''If, for any reason, the money received from a defendant cannot be disbursed to the person to whom the restitution is ordered to be paid, the amount collected shall be deposited into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601). If such person subsequently makes a valid claim for such payment, the payment shall be made from the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. POE. Mr. Chairman, I am offering this amendment to bring much-needed reform to the Crime Victims Fund. The Crime Victims Fund was created as a result of the Victims of Crime Act, called VOCA, that was signed into law during the 1980s.

The purpose of this fund is to make criminals pay for their crime by funding direct services and compensations to victims of crime. This fund is completely paid for by criminal fees and forfeiture. Taxpayer money is not used. As time progressed, Congress began tinkering with VOCA and funding priorities started to shift away from helping victims and toward funding Federal bureaucracies.

All the money collected by the Federal Government from criminal fees goes into the Crime Victims Fund; and each year, that money is distributed to several funding streams to help the victims of crime. The fund sends money to the U.S. Attorney's Office, the FBI, a Federal victim notification system, State victim compensation programs, and direct victim assistance service providers.

Since 2000, the Appropriations Committees have been limiting how much of these funds can be used each year. The U.S. Attorney's, FBI and other bureaucratic programs are paid first, which means that direct victim assistance funding gets whatever is left over. At times, this has resulted in cuts to these critical victims assistance programs. This money pays for the salaries of victim advocates and counselors, domestic violence shelters, children's assessment centers, hospital and attorney fees for underprivileged victims, and other services directly impacting victims.

The Poe amendment seeks to strike a reasonable balance between the needs of the victims' field for stable, assured funding and the realities of the appropriations and budget processes. It seeks to guarantee the original, primary purpose of the Crime Victims Fund—to support state and local victim services. At the very least, this amendment assures we give victims' assistance and compensation programs the same budgeting priority as the federal agencies and bureaucracy.

Mr. Chairman, I want to thank you for your leadership in giving victims a higher priority in Congress. Your leadership helped pass the Child Safety Act that provides greater protections for America's children from Child Predators. You also committed to protecting VOCA from the Administration's plan for rescinding all of the money in the Crime Victims Fund and placing it in the general Treasury—balancing the budget on the backs of crime victims. And I appreciate your willingness to work with me to better prioritize the Crime Victims Fund. It is my goal to bring about reforms to the Victims of Crime Act that restores the original spirit of the law and puts victims ahead of bureaucracy.

Mr. Chairman, I am withdrawing my amendment and look forward to working with you as this bill moves towards Conference.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. POE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, while I recognize the gentleman's amendment is well intentioned, I have concerns about changing the caps under VOCA, and I want to make sure that there is a reserve fund for victims of crime to ensure that their needs are met.

If the gentleman will withdraw his amendment, I think we can work on this issue down the road to address his concerns.

Mr. POE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–236.

AMENDMENT NO. 5 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. 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. CAPUANO:

Page 61, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 226. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) DEFINITIONS.—In this section:

(1) The term ''juvenile'' means an individual who is age 17 or younger.

(2) The term ''young adult'' means an individual who is age 21 or younger but not a juvenile.

(3) The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment that will simply specifically authorize the Attorney General to make grants to State and local prosecutors and law enforcement agencies to help the young witnesses that have the courage and temerity to stand up to crime when they see it, to do the right thing in their community.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CAPUANO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman from Massachusetts is also batting 1.000. We are happy to accept it, and he should play for the Red Sox, too.

Mr. CAPUANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–236.

AMENDMENT NO. 6 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. 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. KENNEDY of Minnesota:

Page 64, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 235. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) ENHANCED DRUG SCREENINGS REQUIREMENT.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

''(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree—

''(1) to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

''(A) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

''(B) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State; and

''(2) to require, as a condition of participation in the treatment program, that such testing indicate that the individual has not used a controlled substance for at least the three-month period prior to the date the individual receives such testing to enter the treatment program.''.

(b) AFTERCARE SERVICES REQUIREMENT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT'' and inserting ''AFTERCARE SERVICES REQUIREMENT''; and

(2) in paragraph (1), by striking ''To be eligible for a preference under this part'' and inserting ''To be eligible to receive funds under this part''.

(c) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—Section 1903 of such Act (42 U.S.C. 3796ff—2) is amended by adding at the end the following new subsection:

''(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I have often spoken about the tragic story of a young lady named Megan from a beautiful town in my home State of Minnesota. She got started on meth when she was in the seventh grade at the age of 13 and, like too many other female addicts, she was exploited into becoming a prostitute to pay for her meth that she craved every second of the day.

Megan is managing to pull her life back together now, after the 5 years that meth stole from her, with the help of her family, her friends, and through substance abuse treatment programs.

Mr. Chairman, about one in five of those in treatment for methamphetamine use in the State of Minnesota are 17 years old or younger.

That's a shocking statistic: one in five are younger than 17 years old. That means before they can vote, and just barely after they get their driver's licenses, 20 percent of those seeking help for substance abuse and addiction are our children.

Mr. Chairman, in some parts of Minnesota 80–90 percent of prisoners are meth users. This is a statistic illuminates the crushing pressures meth is putting on our state and local governments.

Mr. Chairman, many of my colleagues may not have heard of the Residential Substance Abuse Treatment for State Prisoners (RSAT) Grant program, but they should know that it is one of the most important tools in the toolbox to help the victims of substance abuse fight and beat their addiction.

But my amendment is important because it recognizes that our resources are limited. We need to make sure that individuals who are involved in substance abuse treatment want to be there. We can do that by making sure they are "clean" when they enter treatment.

The Kennedy amendment to the RSAT program provides a requirement that treatment be available to those individuals who have passed a regularly administered drug-screening test for three months. The Amendment also provides that aftercare be provided to prisoners enrolled in the RSAT program as a component of comprehensive substance abuse treatment.

Drug treatment will not work for those who are still addicted or who are still using, but it will help those who are ready to seek help and work to beat their addiction.

My amendment also recognizes that when a substance abuser finishes a treatment program, he or she isn't at the end of the recovery process, he or she is actually at the end of the beginning of it. Aftercare is a critical part of substance abuse treatment, and my amendment recognizes that.

These improvements are consistent with best practices for substance abuse and they respond to the important needs and nearly crippling demands on our drug treatment systems.

As Members of Congress, in the face of so much suffering, we have an obligation to act.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment, and I am pleased to accept it.

Mr. KENNEDY of Minnesota. Mr. Chairman, reclaiming my time, I appreciate the chairman's accepting the amendment. I also want to recognize that the gentlewoman from Oregon (Ms. HOOLEY) is here in support of the amendment as well.

Ms. HOOLEY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I rise in support of this amendment.

I was talking to a gentleman the other day, and he was talking about his daughter who was addicted to methamphetamine. She had six children, and all of the children are now living with someone else. The mother spent more time in prison than she had out on the streets.

It is important that we have this kind of a treatment program for those in prison. I thank the gentleman for yielding, and I thank him for the amendment.

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

Mr. Chairman, I support after-care to prisoners enrolled in the RSAT program, but the problem with the amendment is that it contains the irrational requirement that the individuals must be drug-free in order to be eligible for a substance abuse program. Please. If they are drug-free, they will not have to use a substance abuse program. So this requirement in the well-intended amendment defeats the very purpose of a substance abuse program, which is to help drug-addicted individuals overcome drug abuse. For that reason, I cannot join in the support of it.

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

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109–236.

AMENDMENT NO. 7 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. 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. GINNY BROWN-WAITE of Florida:

Page 104, after line 14, insert the following new section:

SECTION 323. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, The Secretary shall submit to Congress a report on the results of the study.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself such time as I may consume.

My amendment requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrator's drug or alcohol abuse and the reported incidence of domestic violence.

I rise today to offer an amendment to the Department of Justice Authorization Act. As you know, this bill includes provision that reauthorize the successful Violence Against Women Act (VAWA).

As the Republican Co-Chair of the Congressional Caucus for Women's Issues, I wholeheartedly support VAWA 2005 because it faithfully reauthorizes existing programs that work and it sets forth new and innovative ideas. Since VAWA was first passed in 1994, the rate of domestic violence against females over the age of 12 in the U.S. has declined each year.

While great strides have been made in breaking the vicious cycle of domestic violence in this country, there is much more to be done. Too many people continue to be abused and victimized by family members whom they should be able to trust.

When VAWA 2005 was drafted, I was disturbed by the lack of information available to Members of Congress on the correlation between a perpetrator's drug and alcohol abuse and incidence of domestic violence. My amendment seeks to fill this gap in time for the next reauthorization of VAWA in 2010.

Intuitively, the connection between substance abuse and physical abuse of a spouse or family member seems obvious. While Congress can be guided by intuition, ultimately we need hard data to help shape future policy decisions. Currently, there is an absence of nationally complied data examining the strength of this connection.

My amendment requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence.

I urge support of my amendment to the 2005 Department of Justice Authorization Act.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment, and I am pleased to accept it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I appreciate the gentleman accepting the amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, because this amendment supports the efforts to investigate domestic violence and collect data that will help define the next step for Congress to put an end to domestic violence entirely, I am happy to support the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–236.

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. 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 Ms. SLAUGHTER:

Page 104, after line 14, insert the following new section:

SEC. 323. EMERGENCY AUTHORITY OF STATE OR LOCAL LAW ENFORCEMENT AGENCY TO GATHER OR RECEIVE EVIDENCE FOR LAW ENFORCEMENT PURPOSES OUTSIDE THE TERRITORIAL JURISDICTION OF THE AGENCY.

(a) IN GENERAL.—Notwithstanding any other State, local, or tribal law to the contrary, each State, local, or tribal law enforcement agency may, for law enforcement purposes, gather or receive evidence at any place within the United States as the nature of its mission may require, upon a finding by the head of the agency (or, if the head of the agency is unavailable, the person authorized by law to act as head) that, because of emergency conditions, the ability of that agency to carry out its mission, or the ability of victims within the territorial jurisdiction of that agency or of any other such agency to obtain justice, has been substantially impaired.

(b) COORDINATION.—The Office of Victims of Crime, working in consultation with national, State, and local domestic violence, sexual violence, and stalking non-profit, non-governmental organizations, and in collaboration with the Department of Health and Human Services and other appropriate Federal agencies, shall develop and implement a plan under which the Office—

(1) coordinates the activities of law enforcement agencies under subsection (a); and

(2) coordinates, and provides information and assistance to, victims, service providers, and law enforcement officials as contemplated by subsection (a).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Office of Victims of Crime shall submit to Congress a report on the plan required by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. Chairman, I intend to withdraw this amendment and ask to engage the chairman in a colloquy.

My amendment would require law enforcement authorities to be able to file reports and collect evidence when a violent crime has been committed during an emergency, even if the crime occurred outside their jurisdiction.

It would also require the Office for Victims of Crime working with national, State, and local authorities and in collaboration with other Federal agencies to develop and implement a plan that allows law enforcement officials to gather evidence of a crime during times of emergency and inform victims and law enforcement officials about these available mechanisms.

The intent of the amendment is to put systems in place to assist victims and law enforcement officials to better respond to crimes committed against vulnerable people during times of national crisis.

The chaos following Hurricane Katrina produced an especially fertile breeding ground for violent crime. At evacuation centers such as the Superdome and convention center, and on the streets of New Orleans, there were unofficial reports of sexual assaults, armed robbery, murder, child molestation, and looting.

While the true number of crimes that took place is unclear, we do know that many will not be subject to criminal prosecution because the victims and witnesses had no place to report the crime.

□ 1700

The problem was compounded by the fact that once evacuated they were no longer located in the jurisdiction where the crimes occurred. And most local law enforcement officials do not have the authority to take the crime report if it occurred outside their jurisdiction.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I appreciate the gentlewoman yielding, Mr. Chairman.

I think the gentlewoman's amendment is very well intentioned; however, there are both constitutional and practical problems that arise in the manner in which it has been drafted. If the gentlewoman will withdraw her amendment, I will work with her to try to put something that will pass constitutional muster and will not cause practical problems between jurisdiction in the final version of the bill.

Ms. SLAUGHTER. I thank the chairman for this colloquy, and I look forward to working with him in conference.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–236.

AMENDMENT NO. 9 OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. 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 Mr. KOLBE:

At the end of title III, add the following (and amend the table of contents accordingly):

SEC. ___. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the

following: ''appropriated to carry out this subsection—

''(A) such sums as may be necessary for fiscal year 2005;

''(B) $750,000,000 for fiscal year 2006;

''(C) $850,000,000 for fiscal year 2007; and

''(D) $950,000,000 for each of the fiscal years 2008 through 2011.''.

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

''(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

(c) STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security's efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I rise to urge Members to support this amendment. I want to thank the gentleman from California (Mr. DREIER) and the gentleman from California (Mr. LEWIS) for joining me in sponsoring this important amendment. I am glad we have been able to come to an agreement with the gentleman from Wisconsin (Mr. SENSENBRENNER) to craft an amendment that both ensures the Federal Government assumes more of its responsibility for incarcerating undocumented criminal aliens while also addressing concerns some Members have regarding the way these funds are spent.

My State of Arizona has been the doormat of the country for illegal immigration. The Federal Government has failed to secure our borders and reform our broken immigration system.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe that the SCAAP program is a very important program in providing reimbursements to those States that do have to incarcerate criminal illegal aliens. I am pleased to support his amendment and would urge that we promptly adopt it.

Mr. KOLBE. Mr. Chairman, I will abbreviate my remarks. I just want to be able to say because Arizona has been at the forefront of this problem for so long and had more than 50 percent of all the apprehensions in our State that this is extraordinarily important.

The amendment does increase the authorizations through fiscal year 2011 from the current to $750 million in 2006 and $850 million in 2007 and $950 million in 2008. So I believe these provisions are extraordinarily important to us as well as the provisions which at the behest of the gentleman from Wisconsin we have added regarding how these funds are spent and to look at them.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I join in supporting the amendment because it ensures full funding for the State Criminal Alien Assistance Program. I commend the gentleman on his amendment.

Mr. KOLBE. I thank the gentleman for his statement in support.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we have been working in the State of California for a long time on this bill. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER). It is a good bill. We appreciate the compromise that was made. I rise in strong support.

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from California (Mr. LEWIS),the distinguished chairman of the Committee on Appropriations.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I rise to express my support of the work of both the gentleman from Arizona (Mr. KOLBE) and the gentleman from California (Mr. DREIER) on this very important matter. They have done great work together. I appreciate it.

Mr. Chairman, I want to thank my colleagues JIM KOLBE and DAVID DREIER for taking the lead on this extremely important measure. This amendment is about meeting federal responsibilities, about fairness to our states, and about making sure federal policies make our streets safer, not more dangerous.

There can be no debate that immigration is a federal responsibility. The Supreme Court has ruled again and again that the states cannot take the lead on immigration, even if they want to. Every President has insisted that the federal government must control, and be responsible for, immigration. And Congress throughout history has passed laws that ensure we will help states cover the costs of immigration.

I want my colleagues to understand this point: The SCAAP fund is not a grant program. We are reimbursing State and local governments for money they have already spent to arrest, process and incarcerate criminal aliens. These aliens should not be here, creating a burden on our society. We all agree that if the federal government was protecting our borders effectively, this would not be the problem it is.

Yet every year, more than $635 million is spent by California and our local governments to incarcerate criminal aliens. This is not an estimate—to qualify for SCAAP, the states must clearly document their costs and get federal verification that the convicts are aliens. Nationwide, the costs are nearly $2 billion a year to jail more than 200,000 criminal aliens in state and local lockups.

Let me be clear on this: This is $2 billion that has been spent on criminals who everyone agrees are federal responsibilities. This is $2 billion that is not being spent by states, counties and cities on more law enforcement officers, better courts and reducing the prison population.

This is not a partisan matter. When Mr. KOLBE and Mr. DREIER introduced an amendment to increase SCAAP reimbursements this year, it was passed easily in a bipartisan vote. The Senate has passed this reauthorization legislation unanimously. It is time for Congress to reaffirm this federal responsibility. Please vote for the Kolbe-Dreier-Lewis amendment.

Mr. KOLBE. Mr. Chairman, I appreciate the chairman of the Committee on Appropriations for co-sponsoring this amendment with me. It means a great deal.

Mr. Chairman, I yield to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, who has been instrumental in helping to craft this amendment.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding. I rise in very strong support of this amendment. I am proud to join with the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. KOLBE) in co-sponsoring it. The gentleman from Arizona (Mr. KOLBE) and I had an amendment that increased by $50 million in the appropriations bill, having worked closely with the Committee on Appropriations, for the reimbursement to the States for the incarceration of illegal immigrant felons.

Obviously, this is a very pressing challenge. The sheriff of Los Angeles County has told me that it costs $150

million a year simply for the incarceration of criminals who are in this country illegally, and in light of that fact, is making sure that we realize that the States, the States have been shouldering this burden. Policing our borders is a Federal responsibility. It is not the responsibility of cities, counties, or States. And that is why I believe that ensuring that States that have already paid, already paid for this tremendous cost, should be reimbursed.

There are those who believe that this is somehow money that is moving ahead and it is fungible so they can spend it on something else. These are dollars that have already been expended. So that is why this amendment is very important, to make sure that as we proceed with this very difficult challenge of border security and immigration reform that we pass this. I thank my friends on both sides of the aisle for the strong support in this effort.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his comments, and I appreciate the support of all the Members who have risen today.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 109–236.

AMENDMENT NO. 10 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. 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. KING of Iowa:

Page 302, after line 3, insert the following (and amend the table of contents accordingly):

SEC. 940. PROHIBITING ABUSERS FROM SPONSORING FAMILY IMMIGRANTS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) Notwithstanding subsection (a), a petition may not be approved under subparagraph (A) or (B) of such subsection if the petition is submitted by a person convicted of a crime described in paragraph (5), (7), (8), (21), or (22) of section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968.''.

Page 302, line 4, strike ''**940.**.'' and insert ''**941.**''

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Iowa (Mr. KING) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

My amendment would prohibit any person convicted of crimes of domestic violence as defined by the Violence Against Women Act from sponsoring the visa application of a foreigner.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very constructive amendment, and I am happy to accept it.

Mr. KING of Iowa. Mr. Chairman, I reserve the balance of my time.

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

The simple problem with the amendment, although well intended, is that it would also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser.

In addition, battered immigrant women who are arrested sometimes receive bad legal advice and are often likely to take a plea offer even when they did nothing wrong. These victims should be exempted from the effects of this amendment; and because they are not, I reluctantly oppose the amendment.

Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that persons who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members whom they may, in turn, abuse.

However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions and has no other record of violent crime is barred from sponsoring family members just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Second, the amendment does not specify where the crime must have been committed. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. This could include countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to inaccurate information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Third, this amendment will also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong. These victims should be exempted from the effects of this amendment.

The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferees will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

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

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say in response to that that we have real victims in the cemeteries in America because they have been allowed, already having committed the crime of violence against women, to sponsor another woman to come into the country even though they have been convicted of a crime of violence and then murdered a second woman. I can give you an anecdote here; but rather than belabor that point, I think the point of protecting people from violent criminals is more important than protecting the latitude of someone who might also be a domestic criminal and their latitude to sponsor someone. If that is the case, they can find someone else to sponsor them, not someone who has committed a domestic crime.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that persons who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members whom they may, in turn, abuse.

However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, it threatens the operation of the family reunification system. Every U.S. citizen or legal permanent resident who files a petition to bring a family member here to join them would become subject to criminal background checks. Not only does this raise privacy concerns, but it also raises constitutional concerns by limiting the rights of some U.S. citizens to live here with their immediate family members.

Second, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions and has no other record of violent crime, is barred from

sponsoring family members, just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Third, the amendment does not specify where the crime must have been committed. It is not limited to domestic violence crimes committed in the United States. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. DHS may then go to countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to inaccurate information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Fourth, this amendment will also keep some victims of domestic violence from bringing family members to join them in the U.S. Unfortunately, perpetrators of domestic violence are sometimes able to get their victims arrested for domestic violence offences, especially when the abuser has superior English-speaking skills to the victim. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong.

Among other changes, the amendment needs to include an exemption for victims of battering or extreme cruelty. Approved VAWA, T-visa trafficking victims and U-visa crime victims need to be exempt, as do immigrant victims with domestic violence convictions who already qualify for waivers under VAWA 2000 protections. The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferees will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–236.

AMENDMENT NO. 11 OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. RYAN of Ohio:

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

TITLE XI—PUBLIC AWARENESS CAMPAIGN REGARDING DOMESTIC VIOLENCE AGAINST PREGNANT WOMEN

SEC. 1101. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment offered with the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Michigan (Mr. STUPAK). I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) for their work on the reauthorization. I would also like to thank the gentleman from California (Mr. DREIER) and especially the gentlewoman from New York (Ms. SLAUGHTER) for allowing me to offer this very important amendment on domestic violence against pregnant women.

My amendment authorizes the Office on Violence Against Women to provide grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment. I am pleased to accept it and commend him for drafting this amendment and persuading the Committee on Rules to make it in order.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am inclined to support the amendment as well, and I congratulate the gentleman.

Mr. RYAN of Ohio. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. RYAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 109–236.

AMENDMENT NO. 12 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. SLAUGHTER:

Strike section 321, and insert the following:

SEC. 321. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking ''police badge'' each place it appears in subsections (a) and (b) and inserting ''official insignia or article of clothing'';

(2) in each of paragraphs (2) and (4) of subsection (a), by striking ''badge of the police'' and inserting ''official insignia or article of clothing'';

(3) in subsection (b)—

(A) by striking ''the badge'' and inserting ''the insignia or article of clothing''; and

(B) by inserting ''is other than a counterfeit police badge and'' before ''is used or is intended to be used'';

(4) in subsection (c)—

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

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

(C) by adding at the end the following:

''(3) the term 'official insignia or article of clothing' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee; and

''(4) the term 'public employee' means any officer or employee of the Federal Government or of a State or local government.'';

(5) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that theofficial insignia or article of clothing is a counterfeit police badge and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''; and

(6) in the heading for the section, by striking ''**Police badges**'' and inserting ''**Public employee insignia and clothing**''.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking ''Police badges'' and inserting ''Public employee insignia and clothing''.

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and clothing received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. Chairman, I rise today to offer an amendment that would implement legislation that expands the current Federal criminal ban on fake police badges to include the uniforms, identification, and all other insignia of public officials while preserving language in the bill that cracks down on the growing problem of counterfeit police badges.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding. I will support the amendment at this time, but I believe that the language may need to be refined during conference and pledge that I will work with the gentlewoman from New York to refine the language if it is determined to be necessary.

Ms. SLAUGHTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

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. SIMPSON) having assumed the chair, Mr. LAHOOD, 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. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, pursuant to House Resolution 462, he 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 committee amendment in the nature of a substitute adopted by 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 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. STUPAK

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

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

Mr. STUPAK. I am in its current form, Mr. Speaker.

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

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. Stupak moves to recommit the bill H.R. 3402 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE XI—GAS PRICE GOUGING

SEC. 1101. GAS PRICE GOUGING.

(a) OFFENSE.—Chapter 89 of title 18, United States Code, is amended by adding at the end the following:

"§ 1822. Gas price gouging

''(a) PROHIBITION.—During any time of national disaster, it shall be unlawful for any person to offer to sell crude oil, gasoline, natural gas, or petroleum distillates at a price that—

''(1) is unconscionably excessive; or

''(2) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

''(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

''(1) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the time of national disaster; or

''(2) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers.

''(c) MITIGATING FACTORS.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

''(d) DEFINITION.—As used in this section, the term 'time of national disaster' means the period during which there is in effect a declaration of a major disaster, or a declaration of an emergency, issued by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.).

''(e) PENALTY.—The penalty for a violation of this section by an organization is a fine not more than $100,000,000. The penalty for a violation of this section by an individual is a fine not more than $1,000,000 or imprisonment not more than 10 years, or both.''.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections in chapter 89 of title 18, United States Code, is amended by adding after the item relating to section 1821 the following new item:

''1822. Gas price gouging.''.

Mr. STUPAK (during the reading). Mr. Speaker, I ask unanimous consent that the motion 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. The gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit with my friend and colleague from South Dakota (Ms. HERSETH).

Our motion instructs the Federal Government to crack down on price gouging and provides tough Federal penalties for those guilty of gas price gouging.

Even before the devastation caused by Hurricane Katrina, skyrocketing oil and gasoline prices were taxing American families and burdening our Nation's economy, with the notable exception of the oil industry, which continued to rack up record profits.

Following Katrina, gas prices in some areas of the Nation reached almost $6 per gallon, deepening suspicions of the oil and gas industry profiteering. We need a Federal standard to ensure adequate response to energy emergencies that prohibit price gouging with the priority on refineries and big oil companies. Currently, only 28 States have price gouging laws on the books and have enforcement mechanisms to go after those found ripping off consumers.

At the Federal level there is no oversight to protect consumers from this predatory pricing. No American should have to pay too much for gas because the oil companies are rigging prices.

Our motion to recommit will outlaw the selling of crude oil, gasoline, home heating oil, or natural gas at predatory or unconscionably excessive levels during such a crisis. It will provide new Federal authority to investigate and punish those who engage in predatory pricing from oil companies on down to local gas stations with an emphasis on those who profit most. And it will impose tough maximum penalties on companies that have cheated consumers.

In the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations, and giving their time to help the people of the gulf coast recover. That is how the American people react when they see their fellow citizens in need. Unfortunately, some have looked at Katrina not as a chance to give but an opportunity for excessive profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by price gouging the American people at the pump.

As eight Governors wrote in a letter to the Congress urging passage of a Federal price gouging legislation, they stated: ''To price gouge consumers under normal circumstances is dishonest enough, but to make money off the severe misfortune of others is downright immoral.''

□ 1715

People are rightly angry and frustrated with high gas prices, and they deserve to have someone on their side fighting to ensure that they do not get mugged at the gas pump.

Sadly, the administration and the House majority's answer has been to sit on their hands while consumers get the shakedown from the oil companies.

It is obvious to me and many Americans that Congress needs to act to protect Americans from price gouging.

I urge a ''yes'' vote on the motion to recommit. A ''no'' vote denies the American people a law to stop energy and gasoline price gouging.

Ms. HERSETH. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentlewoman from South Dakota (Ms.

HERSETH), my friend and coauthor of this amendment.

Ms. HERSETH. Mr. Speaker, I want to thank the gentleman from Michigan for his hard work and do the same to urge my colleagues to support this motion to recommit so that this body will take an important step to addressing the concerns of all consumers in the country, particularly those in rural America.

We need to take steps to be able to define price gouging, with the FTC having the authority to do that, and then to investigate these thousands of complaints that have come into the Energy Department in the past many weeks.

As co-chair of the Rural Working Group for the House Democratic Caucus, we know what the impact of high fuel costs has been for rural Americans, those that drive many miles to get to their jobs, those that are trying to harvest crops this fall.

This is an important step because inaction is inexcusable, and accountability is absolutely necessary. It is no longer a sufficient answer to say, well, price gouging is difficult to define; it is hard to prove.

This is the importance of this motion to recommit, so that we can take a step to allow the FTC to promulgate a rule defining the price gouging and the market manipulation that we believe is taking place and to help overcome the skepticism, especially in rural America, about the role of multinational oil companies who are taking measures that are not allowing the market to operate fairly and efficiently and effectively.

Mr. STUPAK. Mr. Speaker, I would just like to underscore what the gentlewoman from South Dakota has said.

If you have a small business or are a farmer or just an American trying to heat your home, like in my district in northern Michigan, we are expecting snow. So the furnaces are going to be on. They are expecting home heating oil to be up 71 percent over last year, and when we look at the refiners, in 1 year, they have increased their profits by 255 percent. 255 percent in 1 year. That is excessive. That is price gouging. That is predatory pricing.

If my colleagues believe that we should put an end to this predatory gas pricing we see at the gas pump and we heat our home and run our businesses and our family farms, then vote for the motion to recommit. If my colleagues believe those prices, a 250 percent increase, is okay, then vote against the motion to recommit. It is time to end predatory pricing. Vote ''yes'' on the motion to recommit.

Mr. SENSENBRENNER. 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. SENSENBRENNER. Mr. Speaker, once again, we see games being played by the minority party. The gentleman from Michigan has stood up and said he is opposed to reauthorizing the Violence Against Women Act so he is qualified to introduce this motion to recommit, and the motion to recommit has to do with price gouging.

Nobody's for price gouging. There are laws on the books that have the Federal Trade Commission investigate price gouging. Every time there has been a spike in fuel prices, petroleum prices, the FTC has been on the case. They have investigated it according to law, and in most cases, they have found that no price gouging has occurred.

There are certain legislative provisions of the Violence Against Women Act that expire on Friday, September 30, 2005, and this amendment, once again, is a poison pill that is introduced at the last minute.

We have heard complaints from the other side of the aisle about legislation not receiving a hearing or formal committee consideration. We heard that earlier today, and what happens is there is a motion to recommit, introduced by an opponent of reauthorizing the Violence Against Women Act, that wants to put something that is completely unrelated into a Department of Justice reauthorization bill.

Whatever happened to State prerogatives, to allow State Attorneys General to investigate whether State law is violated? This motion to recommit blows the concept of federalism into little teeny pieces and will tie the hands of your State Attorney General and mine to look into price gouging.

It is a poorly drafted amendment. It does not relate to reauthorizing the Violence Against Women Act. It is something that is put in in an extremely hostile manner to try and get the job done in the Violence Against Women Act.

If my colleagues are for the Violence Against Women Act being reauthorized promptly, vote ''no'' on the motion to recommit. Vote ''yes'' on the bill.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan, Mr. STUPAK, and the gentlewoman from South Dakota, Ms. HERSETH, for their extraordinary leadership in fighting price gouging at the gas pump.

Despite the American people's demand for action, the Bush administration and the Republican Congress are doing absolutely nothing.

Three weeks ago, the Bush administration even claimed that price gouging was not a Federal concern. Pressure from Democrats finally caused the Federal Trade Commission to start an investigation, an investigation that in true Bush cronyism style is led by a former ChevronTexaco lawyer. And in the House Energy Committee today, in a party-line vote, Republican committee Members voted unanimously against Mr. STUPAK's bill.

Instead of the bold action that the American people deserve, what we have seen from Republicans is more of the same: a culture of corruption, incompetence, and cronyism.

In contrast, Democrats have been working for months, long before Hurricane Katrina, to bring down the price of gas at the pump and home heating oil. Today, Democrats again stand ready to do something about price gouging. The Stupak-Herseth motion to recommit will give the Federal Government the tools to crack down on price gouging by the big oil and gas companies.

Mr. Speaker, Republicans have long been the handmaidens and apologists for big oil companies. It is long past time for the Republicans to act in the interests of the American people, not against them.

I urge my colleagues to vote for the Stupak-Herseth motion to recommit, so we can end price gouging and so we can lower oil prices. Our Nation is watching and expecting action now.

The SPEAKER pro tempore (Mr. SIMPSON). 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. STUPAK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were 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 passage.

The vote was taken by electronic device, and there were—yeas 195, nays 226, not voting 12, as follows:

[Roll No. 500]

YEAS—195

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

Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

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

NOT VOTING—12

Blumenauer
Boswell
Costa
Culberson
Davis (FL)
Gutierrez
Harman
Hunter
Hyde
Melancon
Ruppersberger
Young (AK)

□ 1744

Messrs. FOLEY, BONILLA, BEAUPREZ, CRENSHAW and Ms. GRANGER changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

Mr. SENSENBRENNER. 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 415, nays 4, not voting 14, as follows:

[Roll No. 501]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Meehan
Paul
Tancredo
Watson

NOT VOTING—14

Blumenauer
Boswell
Costa
Culberson
Davis (FL)
Dicks
Gutierrez
Harman
Hunter
Hyde
Melancon
Ruppersberger
Visclosky
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1752

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, due to a family illness, I was absent from this Chamber today.

I would like the RECORD to show that, had I been present, I would have voted "nay" on rollcall vote 499. I would have also voted "yea" on rollcall 497, 498, 500, and 501.

PERSONAL EXPLANATION

Mr. RUPPERSBERGER. Mr. Speaker, on September 28, 2005 I was unavoidably detained dealing with district issues.

If I were present, on rollcall votes 499 through 500 I would have voted in the following manner:

On rollcall vote 499 I would have voted "no" on agreeing to the Sensenbrenner Amendment to H.R. 3402, Justice Department Authorization.

On rollcall vote 500 I would have voted "yes" on the Motion to Recommit for H.R. 3402, Justice Department Authorization Repression.

On rollcall vote 501 I would have voted "yes" on Final Passage for H.R. 3402, Justice Department Authorization.

RULES OF THE HOUSE

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

Mr. SENSENBRENNER. Mr. Speaker, I noticed in the last roll call that the author of the motion to recommit voted in favor of passage of H.R. 3402. At the time he rose to offer the motion to recommit, he stated clearly that he was opposed to the bill in its present form; and during my arguments against the motion to recommit, I reminded him and other Members that in order to make a motion to recommit, one must be opposed to the bill.

This is in direct contravention of House rules and the admonition of the Speaker several months ago when the author of another motion to recommit on another bill voted in favor of the passage of the bill.

I would hope that Members would be cognizant of the rules and precedents of the House and not repeat what has just happened.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 3402 that the Clerk be authorized to make technical and conforming changes.

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

There was no objection.

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from Missouri, the Honorable ROY BLUNT.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question and votes postponed earlier today will be taken tomorrow.

RECOGNIZING THE NEED TO PURSUE RESEARCH INTO CAUSES, TREATMENT AND CURE FOR IDIOPATHIC PULMONARY FIBROSIS

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 178) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 178

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or underdiagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and underdiagnosed disorder: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(4) encourages the President to issue a proclamation designating a National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(6) supports the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

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

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

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, about 7 years ago, my good friend and a good friend of many Members in this Chamber, the gentleman from Georgia (Mr. NORWOOD) was diagnosed with a life-threatening disease that, despite his own lifetime experience in the medical care field, he said he had never heard of before. In fact, the vast majority of Americans have never heard of idiopathic pulmonary fibrosis, or IPF. That is why we are here today, to raise the awareness of the American public about this debilitating and fatal disease so one day we may seek and find a cure.

IPF is a serious lung disorder for which there is no known cause, and more importantly, at this time no known cure. IPF causes progressive scarring or fibrosis of the lungs, gradually interfering with a patient's ability to breathe and ultimately resulting in death.

Recent studies have identified that approximately 83,000 individuals suffer from IPF in the United States, and an estimated 30,000 new cases develop each year. The availability of a new treatment option for IPF is essential to improving overall patient care and further research will be required to develop these new therapies as well as assess their safety and efficacy.

Over the past 7 years, as I have watched my friend, the gentleman from Georgia (Mr. NORWOOD), I have seen

firsthand the debilitating effect this disease can have on a person's life, and given that the median survival rate for IPF patients is only 2 to 3 years, we are extremely fortunate to have our friend with us today. But unfortunately, each year thousands of Americans are not as fortunate as the gentleman from Georgia (Mr. NORWOOD) and that is why I encourage my colleagues to adopt this resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, over 80,000 Americans, 5 million people worldwide suffer from idiopathic pulmonary fibrosis. As with so many diseases, the difficulty in diagnosing IPF indicates that the actual numbers may be much higher. Members of this body, as the gentleman from Georgia (Mr. DEAL) said, all have a personal connection to this disease. Our colleague, the distinguished member of our subcommittee, the gentleman from Georgia (Mr. NORWOOD) has battled the disease since 1998 and underwent a lung transplant about a year ago.

There are currently no effective treatments or cure for idiopathic pulmonary fibrosis. The only option for patients is a lung transplant, which simply does not come in time for so many who suffer from the disease. There is hope, but it requires the continued investment in the development of new treatments. Drugs designed both to treat the lungs scarred by the fibrosis and to suppress the inflammation it causes are currently in the experimental stages. We need to build on that progress and move on towards a cure.

□ 1800

This resolution reflects several important goals as we, government, patients and their doctors and society at large fight this disease. First and foremost, it underscores the need for research, not just in a new treatment for IPF, but into the causes of the disease so we can understand more about this and some 200 other related diseases, particularly various kinds of lung disorders.

It also underscores the point of funding NIH and CDC, not making huge tax cuts and underfunding these very important government programs that we realize in this country more and more are so important for all people in this country.

It is appropriate this body recognize the goals and ideals of a National Idiopathic Pulmonary Fibrosis Awareness Week.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman and my friend for yielding me this time.

Mr. Speaker, I ask my colleagues to support H. Con. Res. 178, which I did author, the purpose of which is to bring attention to idiopathic pulmonary fibrosis to as many people as humanly possible. This is known as IPF.

I would like to start, of course, by thanking all of the IPF patients, survivors, advocates who have come to Capitol Hill this week to just simply make us aware of this disease. I know the story these brave individuals have to tell because it is one that I have lived.

I was very fortunate to be correctly diagnosed with IPF when I was in the early stages of the disease in 1998, diagnosed right here in this Capitol. IPF is too often misdiagnosed in the critical, critical early stages. I was blessed to have a loving family, who saw me through the difficult times as this disease progressed. I was fortunate enough to receive a single lung transplant late last year that spared me from further harm from the disease. I am incredibly grateful to have the best nurse I could ask for in my loving wife, Gloria.

I am thankful for the opportunity to join a community of terrific folks who want nothing more, nothing more, than to bring needed attention to this relatively unknown disease.

IPF is a progressive and generally fatal lung disease. It is marked by the inflammation and the scarring of the delicate lung tissues and hinders the lung's ability to transport oxygen to the rest of one's body.

While my colleagues have seen me come back from the effects of IPF since my lung transplant, a transplant is really not a treatment, and it is certainly not a cure. A transplant is a medical decision of last resort in the face of an irreversible disease whose causes remain a mystery for us today.

Unfortunately, a lung transplant will not work for every patient, in every case; and as I well know, organs are very much in short supply in this Nation.

Mr. Speaker, in an era in which medical science can do much, there is no reason why we cannot give hope to the 83,000 Americans currently living with this disease and the 31,000 that are diagnosed each year. The reason the number of current patients remains so low despite over 30,000 new cases each year is that far too many of those with IPF face severe disability and death within a few short years. In fact, two thirds of IPF patients die within 5 years of developing the disease. That is why this resolution is so important.

H. Con. Res. 178 will bring awareness, I hope, to the severity of this devastating disease by encouraging the President to recognize IPF Awareness Week. It will also recognize and encourage the need for further research, further research, into IPF in the hopes of finding a cause and a treatment and a cure.

Over 50 of our colleagues have already cosponsored, Mr. Speaker, this important resolution; and I urge this body to join with me in taking the first step toward a cure by passing this resolution to bring more attention to IPF in Washington, our capital city, and in our Nation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio for yielding me this time.

I am a cosponsor of this legislation; and, of course, there could be no more eloquent speaker than the gentleman from Georgia (Mr. NORWOOD) on this question. But I think if there is anything we emphasize with this resolution it is that in this instance research is equal to pounds and pounds of cure. So I rise to support H. Con. Res. 178.

This legislation recognizes the need to research the cause of and find a treatment and cure for IPF. It also recognizes the Coalition of Pulmonary Fibrosis and urges the President to designate an IPF Awareness Week. As the number of over-50 bipartisan cosponsors indicates, there is very strong support for this legislation.

Let me just mention a few points that I think are worth emphasizing. The disease is debilitating and generally fatal, causing an irreversible loss of the lung tissue's ability to transport oxygen to the organs. It moves very quickly. There is no proven cause of IPF, and 83,000 Americans are living with this disease and 31,000 are diagnosed each year. Idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years.

So the movement of research has to be key. I know that research will lead to solution. And when we start determining in the budget reconciliation, Mr. Speaker, I am asking that our colleagues be considered in their thoughts that not only is it most important to cut, cut, cut, but it is important to be able to find the resources to do the important work that our constituents have sent us to do.

Furthermore, a recent study found that IPF may be five to 10 times more prevalent than previously thought. It is unknown whether this may be due to an increased prevalence of the disease or to a previous lack of definitive guidelines for diagnosing IPF. This research effort will help us understand that. Unfortunately, many patients, particularly in the early stages of the disease, can continue to go about their normal activities for months or years before the disease runs its course. IPF can strike anyone, but the disease tends to affect men more than women and usually strikes people between the ages of 50 and 70.

Mr. Speaker, I ask my colleagues to join in the leadership of this resolution and support it enthusiastically.

Mr. Speaker, I rise in support of H. Con. Res. 178. This legislation recognizes the need to research the cause of, and to find a treatment and cure for IPF. It also recognizes the work of the Coalition for Pulmonary Fibrosis,

and urges the President to designate an Idiopathic Pulmonary Fibrosis Awareness Week. As the number of over 50 bipartisan co-sponsors indicates, there is strong support for this legislation.

Let's take a moment to mention a few important facts about this issue:

Idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring.

Idiopathic pulmonary fibrosis is the most common form of interstitial lung disease.

There is no cure or treatment for this disease.

The disease is debilitating and generally fatal, causing an irreversible loss of the lung tissue's ability to transport oxygen to the organs.

There is no proven cause of idiopathic pulmonary fibrosis.

There are 83,000 Americans living with this disease and 31,000 are diagnosed each year.

Idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years.

It is often misdiagnosed in the early stages.

The median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years of developing the disease.

Furthermore, a recent study found that IPF may be 5 to 10 times more prevalent than previously thought. It is unknown whether this may be due to an increased prevalence of the disease or to a previous lack of definitive guidelines for diagnosing IPF. Unfortunately, many patients, particularly in their early stages of the disease, can continue to go about their normal activities for months or years, before the disease runs its course. IPF can strike anyone, but the disease tends to affect men more than women and usually strikes people between the ages of 50 and 70.

In closing, I support this legislation and the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I want to thank my friend from Georgia for yielding me this time.

Mr. Speaker, I rise in support of House Concurrent Resolution 178, bringing attention to the need to research and to find a cure for idiopathic pulmonary fibrosis. I am one of more than 50 bipartisan cosponsors of this legislation.

I first learned that the gentleman from the great State of Georgia (Mr. NORWOOD) had this disease a few years ago, and I was amazed to learn of its effects. There is no cure or treatment for IPF, and the disease continues to build up scar tissue in the lungs until fatality results in many cases.

More than 31,000 Americans are diagnosed with IPF each year, and the median survival rate is only 2 to 3 years.

Although IPF is three times more common than cystic fibrosis, it only receives a fraction of the research funding. This resolution does the right thing by calling attention to it and increasing public awareness. Increased awareness will also help the diagnosis process to help ensure that the disease is caught as early as possible. Many times the disease is misdiagnosed in the early stages and doctors do not even realize the effects the disease is having until it moves on to its later stages.

The gentleman from Georgia (Mr. NORWOOD), my friend, has been incredible in his strength and has been an example to me. He did not let the difficulties he faced prior to his lung transplant slow him down. And after the transplant, he continued to zoom around the Capitol, often quicker than I, as he has recovered. Even when he was still on oxygen full time, he was up speaking to this House and addressing the issues and concerns of his constituents. He did not miss a beat. Mr. Speaker, I am proud to be able to serve with such a great American as the gentleman from Georgia (Mr. NORWOOD).

I ask for support of House Concurrent Resolution 178.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, House Concurrent Resolution 178 takes an important step toward recognizing the need to research not only the cause of idiopathic pulmonary fibrosis but also viable therapies and, we hope one day, a cure.

It has recently been cited that IPF may be five to 10 times more prevalent than previously documented, and this may be due to increased awareness or an increased prevalence of the disease state. Regardless of what the reason, we need to act.

That is why I applaud the gentleman from Georgia (Mr. NORWOOD), my friend and colleague, for bringing this resolution to the floor. It is important to elevate the education and awareness of this disease in our country because 83,000 Americans, including the gentleman from Georgia (Mr. NORWOOD), are currently living with idiopathic pulmonary fibrosis.

In that spirit, I want to commend the gentleman from Georgia (Mr. NORWOOD) for his courage and resilient spirit. He has fought this disease every step of the way, always maintaining his hard work and commitment to this great body, the House of Representatives; and I want him to know his dedication is deeply appreciated.

Unfortunately, there is a lot we do not know and do not yet understand about this debilitating disease. We do not know what causes IPF, and in many cases the disease is misdiagnosed.

Additionally, we are relying on treatment therapies that are more than 30 years old. These IPF patients need the help of cutting-edge technology. Unfortunately, researchers are being held back by the lack of appropriate funding. Currently, IPF research receives only a fraction of the funding of what other diseases get that are less prevalent in our country.

I am proud to be an original cosponsor of this legislation. I urge my colleagues to support these efforts to bring national attention to this horrible and devastating disease.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened to this debate, and I hope that all of my friends on the other side of the aisle who support this resolution, as we all should, keep this in context. As we spend a billion dollars a week in Iraq, as my friends on the other side of the aisle insist on tax cuts for the wealthiest people in our society, as we continue to drive this Federal budget deficit up and up and up, and I hear some people in this body say we need to cut National Institutes of Health spending, that we need to cut Centers for Disease Control in the gentleman from Georgia's (Mr. DEAL) area, that we need to cut programs on Medicaid and Medicare, I hope they will remember this debate tonight about how important this program is to the gentleman from Georgia (Mr. NORWOOD) and how important this program is to so many in our country who, frankly, do not have the good health plans and the good insurance that Members of this institution have.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I guess I hope people will remember this debate too because this is one of the debates that ought to be absolutely nonpartisan and ought to have not any political bickering in it. This is about the lives of a lot of human beings that we need to work on.

I am on the floor as maybe the only Member of Congress who has IPF. I may not be the only one, but I am the only one we know for sure has IPF.

□ 1815

I am here to bring this resolution to the floor to talk about what this disease is, what IPF is, and to say it over and over again, because that is how you get the word out.

I can speak from personal experiences that IPF is a serious lung disorder. Many may not know it, but IPF is the most common form of interstitial lung disease. I guarantee you, most of us do not know that.

Idiopathic, and I have been asked this 1,000 times, means that there is no known cause. It is hard to cure something when you do not know what caused it. Pulmonary fibrosis has no cure or treatment. However, I would say to my friend the gentleman from Ohio (Mr. BROWN), having a new lung certainly extends one's lifetime, and I am going to be here to argue with him a lot longer than the statistics say. So

do not give up. I am going to be with you awhile. With this disease, a person's ability to breathe becomes increasingly restricted, and it is painful, and eventually, of course, it results in death.

As we review the legislation today and as we think about what we are actually asking to be done, I want us to remember there are 83,000 Americans today, right now, that are facing this painful reality of IPF, and they all cannot get a lung. I was blessed to have one, but not everybody can.

Unfortunately, an unknown number above and beyond those 83,000 Americans succumb to its fatal outcome without even knowing they have had IPF. There is little awareness of IPF, and it is often missed or underdiagnosed in this Nation, as the gentleman from Georgia (Mr. GINGREY) pointed out. It is true.

In fact, a recent study found that IPF may be five to ten times more prevalent than we previously thought. It is unknown whether this increase is due to an actual spike in the occurrence of the disease or simply a previous lack of definite guidelines for diagnosing IPF.

Even those who are properly and quickly diagnosed, as I was fortunate enough to be, must face the facts that the medium survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years. I would say to the gentleman from Ohio (Mr. BROWN), do not count on that, I have a new lung. I am going to be around a lot longer than that. About two-thirds of the IPF patients die within 5 years of developing the disease. I am not going to do that. I was blessed to have a new lung.

Furthermore, knowledge of this disease is hindered by very low public awareness, awareness that is alarmingly low when compared to other less prevalent diseases. A recent poll indicates only 29 percent of Americans know the first thing about IPF, half of which are familiar only with its name. This resolution is a start. It is an effort to make IPF, idiopathic pulmonary fibrosis, a well-known name.

Lastly, I make a plea to all of Americans and all of the families in America to consider being organ donors. It is not simply a matter of simply deciding you will be a donor. You must talk this over with your family at your kitchen table.

I want to talk to everyone about this donor list. You cannot just be a donor. It does not just work that way. You have got to talk this over with your family, and you have got to talk to them at your kitchen table. God forbid if you or any of your family have to have this discussion in an emergency room. That is not the place to have it. My donor saved my life and four other lives a year ago October 5.

This is important stuff that is affecting thousands of people. It is worth doing. But you must discuss this with your family. On behalf of other IPF patients and others who are suffering, I hope all Americans will consider this and discuss and talk over being an organ donor. Currently, a lung transplant is simply the only hope for long-term survival for victims of my disease, IPF.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, so many of us in this body prayed for and were thrilled by recovery of the gentleman from Georgia (Mr. NORWOOD), and I appreciate tonight, all of us do, how he has said so well how he, because he has insurance, because he knew how to negotiate the whole medical care system, health care system, how lucky he has been, and how so many in this country are not so lucky. I appreciate that he said that.

As I said earlier, I hope we in this body can get serious at some point about the 45 million people without health insurance and about what we are going to do about Medicaid in this body, not to make cuts in Medicaid, but to make our health care system work better than it has in the past.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to say I certainly support this resolution and support all the good work of the gentleman from Georgia (Mr. DEAL) and the gentleman from Georgia (Mr. NORWOOD), and I think that this is the kind of thing that, if we cannot have more recognition of it, there would not be more success stories like the gentleman from Georgia (Mr. NORWOOD).

I have to say to my good friend from Ohio, who was elected the same year that I was, that we have always enjoyed the great spirit of this House in terms of debate, and we know that it is people like the gentleman from Georgia (Mr. NORWOOD) who add to that debate and make it a lot more fun to be up here, no matter what side you are on. And because the gentleman from Georgia (Mr. NORWOOD) was able to get his new lung, he came out here with a lot of vim and vigor from that class of 1994, and then he got kind of quiet for a while, and I know there are many, maybe on both sides, I cannot say to the gentleman from Georgia (Mr. NORWOOD), but who might wish you were still quiet at times.

But the reality is the gentleman is back, and he is back because he was one of the fortunate miracles. We are just delighted to see the blood is flowing back in his veins and the spirit is back in his heart and the ideas and thoughts are back in his mind.

Yet as we look at the gentleman from Georgia (Mr. NORWOOD) as a miracle, we know that there are lots of folks out there who may not be so fortunate. H. Con. Res. 178 makes it possible for others to know more about IPF, and it raises that recognition so that Congress can help its own internal education process so we can know what we can do and do a lot more studying and try to come up with what the cause is and so forth.

I want to say to the gentleman from Georgia (Mr. NORWOOD), best of luck to you. We all love you and we are glad you are back, and we pray for others in your same situation. I support H. Con. Res. 178.

POINTS ON BILL

H. Con. Res. 178: Recognizes the need to research cause of, treatment and cure for IPF; Recognizes the work of the Coalition for Pulmonary Fibrosis.

Urges the President to designate an Idiopathic Pulmonary Fibrosis Awareness Week; Over 50 bipartisan co-sponsors.

IPF

Idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring. Idiopathic pulmonary fibrosis is the most common form of interstitial lung disease. There is no cure or treatment for this disease. The disease is debilitating and generally fatal, causing an irreversible loss of the lung tissue's ability to transport oxygen to the organs. There is no proven cause of idiopathic pulmonary fibrosis. There are 83,000 Americans living with this disease and 31,000 are diagnosed each year. Idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years. It is often misdiagnosed in the early stages. The median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years of developing the disease.

COALITION FOR PULMONARY FIBROSIS

The Coalition for Pulmonary Fibrosis (CPF) is a 501(c)(3) nonprofit organization, founded in 2001 to further education, patient support and research efforts for pulmonary fibrosis, specifically idiopathic pulmonary fibrosis. The CPF is governed by the nation's leading pulmonologists, individuals affected by pulmonary fibrosis, medical research professionals and advocacy organizations. It has more than 8,500 members nationwide, and is the largest nonprofit organization in the country specifically dedicated to helping those with IPF.

CONGRESSMAN NORWOOD

Congressman NORWOOD was diagnosed with IPF in 1998—due to the slow progression of the disease (if caught early) he was able to manage his condition until the summer of 2004.

Despite coming to the top of the transplant list several times in the intervening years, Congressman NORWOOD was judged 'too healthy' for a transplant and thus continued his duties in Washington and Georgia.

In the Summer of 2004 Congressman NORWOOD's case began to worsen (as the disease does as it runs its course) and he was forced to pursue the only medical option available to IPF patients; a lung transplant.

CHARLIE received a single lung transplant at Inova Fairfax Hospital in Fairfax, Virginia on October 5, 2004.

While there is no standard recovery model for transplant patients, generally speaking, Congressman NORWOOD's recovery was impressive with him leaving the hospital in short

order and continuing his work in Congress by January 2005.

While still needing the assistance of oxygen at times, Congressman NORWOOD continues his recovery and remains an active member of the 109th Congress.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the cooperation of the gentleman from Ohio (Mr. BROWN) in bringing this resolution to the floor. As you have heard, those of us from Georgia have paid tribute to the gentleman from Georgia (Mr. NORWOOD), who has been the victim of IPF. But it is a testament to his fighting spirit and to the esteem with which we hold him that we have used his situation as the example for which this legislation has been based.

We urge the adoption of the concurrent resolution so that those in the American public as a whole can become aware of the significance of this disease. Hopefully through our efforts here and the efforts of researchers across the country, we will find a cure for this now fatal disease.

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

The SPEAKER pro tempore (Mr. SODREL). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 178, as amended.

The question was taken.

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

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1281. An act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

MESSAGE FROM CHIEF OF STAFF FOR HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nicole Venable, Chief of Staff for the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 28, 2005.

HON. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NICOLE VENABLE,
Chief of Staff.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN, Michigan
Ms. KAPTUR, Ohio
Mr. BROWN, Ohio
Mr. HONDA, California

KATRINA/RITA RELIEF AND FISCAL DISCIPLINE

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

Mrs. SCHMIDT. Mr. Speaker, I rise before you tonight to talk to you about something which I have a lot of experience with as a wife and a mother, budgeting.

Today, an honest estimate of what it will cost to pay for the Federal Government's responsibilities on the Gulf Coast is approximately $100 billion. This money will go to rebuild things like levees, highways, bridges, hospitals and schools, the infrastructure needed for the private sector to rebuild this devastated region. That is a lot of money, money that no one planned or anticipated.

As we all know, when the car breaks down or the dishwasher stops or any other unanticipated expense comes up, we must prioritize and separate the needs from the wants.

Raising taxes is not an option. The last thing anyone in this country needs is the burden of giving the government more money to spend, spend, spend. Our economy and thousands of jobs will pay the price. We need to make some tough decisions, realize what is important to us as Americans, what we need, and decide what can wait until another payday.

Some may call for deficit spending, but that is not the answer. American families make tough budget decisions every day. A broken furnace means no trip to Disney World. Increased prices at the pump means less meals eaten outside the home. It is a matter of priorities. It is a matter of responsibilities.

The government needs to prioritize, start acting like responsible adults, and quit spending money like it grows on trees.

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BUDGET CUTS THAT MAKE SENSE FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I appreciate the fact that the gentlewoman who preceded me in the well was speaking to the issue of paying for the disaster, not borrowing or obligating future generations to borrow. This House, in fact, 2 weeks ago, with 40 minutes of debate, 40 minutes and no amendments allowed, borrowed $51.8 billion for the beginnings of hurricane recovery efforts, on top of the $10 billion borrowed the week before.

Now, she said one thing I do disagree with, which is you cannot ask the rich people to pay for any share of this. Now, it is true they live on high ground, I understand that; so, for the most part, they are not affected by disasters. They have private security, they fly on private jets, they live in a different world than most Americans. But she and the majority are saying, there is no way they should be asked to pay for a share of these disasters, unlike working Americans who are paying day in and day out for the money that is being borrowed.

If Katrina cost, she said $100 billion, let us say $200 billion, if we just did not extend the tax cuts for people who earn over $300,000 a year and limited estate tax relief to estates worth less than $6 million, that is most small businesses where I come from, and family farms and tree farms, then that would pay for Katrina over the next 10 years 5 times over.

Well, okay. She says that is off the table. Well, let us look elsewhere. They have an interesting list of cuts. As we saw the abject poverty of the inner city folks in New Orleans, they are talking about trimming on medical care for poor people, food assistance for poor people, education for middle class and poor people; those are the things that are being targeted on that side of the aisle to pay for this.

I would suggest a couple of other places we might cut. Now, we cannot

even build levees that can withstand a category 3 hurricane; we do not have new energy efficient forms of transportation which puts us in enthralled to the Saudis and other enemies of the United States, and the President wants to borrow $1 trillion to go to Mars; and NASA, which was mentioned just previously, is going to spend $100 billion to go back to the moon. They want to get some more dust and rocks.

Well, how about we cut those programs and devote that money, the $100 billion to go back to the moon. That would pay for Katrina, according to the numbers previously given, and the $1 trillion would pay for that and a lot of other things in America if we did not go to Mars. I do not think we can afford that now. Until maybe we can build levees that can withstand a category 4 and maybe even a category 5 hurricane, and we do a few things about the areas in the Pacific northwest that are not earthquake proof, and other preventive measures around the country. But, hey, maybe people do not want to cut NASA because it is based in Texas.

So, okay. How about then the redundant, useless Cold War fighter called the F–22, which is now 5 times over its original cost estimates and is not needed. That would pay for Katrina relief 3½ times over, and we could depend upon the F–16 until the joint strike fighter, a little more economical version of a fighter plane, is developed for future enemies and wars, but I am sure they would not want to do that. Well, okay. We cannot cut that.

Well, let us talk about something else. How about subsidies to farms where farmers earn over $100,000 a year. I really do not have very many farmers in my State who earn over $100,000 and, guess what, most of the farmers in my State could not get subsidies. But those farmers in the midwest who earn over $100,000 a year in the northern Midwest get very substantial subsidies under the Freedom to Farm Act. If we limited farm subsidies to farmers and families on family farms who earn less than $100,000 a year, in 10 years, we could pay for 1½ Katrinas.

So, instead of cutting the medicaid program, putting the burden on the States and depriving poor people of health care, instead of cutting food stamps, instead of cutting education programs that are important to average Americans, instead of stupid, across-the-board cuts that cut abysmally wasteful programs the same as essential programs, that is how we got in trouble with FEMA, they are cutting an essential program, we could do a few different things. But that would mean maybe a little rethinking on that side of the aisle. Ask the wealthy to carry their fair share of the burden, eliminate the redundant return to the moon, put off the mission to Mars, cancel a Cold War-era fighter designed to have air superiority versus the Soviet Union in Europe, and/or, maybe just cut back on subsidies for farmers who earn over $100,000 a year. That would more than pay for Katrina.

If we do all of those things, that would be 15 times what we need to pay for Katrina, and then we could begin to reinvest in FEMA, education and health care, and things that are essential to all Americans, and maybe even veterans' benefits too.

MADD CELEBRATES SILVER ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, William Murphy had everything going for him. He had a beautiful bride, three young children, and he was about to embark on a new chapter in his life. On June 16, 2005, all his dreams came to a crashing halt on a hot, humid, summer night in Dayton, Texas.

Mr. Murphy had spent the evening celebrating with his family. He was scheduled to graduate as a medical assistant from the Texas School of Business the next day. On his way home from his mother's house in Baytown, Texas 10 miles away, his car stalled on a darkened stretch of rural State highway 146. He and his sister pushed the car to the shoulder and turned on the flashers. His 9-month-old twin daughters, Mariah and Miranda, remained strapped in the car seats and his wife Amanda cared for the 19-month-old William, Jr. They then waited for assistance.

Soon after, Murphy saw a set of bright headlights heading toward the family. He was relieved because he assumed his mother, whom he had just called when the car stalled, was on her way. But this pickup truck barreling toward his family was not his mother and it was not stopping. Seconds before the impact he attempted to warn his family, but it was too late. He witnessed the destruction of his family that night. The truck never stopped, never slowed down, and crashed into the back of Murphy's vehicle.

Murphy's vehicle was pushed a quarter of a mile down the road. When he got to his vehicle, the trunk was smashed into the back seat. He struggled to get his twin daughters from the wreckage. He found his wife laying in the grass unconscious and his son's barely breathing body 5 feet away.

The driver of the truck stumbled out of the vehicle and it was clear he had been drinking. He failed a sobriety test and he was charged with three counts of intoxication manslaughter. Murphy's twin daughters were killed that night. So was his son. His wife and sister were badly injured. Mr. MURPHY is still struggling with the assault on his family and the death of all of his children.

Unfortunately, this story is all too familiar to the many families that have been affected by drunk drivers. Mothers Against Drunk Driving, or MADD as we know them, is working to prevent this sort of senseless crime. MADD's mission is to find effective solutions to drunk driving and underage drinking problems, while supporting and helping those who have been affected by the pain of these senseless crimes. Founded by a small group of California women in 1980 after a 13-year-old girl was killed by a hit-and-run repeat offender, MADD has saved more than 300,000 lives through their outreach and education programs.

Mr. Speaker, as founder of the Congressional Victims' Rights Caucus, I have worked closely with many members of MADD this year in the effort to protect the rights of crime victims and protect money in the Victims of Crime Act.

The National Conference of MADD is here in D.C. this week celebrating their silver anniversary and continuing their fight against drunk driving and their mission to hold drunk drivers accountable for their crimes. There are hundreds of MADD staff, volunteers, board members, and past presidents coming from all across the Nation and as far away as Guam to take part in this conference. These people coming to town are kids, mothers, daughters, fathers, victims, and survivors who have been affected by drunk driving.

I would like to commend them for their work on behalf of victims and their cause-driven efforts to stop drunk driving and the drunk driving epidemic. Thanks to the support of Mothers Against Drunk Driving, our roads and highways and children, friends, and family are safer today. Due to their efforts, alcohol-related traffic deaths have declined.

Mr. Speaker, in the 1950s, when I was a little kid, my grandfather worked for the Texas Highway Department. In the middle of the day while laying asphalt on what is now interstate 35 between Dallas and Austin, Texas, he was struck and killed by a drunk driver. The driver was never punished because he was some big shot from Dallas. My grandmother became a widow and never quite got over the loss of my grandfather. She spent the rest of her life supporting herself by working in a department store selling dresses until she was required to quit at the age of 75. My grandmother died only a couple of years ago in her robust 90s, but she often mentioned until her death how she missed my grandfather.

In those days there was no MADD organization. But thanks to MADD, the public attitude and the acceptance of drinking and driving has changed dramatically.

Mr. Speaker, there are few tragedies that bring as much pain to families and communities as these violent crimes caused by drunk drivers. This pain is made even worse when our community's young people are injured and involved. As a criminal court judge in Texas, I saw firsthand what the effects of drunk driving do to a family and to our communities. This is one of the

many reasons I support the efforts of MADD and I encourage MADD to continue their good fight. I admire the women who started MADD and those countless women who are still working.

It reminds me of one of the statements my grandmother made many years ago. She said, ''There is nothing more powerful than a woman who has made up her mind.'' Mr. Speaker, that is just the way it is.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–238) on the resolution (H. Res. 468) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. J. Res. 68, CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–239) on the resolution (H. Res. 469) providing for consideration of the joint resolution (H. J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3824, THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–240) on the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

IRAQ AND THE BUSH ADMINISTRATION'S GREED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for the last 2 years, Halliburton and subsidiaries such as Kellogg, Brown, and Root, have received billions of dollars in contracts to rebuild Iraq. Despite the handsome profits, Halliburton, which used to be run by the Vice President, DICK CHENEY, has not had to offer competitive bids on the vast majority of these projects. Earlier this week a Halliburton subsidiary received yet another no-bid contract for reconstruction efforts.

This should not come as a surprise to anyone, anyone who has monitored the greed, the selfishness, the sheer corruption with which the Bush administration has administered Iraq's reconstruction. Only this time, the contract was not for Iraq, it was for hurricane relief and reconstruction efforts here in the United States. Finally, the chickens have come to roost.

Mr. Speaker, my colleagues might recall that Halliburton is the company that overcharged the United States Government for meals served to soldiers serving in Iraq. It is also the company that made the United States Government pay a ridiculous markup on gasoline purchased from nearby Kuwait. Unfortunately, the Bush administration did not seem to mind. Halliburton's corruption certainly did not stop the White House from turning to them yet again as its primary source for no-bid government contracts in the Gulf.

But the sad truth is, these examples of corruption and incompetence are not just isolated to Halliburton. They are emblematic of the Bush administration itself.

This is the administration that presided over $9 billion in missing funds that was supposed to pay for Iraq's reconstruction. This is the administration that, for over a year, neglected to provide the lifesaving protective body armor that our troops needed to survive. These examples are not isolated. No, they are indicative of how the Bush administration has approached both the war in Iraq and the recent hurricane devastation in the gulf coast.

The sheer ineptitude surrounding the war in Iraq has been the most staggering of all. The Bush administration had no plan for how to conduct the war, they had no plan for securing the country once Saddam was deposed, and now they have no plan for ending the war.

It is clear that the military situation in Iraq is not improving. In fact, it is the very presence of nearly 150,000 U.S. soldiers who appear as occupiers that so enrages Iraq's insurgency.

□ 1845

By bringing our troops home, we can save both American and Iraqi lives, and we can reunite thousands of American families in the process. That is why I have called on the House Committee on Armed Services and the Committee on International Relations to hold hearings to address how best to achieve a military disengagement. Since they will not address this issue, we will.

Two weeks ago, I held an informal bipartisan hearing to address how to end the war in Iraq. Not when, but how. We heard from an expert panel of witnesses who each testified that the need for a change in U.S. policy is absolute in Iraq. This is not about finding the one right approach. It is about getting the conversation started. It is about putting all the ideas on the table.

Mr. Speaker, my hope is that last week's hearing will help begin a discussion that we desperately need, one that is long overdue, one that will help save lives, how to end the war in Iraq, and how to bring our troops home.

CALL FOR PEACE IN ETHIOPIA

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I rise today to discuss democracy and elections in Ethiopia. As this country has been a close ally of the United States in the war on terror, it is critical that we encourage their evolution from monarchy to communism to democracy.

I used to live in Ethiopia as a child, and I lived there when Haile Selassie was the emperor. And even under a monarchy, Ethiopia had a lot of good things going for it. And as they have always been an ally of ours, strangely, we often forget them.

Ethiopia is divided into nine states along linguistic and ethnic lines. It is a 3,000-year-old civilization which until the 1970s was under a monarchy, and then a brutal Marxist junta through him over. Civil war and famines racked the country in the 1980s. Calm finally began to return in 1991 when Meles Zenawi, who assisted in the overthrow of the junta, became president and finally prime minister 4 years later.

Since that time, Ethiopia has participated in a total of three elections. That is three elections in a 3,000-year history.

This past spring, Ethiopia held their second election since the introduction of multiparty politics and the first under international scrutiny. Thirty-five political parties vied for seats in

the 547 seat lower house of parliament called the Council of People's Representatives. Voters also chose representatives in nine regional state parliaments that will appoint members of parliament's upper house, the Council of the Federation.

Twenty-five million people registered to vote in the election. With 200,000 of those registered to vote living in villages inaccessible by roads, election officials on camels, pack animals, and boats fanned out to distribute ballots in time for the election. The National Electoral Board drafted 38 camels, 65 donkeys, 20 horses and 10 mules to carry election workers, ballots, stamps, counting sheets, and indelible ink to rural parts of a country twice the size of Texas.

In the weeks leading up to the May elections, peaceful mass rallies were held by both the ruling party and opposition parties in Ethiopia's capital of Addis Ababa. At one of the rallies, 250,000 supporters of one of the main opposition parties, the Coalition for Unity and Democracy, rallied in the capital's main Meskel Square. A government rally attracted 600,000 people the day before.

One voter, Solomon Aseffa, told reporters that after witnessing two public rallies in two days, democracy finally really was flourishing in Ethiopia. Another resident said that the peaceful rallies were indicative of the increasing political consciousness of the community. An Addis Ababa resident, Fitsum Argaw, urged young people to cast their votes in order to safeguard a democratic system that had been achieved through great sacrifice.

During the campaign, there was unprecedented media access for the opposition. They received equal time on state-run radio and the opportunity to participate in broadcast debates. One main opposition party even launched a text messaging campaign to get out the vote. European observers praised the openness to the run-up to the elections although they admitted that they witnessed intimidating tactics by the ruling party.

Despite the reports of harassment, there was a stunning 90 percent turnout of registered voters. Foreign election observers found out the worst problem had been the crowds, with some waiting for hours just to cast their ballots. A young female economics consultant called it ''a great day because I am able to vote freely and that is a new thing here in Ethiopia.''

The election results showed that while the ruling party held on to a majority, the opposition made major gains. However, opposition parties argued that the process was marred by fraud, intimidation, and violence. After the electric, Prime Minister Zenawi promptly banned all demonstrations for 1 month and assumed control of the capital police.

Sadly, events spiraled out of control after the university students were arrested for defying this ban. Ultimately, 36 people were shot dead by police and thousands were arrested after protests erupted over the election results. This type of bloodshed cannot be allowed to happen again.

This Sunday there is a rally scheduled to take place in Addis Ababa. Members of the main opposition parties, the Coalition for Unity and Democracy and the United Ethiopian Democratic Forces, plan to protest alleged fraud in the May 15 parliamentary elections and call for the formation of a national unity government to supervise new elections.

What we want the folks in Ethiopia to know is that we are behind them in the democratic process. We know it is not perfect, as we are still working on ours; but we wish them success in this great and noble endeavor.

I would like to take this time to urge peace and calm in Ethiopia. There has already been too much violence and bloodshed in the wake of these elections. However, in an ominous sign, on Monday forty-three members of the opposition were arrested ahead of Sunday's assembly and the branch offices of the opposition parties were raided and are now closed. Authorities have threatened "severe consequences" for any illegal acts or violence that occur during Sunday's event.

Mr. Speaker, the path to democracy is never a smooth and easy process. We are seeing that now in Iraq. In Ethiopia, democracy is in its infancy and it must be nurtured along by its leaders.

To that end, I would urge Prime Minister Zenawi and the Ethiopian authorities to allow this rally to occur peacefully. As pre-election rallies were held without violence and bloodshed, post-election rallies should be equally violence and bloodshed-free.

Ethiopia has come so far. From a monarchy followed by suffering under Communism, Ethiopians must be given the opportunity to flourish under the greatest of systems—democracy.

NO NEED FOR AN INDEPENDENT COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, a number of our friends across the aisle yesterday once again demanded that an independent commission is vital to what they said is getting to the truth about the response to Hurricane Katrina. They want a commission like the 9/11 Commission. They put their hope and their avowed trust in a so-called independent commission.

They also said, in fact, that there had been no adequate investigations in recent years, even though their glorified 9/11 Commission occurred during that time. Yet it was their glorified 9/11 Commission that recommended putting FEMA under Homeland Security even though it had been working just fine where it was. FEMA previously had the ability to put resources where it needed them without worrying about a higher boss redirecting resources in the budget. Well, folks got what they wanted, and it may have been a huge mistake.

Our friends across the aisle said yesterday that all that goes on around here is whitewashing and a cover-up and that is all Congress will do anymore. But during my years as a judge, I noticed people will often ascribe to the opponents the very motivations and characteristics that they themselves have and then assume that the others around them are just as devious as they are. Now, whether or not that applies here, I will leave for other consideration.

The fact is, however, if they bear to watch the hearings that have been on C–SPAN or gone to the hearings themselves instead of calling for a press conference or participated in some way, they have would have seen that tough questions were being asked. In fact, some were so tough they were really a bit unfair.

It is Congress's job to oversee such things, and the mere fact that Congress has punted such obligation in other cases so it can point blame elsewhere if a bad decision is made is no reason to run from our responsibility here. In the congressional hearings both sides get to ask questions. You get to submit witnesses. And if you do not like the majority report, you file a minority report.

That is not whitewashing. It is simply disingenuous for people to come to this building and say by their actions and their words that if they cannot be in charge, then they are simply not going to participate. Like on schoolyards, some child stamping their foot, stomping around saying, if we are not going to do it my way, if I am not in charge, I will not play. The trouble is this is not a game. This is our Nation at stake.

Members of Congress were elected to do a job, not complain why someone should be doing it for us. We do not need an independent commission. We need some additional independent-thinking Members across the aisle to step up and help us by doing their job.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Ohio (Ms. KAPTUR).

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

There was no objection.

RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise this evening to speak on the importance of reauthorizing the Ryan White CARE Act. This act has been so valuable in providing services to those persons infected with HIV/AIDS. I want to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her passion and her work and her advocacy on this issue. Her work has been unparalleled in this Congress.

Mr. Speaker, I want to encourage my colleagues to reauthorize the Ryan White CARE Act at $3.1 billion to ensure that today's health care needs of people living with HIV/AIDS and their families are adequately and consistently met. Today, unlike the past, those most likely to be infected with HIV are people of color, women, and our youths. This act directly funds medical and support services for approximately 533,000 individuals and their families living with HIV/AIDS each year. Persons of color represent 88 percent, 88 percent of the clients that are being served.

HIV/AIDS is no longer a death sentence. Great strides in medical technology have slowed the progression from HIV to AIDS, allowing people with HIV to live longer, to live healthier and more productive lives.

This act should be authorized in a manner that allows it to fully respond to the needs for underserved and uninsured populations living with HIV/AIDS.

Mr. Speaker, African Americans in this country are disproportionately affected with HIV/AIDS. In 2000, African Americans made up 12.3 percent of the U.S. population, but they account for 40 percent of the diagnosed AIDS cases. In North Carolina, my home State, the total number of new AIDS cases in 2003 was 1,083; 724 of these cases were found among African Americans.

In fiscal year 2005, this act was funded at $2.073 billion, but that is not enough. Funding should not be shifted from one region of the country to another based on perceived severity of need. Instead, the act should be adequately funded so that it can ensure progress in regions where HIV infections have slowed while targeting regions that are being hard hit by the epidemic. By increasing the reauthorization level to $3.1 billion, the CARE Act will be able to provide services to both urban and rural areas, which will put an end to the competition between health care providers whose clients are desperately needing funding.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DREIER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. BURGESS).

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

There was no objection.

HONORING CHRIS COX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, on the 2nd of June our very distinguished colleague, Chris Cox, was nominated by President Bush to become the chairman of the Securities and Exchange Commission. On July 29, the Senate voted unanimously to confirm Chris as the 28th chairman of the SEC. His nomination was widely heralded. That economic guru, Larry Kudlow, said, ''Chris Cox's keen intellect and free market view point will provide a breath of fresh air at the Securities and Exchange Commission.''

□ 1900

The majority leader in the Senate said, ''Chris Cox will bring an experienced and steady hand to the Securities and Exchange Commission.''

Stanford law professor, who is a former SEC commissioner, Joseph Grundfest, said, ''We should give a great deal of respect and deference to Chris Cox's tremendous intellectual abilities and political skills.''

Mr. Speaker, I mention this praise because it so clearly shows that the gain at the Securities and Exchange Commission is a significant loss for us here in the House of Representatives. As his colleagues in Congress, we will all miss working with Chris.

Chairman Cox was first elected to the House in 1988 to represent Orange County, California. During his nine terms in office, he gained a well-deserved reputation as a hardworking, action-oriented, fair and bipartisan Member. In fact, he said one time, ''The well-worn partisan rut is not a place where you are going to get a lot of work done.''

Chairman Cox did not spend a lot of time in that rut. He was an integral part of our California delegation, served on important committees and delved into critical issues facing our Nation. He served on the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform and the Committee on the Budget. He served as a member of the majority leadership for over 10 years as Chairman of the House Policy Committee.

Most recently, we all know Chris served as chairman of the Committee on Homeland Security when we established this new committee. Throughout his involvement in national security issues, he was very intimately involved in those throughout his entire 17 years in Congress. He was a tireless advocate for our men and women in uniform, a vocal anti-Communist, an active proponent of California's military bases, and an ardent supporter of the global war on terror.

As Chairman of the Committee on Homeland Security, Mr. Speaker, Chris pushed for common-sense reform to ensure that we spent homeland security dollars based on actual risk, and he left a legacy of very vigorous oversight at the Department of Homeland Security.

Additionally, as a representative from California, Chairman Cox was intimately involved in the effort to secure our border and give the border patrol the tools needed to apprehend anyone seeking to enter our country illegally, particularly those wishing to do our Nation harm.

It is fitting that he is now the country's top cop for the securities markets because he has long been committed to improving and supporting the free market.

Whether it was ending the double taxation on shareholder dividends or supporting innovative technologies with the Internet Tax Freedom Act or standing up for free trade by voting for permanent normal trade relations for the People's Republic of China or protecting investors from junk lawsuits with the Private Securities Litigation Reform Act, Chairman Cox has been in the forefront of making sure capitalism and financial markets work on their own when they can but, most important, work within the law around the clock.

When accepting the nomination to chair the SEC, Chairman Cox had this to say about the U.S. economy: ''The natural enemies of this economic marvel are fraud and unfair dealing.'' At the SEC, he will continue, Mr. Speaker, to do what he practiced here in the Congress, instilling faith in the financial markets by targeting bad actors and protecting investors.

Throughout his life, Chairman Cox has held firm to his conservative beliefs; his faith in democracy; and his pro-growth, free market principles, even when his views were not always popular. When he was at Harvard in the early 1970s, where he earned a business and law degree, he placed a Ronald Reagan bumper sticker on his car, only to have his car repeatedly vandalized.

There was little that could intimidate Chairman Cox, and that was particularly due to the confidence he derived from his political lodestar, the man whose name was on that bumper sticker, Ronald Reagan.

Chris and I both share an intense admiration for Ronald Reagan. President Reagan taught our country to stand tall, to believe in and trust the virtues of democracy, the power of the individual, the promise of entrepreneurship, and the might of our military.

Chris had the distinct privilege of serving President Reagan as a White

House counsel. He worked behind the scenes to promote Ronald Reagan's muscular foreign policy and effective, limited government domestic policy.

In 1988, during Chris's first campaign for Congress, President Reagan said, ''I could always count on Chris Cox to push our agenda forward and to keep his sights on why we were in Washington.'' Mr. Speaker, those words still ring true today. Chairman Cox is a man of powerful intellect, whose selfless service of his constituents and of his country has earned the respect of everyone he has worked with, and he has never lost sight of why he was here.

I know he will continue to serve the people of the United States with unfailing dedication and the utmost integrity. That is how his colleagues in Congress knew him, and that is how his new colleagues at the SEC will come to know him.

President Bush gave Chairman Cox this mission to the SEC: ''To continue to strengthen public trust in our markets so the American economy can continue to grow and create jobs.'' Mr. Speaker, if the success of his congressional career is any guide, there is no doubt that Chairman Cox will accomplish this mission.

I offer my sincere thanks to Chris for the pleasure of working with him as a member of the California delegation, as a dedicated disciple of President Reagan and as a force for progress here in the House of Representatives. I wish him the very best as he embarks on this new path.

Mr. RADANOVICH. Mr. Speaker, I rise today to pay honor and congratulate a now former colleague of mine, Congressman Christopher Cox. Mr. Cox has served the U.S. House of Representatives with great distinction for six terms. For 10 years Mr. Cox displayed his tremendous leadership capability as chairman of the House Policy Committee, and most recently as the founding Chairman of the House Committee on Homeland Security.

In June of 2005, the President of the United States had the foresight to recognize Mr. Cox's leadership ability and subsequently appointed Mr. Cox, Chairman of the Securities and Exchange Commission. Mr. President, you made a very fine choice. Mr. Cox holds an M.B.A. from Harvard Business School, as well as a J.D. from Harvard School of Law. He has taught Federal income tax courses at his alma mater. During former President Reagan's second term, Mr. Cox served as his Senior Associate Counsel. While serving in the U.S. House of Representatives Mr. Cox served in a capacity of leadership in every committee with jurisdiction over investor protection and U.S. capital markets. It seems obvious to me, as I'm sure it does to the rest of my colleagues that Mr. Cox is very well qualified for his new position.

While the citizens of Mr. Cox's 48th District will surely miss his commitment, I am sure they share my sentiments of congratulation to Mr. Cox for receiving this new appointment. I have thoroughly enjoyed my time as a colleague of Mr. Cox and look forward to working with him in his new capacity.

Mr. THOMAS. Mr. Speaker, I rise today to honor my friend and former colleague from California, Christopher Cox, for his excellent service as a Member of the House of Representatives and to wish him well in his tenure as Chairman of the Securities and Exchange Commission, SEC.

I commend the President for selecting Chris to serve in that capacity because Chris has the proven leadership ability, intelligence, fairness, and experience necessary to successfully manage the SEC, which has an integral role in ensuring our Nation's continued economic growth and prosperity. I have had the great pleasure of working with Chris as he exhibited his leadership abilities in the House through his service for over a decade as the Chairman of the House Republican Policy Committee and most recently as Chairman of the Committee on Homeland Security.

As many of you know, Chris has impressive academic credentials, which include earning both an M.B.A. and law degree from Harvard, where he also served as an editor of the prestigious Harvard Law Review. These credentials were supplemented through his service as a Federal appellate law clerk and as Senior Associate Counsel to the late President Reagan.

Moreover, Chris' experience has provided him with a broad and deep understanding of how our Nation's capital markets operate. As an attorney with an international law firm, Chris specialized in venture capital and corporate finance, and in his 18 years of service as a Member of the House, Chris served on the Energy and Commerce, Financial Services, and Government Reform Committees. During his House career, Chris was an ardent proponent of legislation to improve the budget process, eliminate the double tax on shareholder dividends, reform medical malpractice litigation, and repeal the estate tax. I worked with Chris on these issues and I am pleased that we were able to enact legislation to address capital gains, dividends, and estate taxation.

While I will miss working with Chris in the House, I look forward to working with him in his new role. Accordingly, I ask my colleagues to join me in wishing him well as he continues to serve as a free-market advocate in his new capacity.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to honor our former colleague and my good friend, the Honorable Christopher Cox.

For almost 20 years, Chris Cox has served his country nobly, admirably, and to the best of his ability as a public official and legislator. Now President Bush has tapped him for a new chapter in his public service career as the next Chairman of the Securities and Exchange Commission.

In making this choice, the President could not have picked a more qualified, a more determined, and a more able candidate. Chris Cox has extensive experience as an attorney specializing in venture capital and corporate finance and a lecturer at Harvard Business School where he taught Federal income tax law. He began his service to our nation as a Senior Associate Counsel to President Reagan, advising the President on a range of issues. Now he will continue this service in a different capacity as the Chairman of the SEC, where he will have a platform to encourage corporate responsibility and raise investor confidence.

From 1988, until very recently, Chairman Cox represented Orange County faithfully in the U.S. Congress. In this body, his leadership was essential in authoring the Private Securities Litigation Reform Act and the Internet Tax Freedom Act. Chairman Cox was also instrumental in the creation of a permanent Homeland Security Committee, on which he served as the first Chairman. No matter his role in this House, he continuously worked for a smaller and more efficient government, a fiscally responsible budget, and an overall better America.

For the last 7 years, I had the great privilege of being his colleague in this House. Here I witnessed firsthand the depth of his intellect and the extent of his devotion to our nation. I also witnessed his compassion and care for the residents of south Orange County. He represented them loyally and they rewarded him with eight consecutive reelections to the House of Representatives.

As Chairman Cox leaves these halls to continue his public service at the SEC, I can say with certainty that he will be missed by his fellow lawmakers, his constituents, and the American people. We can take solace, however, in his call to a higher duty. In this time of war and economic uncertainty, America needs capable leaders—leaders with experience, with knowledge, with determination—leaders like Christopher Cox.

As Chris Cox begins his new challenge as Chairman of the SEC, I am confident that the qualities that made him such a great Congressman will likewise make him an excellent Chairman.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to thank my colleague, Chris Cox, for his service to this House, and to Orange County California, a region we both had the privilege and the responsibility to represent.

I would also like to take this opportunity to wish now Commissioner Cox good luck in his new position at the Securities Exchange Commission, SEC.

As a former constituent, a member of the investment banking community, I know how important Mr. Cox's new job is to the health and security to our Nation's economy.

The job of the SEC is to maintain investor confidence in our financial markets. I would urge my friend to invest more resources in maintaining that confidence. That would include going after insider-trading cases, and preventing scandals, like Enron and WorldCom, that undermine our system. We shouldn't forget that it's the small investors, and workers depending on their pensions, that get hit the hardest by these scandals.

I would also urge the Commissioner also to think about the future and to help reform the New York Stock Exchange, and other exchanges, to bring them into the 21st Century. Instant trading is a fact in the market. It needs to be brought to the floor of the NYSE.

In closing, I would like to thank Chris Cox again for his service and wish him all the best at the SEC. I look forward to working with him and helping to make our nation's future, safe, fair and secure.

Mr. GALLEGLY. Mr. Speaker, I rise in honor of my friend, former colleague, fellow Californian and Securities and Exchange Commission Chairman Christopher Cox.

A capable and affable leader, Chris is well-suited to be the 28th SEC chairman. While in Congress, he served as a senior member of every committee with jurisdiction over investor

protection and capital markets, including the House Energy and Commerce Committee, the Financial Services Committee, the Government Reform Committee and the Budget Committee. He also served as chairman of the Task Force on Budget Reform. He authored the Private Securities Litigation Reform Act and the Internet Tax Freedom Act.

It was no surprise that the Senate unanimously confirmed his SEC chairmanship on July 29,2005.

Mr. Speaker, I know my colleagues will join me in honoring Chris Cox for his service in the U.S. House of Representatives and wish him Godspeed at the SEC.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

REAUTHORIZATION OF THE RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, in 2 days, the Ryan White CARE Act will expire, and though it will continue under its current authorization, as this landmark and life-saving Act expires, it is almost as though a light expires as well, a light of life and hope for the hundreds of thousands of Americans who have depended upon it.

We all know how disproportionately the HIV/AIDS epidemic has, and continues to, affect the African American community. In fact, since the beginning of this epidemic, African Americans have been hardest hit. This is not only due to adverse lifestyles but also largely due to the poor level of services, lack of insurance and the intractable poverty where too many people of color are trapped.

As shocking as the statistics are one year, they get worse the following year.

Nearly half of all people living with HIV and AIDS in the United States are African American, and the AIDS case rate for African Americans is 9.5 times that of whites.

About six in 10 children to HIV-infected mothers are African American.

Sixty-five percent of the AIDS cases among young people, 13 to 19 years of age, are in African Americans.

AIDS is the leading cause of death for African American women, 24 to 34 years of age.

This epidemic creates generation gaps in black families, leaving children to be reared by grandparents or other guardians, and the startling number of AIDS cases among teenagers indicates that this epidemic will undermine the very future of the African American community and thus undermine our Nation.

In the African American community, this is a state of emergency and requires an emergency response, not this lack of attention and lackadaisical approach that we are receiving from the leadership. We should not be presiding over the expiration of this Act, which has been a lifeline to countless individuals and their families. We should be going beyond reauthorization, expanding it and ensuring that all of the funding is there to meet the programmatic needs.

The Ryan White CARE Act was created to improve the quality and expand access to comprehensive care for people living with HIV and AIDS and their families. Because of the CARE Act, metropolitan regions, which are heavily African American, those that are most severely affected by HIV and AIDS receive funding to launch HIV prevention and support HIV/AIDS care efforts.

The CARE Act also provides funding for AIDS Drug Assistance Programs; early intervention services; capacity building and planning grants; crucial services for women, infants, children, youth and their affected family members; funding for AIDS Education and Training Centers; dental reimbursement programs; and funding for special projects on innovative models of HIV care and service delivery, among other services.

As a physician who has treated people living with HIV and AIDS, I know well how critical these services, especially access to medications that slow the progression of HIV to AIDS, are to improve the quality of life of those with AIDS, are to the health and well-being of and the care of people living with it.

The CARE Act, though, is particularly important to the community that is hit the hardest, year after year, the African American community. About half of all Ryan White CARE Act clients are African American.

More than eight in 10 clients at the Title IV clinics who receive important medical care, case management, child care and other services, are people of color, the majority of whom are African American women, children, youth and families.

We must recognize that when the Ryan White CARE Act was created and passed, the face of the HIV/AIDS epidemic, the unmet needs of those living with HIV disease, and the medical management of HIV and AIDS were much different than they are today.

Furthermore, great strides in medical technology have slowed the progression from HIV to AIDS, allowing people with HIV disease to live longer, healthier lives. The CARE Act should be authorized in a manner that allows it to fully respond to the health and health care needs of those most at risk for, or those who currently are, living with HIV and AIDS.

Because of this, any funding less than $3.1 billion is simply not acceptable. That is equivalent to what we spend every month in the war in Iraq.

What it costs to make the Republican tax cuts permanent for 1 year is more than 10 times the amount needed to help ensure that a child born to an HIV-positive mother has a chance at life.

One might be moved to ask why this crisis, which has taken so many lives, ruining so many families and having such a detrimental social and economic impact on our communities is being responded to in such an inadequate manner, if one can say it is being responded to at all?

It is not the absence of urgent need. The numbers are there. Neither could it be due to lack of resources. We have seen this administration in times bankroll solutions to others and more expensive crises without hesitation. The reauthorization of the Ryan White CARE Act and adequate funding of this and all of the other health care programs that would improve the health of the poor, the rural or people of color, are not all that happening for one reason, the absence of political will.

Mr. Speaker, I do not want us to lose sight of the fact that this Act gets its name from a brave little boy who was not only a pioneer but an inspiration. I did not know Ryan, but I do know his mother, Jeanne, and so on her behalf and on behalf of the patients I have served, and all of those infected with HIV or who have AIDS, their families, as well as all of the dedicated care providers, I ask that we not let this lapse in our moral responsibility be prolonged.

Let us do the work we are entrusted to do and reauthorize and modernize an even stronger, better Ryan White CARE Act.

RYAN WHITE AIDS CARE ACT

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for organizing this series of Special Orders on the reauthorization of the Ryan White CARE Act.

The Ryan White CARE Act is essential for millions of Americans who are living with the AIDS virus and millions more who are at risk of becoming infected in the future.

The Ryan White CARE Act was passed into law in 1990, 10 years after the beginning of the HIV/AIDS epidemic, to provide a comprehensive approach to AIDS prevention, treatment, patient care and community support for people affected by this dreadful disease.

The Ryan White CARE Act provides funding for a variety of programs, including drug assistance, capacity building and planning grants, services for infected people and their families, funding for AIDS Education and Training Centers, and grants to metropolitan areas like Los Angeles that are severely affected by HIV/AIDS.

The Ryan White CARE authorization expires this Saturday, on October 1, 2005. If it is not reauthorized, it will remain in its current form until legislation is approved. The Ryan White CARE Act needs to be updated to address the needs of communities affected by HIV/AIDS today. The people affected by HIV/AIDS have changed tremendously over the course of the epidemic, and HIV/AIDS programs must adapt and change as well.

When the HIV/AIDS epidemic first began in 1980, most Americans with AIDS were white. Today, over 70 percent of new AIDS cases in the United States are people of color. Blacks account for about half of new AIDS cases, and Hispanics account for 20 percent of new AIDS cases. Racial minorities now represent a majority of new AIDS cases, and a majority of Americans living with AIDS, and a majority of deaths among persons with AIDS.

The Ryan White CARE Act is critical for minorities who often lack access to traditional health care and support services. About half of all Ryan White CARE Act clients are black, and that proportion is much higher in some care settings.

Title IV of the Act is especially important for racial minorities. Title IV provides medical care, case management, child care, transportation, and other support services for families affected by HIV and AIDS. Over 80 percent of the clients at clinics funded by Title IV of the Act are minorities.

The Ryan White CARE Act is severely underfunded. In the current fiscal year, the Ryan White CARE Act received a total of just over $2 billion for all programs nationwide. However, it has been estimated that Ryan White CARE programs should receive at least $3 billion in order to address adequately the needs of people affected by or at risk of HIV/AIDS.

In July of this year, the Bush administration released its principles for the reauthorization of the Ryan White CARE Act. Unfortunately, these principles are pitting the most affected communities against one another.

□ 1915

One of the principles is a prioritization of core medical services. This principle could eliminate many of the support services provided under title IV, such as case management, child care, and transportation, which make medical care accessible to people in need. For most title IV clients, medical care is covered through Medicaid, not title IV; but support services provided under title IV are essential to make medical services accessible.

Reducing HIV/AIDS support services in order to prioritize HIV medical services is no way to address the needs of people with HIV/AIDS. I urge my colleagues to reauthorize the Ryan White CARE Act in a manner that will ensure that HIV/AIDS programs will indeed address the needs of all communities in the United States that are affected by the HIV/AIDS epidemic, and I urge my colleagues to make certain that the Ryan White CARE Act programs will be fully funded in future years.

Mr. Speaker, I mentioned the disproportionate number of African Americans and Hispanics that are now HIV/AIDS positive. I would like to share with you what we have attempted to do to address those very special populations.

In 1998, while I was the Chair of the Congressional Black Caucus, I spearheaded the development of the Minority AIDS Initiative, which provides grants to health care providers for HIV/AIDS treatment and prevention programs serving minority communities. The Minority AIDS Initiative enables health care providers to expand their capacity to deliver culturally and linguistically appropriate care and services.

Mr. Speaker, we will not get the increases we need, so we need to pay attention not only to this reauthorization but to the very special needs of those who have suffered the most.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

(Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WOMEN AND HIV

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I rise to ask the House to reauthorize the Ryan White CARE Act, and I rise with special gratitude to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a physician and the leader of the Congressional Black Caucus on health care issues, who has alerted us to a very important date, and that is September 30 of this year when the CARE Act requires reauthorization or it will lapse. We just came to the floor because of just such a deadline to reauthorize the Violence Against Women Act. I am asking the House to do the very same thing for the Ryan White CARE Act.

Mr. Speaker, this is a bedeviling disease. In our country we initially saw it as a disease of segments of the population, and certainly in the beginning it was identified somehow as a gay disease. It took the infection of a young white man, a teenager, indeed, to wake America up to what this disease really means and how universal the disease is.

We face the same issue, however, as the disease has moved so largely into the black and Latino communities. When a disease moves in that direction, it becomes too easy for a country with our history to identify it with the specific group that is most identified with the disease. Let us not make that mistake again.

It is true that of the cases of AIDS diagnosed in the most recent period, 49 percent were African Americans and 20 percent were Hispanics. Those are the most alarming statistics I have read in a long time, considering that together blacks and Hispanics are not 20 percent of the population. African Americans are 42 percent of all of the people in the United States living with AIDS, and we are talking about people who are about 12 percent of the population.

Behind these figures are very complicated reasons, and my time does not allow me to go into it; but the fact that these figures exist is enough to call us to this floor to reauthorize the Ryan White Act before September 30.

African Americans have AIDS at almost 10 times the rate of whites. As with all diseases that tend to move toward the most disadvantaged in society, this disease is showing up in hugely disproportionate numbers among the very same disadvantaged groups that we associate with such figures, and I am particularly concerned that women are about 27 percent of all new HIV infections.

We can all remember when it was rare to find women of any color with HIV/AIDS. They represented only 8 percent of diagnosed AIDS patients in 1985. Now we see that jump from 8 percent to 27 percent. Fifty-one percent of new HIV cases are among children, that is to say, people who are from 13 to 19 years of age. That is just unacceptable, Mr. Speaker.

The movement of this disease downward into the population is the darkest aspect of the disease. Seventy-one percent of the women with this disease were infected through heterosexual conduct. That means that they probably had no idea that their partner was infected. This may be the chief reason that African American women are infected at a rate 25 times the rate for white women.

Mr. Speaker, this disease, once wrongly thought of as a gay disease, must not now wrongly be thought of as a disease of certain ethnic or racial minorities. One way to make sure that we stop the spread of this disease is to reauthorize the Ryan White Act now when it is so desperately needed. We do not want to let this session end with our country looking like one of the Third World countries that is now caught in the grips of this disease. It is a preventable disease.

If the Ryan White Act is reauthorized, we know what to do to contain this disease among blacks and Hispanics, just as we were successful in

containing it among gays. Let us do it. Remember September 30. That is our deadline.

THE RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of reauthorizing the Ryan White CARE Act. Signed into law on August 18, 1990, the act was designed to improve the quality and availability of care for persons with HIV/AIDS and their families.

The Ryan White CARE Act awards critical grants to metropolitan areas with particularly high rates of HIV. These grants help pay for outpatient services including case management, home health, hospice care, housing, transportation and nutrition.

The Ryan White CARE Act also provides money to States for pharmacy support through the AIDS Drug Assistance Program. This act enables the Federal Government to assist States so they provide lifesaving antiviral drugs for people who are HIV-positive.

This legislation lets States choose how to spend the money. This act allows States to dedicate Federal dollars for home and community-based health care and pharmaceuticals. States have formed local consortia to assess communities' needs and organize regional plans for delivery of HIV/AIDS services, as well as medical care.

In addition to supporting the States and major metropolitan areas, the Ryan White CARE Act also provides funds to primary care providers.

This comprehensive law reaches local health departments, homeless shelters, community health centers, hemophilia centers and family planning centers.

Mr. Speaker, I have not heard one negative thing about the Ryan White CARE Act. Why, then, are we allowing this critical legislation to expire without doing anything about it?

Colleagues, allow me to call your attention to the five States with the highest numbers of HIV-infected individuals in the country: New York, California, Florida, Texas, and Georgia. In my own State of Texas, more than 18,000 people are infected with HIV.

HIV/AIDS disproportionately affects African-Americans.

Sixty-two thousand AIDS cases have been reported in Texas through December 2003—and that's not even counting HIV. Half a million people in this country and nearly 35,000 Texans have died of AIDS.

Mr. Speaker, on Friday, September 30, the current Ryan White CARE Act will expire. Reauthorizing legislation must be approved. Without it, States, communities and individuals will no longer be able to access the critical funds they need to prevent, diagnose and treat HIV and AIDS.

Because of its critical role in affording access to care among African-Americans living with HIV/AIDS, the Congressional Black Caucus is deeply concerned about the future of the Ryan White CARE Act.

As a nurse, I cannot emphasize enough the importance of reauthorizing the Ryan White CARE Act.

RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I join my colleagues today, especially the Congressional Black Caucus, as I rise to speak on a piece of legislation that is of utmost importance to me and to many in this body, and that is the Ryan White Comprehensive AIDS Resources Emergency Act. It is scheduled, as my colleagues have said, to end this week.

This law, Mr. Speaker, provides care and assistance to over 500,000 persons in this country infected by HIV. A piece of legislation this important should not expire. It should be expanded, because it affects tremendously the African American community. I would be hard pressed to find an issue that is more troubling to the African American community than HIV and AIDS. As African Americans, we make up only 13 percent of the United States population; however, about 50 percent of the estimated AIDS cases in this country are African Americans. This number is an outrage.

HIV is killing our young people. African American women are especially at risk. In 2001, HIV was the third leading cause of death among African Americans between the ages of 25 and 34. Among women of this same age group, HIV was the number one cause of death. This is why annually I have a minority AIDS walk for women and children, especially minority women, because of the devastation this has caused. It is ravaging communities of color.

In 2003, African Americans accounted for two-thirds of new AIDS cases among all women nationwide. Moreover, African American teenagers make up only 15 percent of the U.S. teenagers. Why is it then that they account for 65 percent of the total new AIDS cases reported among teenagers in 2002?

Mr. Speaker, we must have this piece of legislation expanded. We must have this piece of legislation so that we can eradicate this dreadful disease that is ravaging our communities. We cannot sit idly by and watch this disease tear apart our communities and affect a generation of our children. That is why I stand here today with my CBC colleagues to impress upon my colleagues the absolute necessity for the reauthorization of the Ryan White CARE Act.

This act is essential in making sure that HIV/AIDS no longer ravages our community. The numbers illustrate the horrible trend. We are an underserved and vulnerable population, and I refuse to allow that to continue.

Title IV of the CARE Act is particularly essential. Title IV serves women, children, youth, and families who are all affected by AIDS. Each year, over 50,000 women and children benefit from title IV services. Title IV services include, among other things, medical care, child care, and transportation. Without these services, Mr. Speaker, women and children participants would not receive the care they need to fight this dreadful disease. People of color make up 88 percent of the beneficiaries of title IV services. Thirty percent of all title IV consumers are children under the age of 13.

In 2002, almost half of all Ryan White CARE Act clients were African Americans. The Ryan White CARE Act funds the National Minority AIDS Education and Training Center. We need this. We need it desperately. Programs like this ensure that African American victims of this disease get the quality care they need and deserve to survive and that our communities get the clinical expertise to be able to provide that care.

We also need more education programs and testing sites. We need to make sure that the care is available to everyone in need. We need more attention paid to this epidemic. It is not just international, it is national, and it is widespread among the African American community. We need the reauthorization of the Ryan White Comprehensive AIDS Resources Emergency Act.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3864. An act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

□ 1930

THE NATION IS AT RISK

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I would like to talk about a number of pressing

issues. As we enter the final stages of this 109th session of Congress, we are confronted with some dire emergencies and challenges and I prefer to place all of the things I have to say under the big umbrella title ''The Nation is At Risk.''

The Nation is at risk. We need an administration at this point in the history of the Nation that governs for all, not just for a few. We need an administration that cares about everybody, not just a few. We have an incompetent blundering administration. Iraq showed us how serious the consequences of such blundering could be. If we did not understand because of Iraq, and some of us understood what we were getting into. I voted against going to war in Iraq. I think it is very important as a Member of this Congress, as a major policymaker for the United States of America, it is very important never to place young people, our soldiers, military personnel, in a situation where they may die in vain or they may die for no good reason. For that reason, I voted against the war in Iraq.

But we went ahead and we kept going right through an election and refused to recognize. And when I say we, the majority as a Nation, did not recognize the dangers of the Iraq blunder. Some of my religious friends say that God wanted us to open our eyes and give us a wake-up call so he sent Hurricane Katrina. Hurricane Katrina is on a smaller scale than the catastrophe of Iraq. Hurricane Katrina is at home. Hurricane Katrina was on our television cameras as it was unfolding. The question is will the next high level set of blunders by this administration lead us into something even more devastating. The failure to respond properly to the Hurricane Katrina, it showed us we have an incompetent blundering administration. If we did not understand with what happened in Iraq, we certainly can understand it now. Our Nation is at risk.

It is very serious to have a Nation of this size with its power, its position in the world, unable to cope with catastrophes like Katrina, unable to make decisions about major international policy matters like Iraq. Yes, Saddam Hussein was an evil man. Saddam Hussein was highly undesirable and somebody needed to help get rid of Saddam Hussein, but so was Joseph Stalin and so was the Soviet Union for years. Before the Soviet Union acquired the nuclear bomb, there were people who urged President Truman and some subsequent Presidents to attack. Let us have a preventive war before they got the nuclear bomb. After they got the nuclear bomb and they did not have the hydrogen bomb, people were urging it was even more important to attack. They said let us make certain they do not get the hydrogen bomb. After they got the hydrogen bomb, of course, at least we were willing to say let us have a balance of power. Even during that balance of power, we had the missile crisis in Cuba and some people were urging then, let us get it over with and strike first with our atomic weapons. We did not. The Soviet Union was a far greater power, was a far greater threat to us than Saddam Hussein could ever be. We managed to live with it until they fell under their own weight. The Soviet Union collapsed because it also had a group of blundering leaders who would not accept the complexities of modern society until it was at the brink of economic disaster. The Soviet Union was quite fortunate that they happened to produce a genius with a heart, with compassion at just the right time. Gorbachev is a genius, and he saw the only way he could save the Soviet Union was to go to war, and he refused to do. He had a heart. He had compassion, and that combination saved the world from a conflagration. The Soviet Union's leaders realized their way of life was doomed. Instead, they surrendered ideologically, so what seemed impossible over the years, to bring down that evil empire, to go to war, was not necessary.

I assure Members that Saddam Hussein would not have lasted for many more years without us having to go to war and get involved in the quagmire we are involved in there, but we did it. We did it because I am afraid we are led by some old men who have juvenile minds. We are led by some old men who play war like little children and they could not resist the temptation to go to war and display our shock and awe and all our modern weapons and bring Iraq to its knees overnight. They could not resist the possibility of being able to ride through the streets and have people wave flowers at them and welcome them. They had all kinds of dreams that were not realistic and they led us into a quagmire.

I am not certain how we are going to get out of that quagmire, but at least we ought to begin to recognize it. The polls show us the majority of American people say we should get out of Iraq, bring our troops home as soon as possible. Those who do not understand still and did not understand before, Hurricane Katrina should show us, Hurricane Katrina should finish the job of awakening us to the fact that we have incompetent, blundering people in the leadership.

We have the results of a situation that has built up over the years where the primary requirement for getting into government was to be able to raise large sums of money or a group of people who could raise large sums of money began to dominate the decision-making, what I call the ''donocracy.'' The ''donocracy'' has pushed up people in power who do not necessarily have competence in terms of the background, the training, the experience, to govern.

Those who do rise to power and are elected are surrounded by a group of people who are primarily great fund-raisers. Those who do rise to the top are maybe even great friends of great fund-raisers and great donors. And you get people appointed to positions, like Mr. Brown of FEMA, people appointed to positions where they should not be. It is patronage on a grand scale.

It used to be that if you had to have someone pushed forward by the partisan political process, then you made sure that the top guy, if he was the guy that was the partisan candidate, you had to have the second guy be competent and could run the situation, or vice versa. If the top guy was competent, then your partisan appointee could be the second guy.

But there arose a situation where we lost touched with reality, and FEMA represents that. Not only the top officer in FEMA, Mr. Brown, but we are told by people who are professionals, who worked in FEMA over the years, people who came out of the Clinton administration. And by the way, President Clinton made a great effort to professionalize FEMA. It was one of those places for too many years where political hacks had been appointed. He tried to professionalize, and he succeeded. But all of that was wiped away by a new administration that had no respect for competence. In fact, I would say has contempt for competence, as too many elected officials in Washington have.

So we are in a situation where one great blunder is draining billions of dollars out of our coffers halfway across the world in Iraq, and also thousands of our young people have died. Our standing in the world has gone down. There are many consequences of the blundering in Iraq.

The Hurricane Katrina blunder showed us that even on a smaller scale if you have contempt for competence, if you do not really care about all of the people, if you are going to govern for just a few, you are going to be preoccupied with big tax cuts while you cut agencies like FEMA, and other agencies that serve people on the bottom, you could do not care about safety nets and an education system that is going to produce the best we can from every human being who has the potential, you do not care about all of that, well, FEMA brought it home. It brought it home in a very dramatic way in terms of the combination of poverty and race.

Poverty and race happens to be a very dramatic way the presentation came out in New Orleans. I assure Members if those had been white poor people in the areas flooded, they would have suffered the same fate from an administration that does not care about all of the people, it cares about just a few.

These blunders will lead us into a situation where we will not survive. The Roman Empire survived a lot of blunders. They had Julius Caesar and many other emperors with various degrees of competence. Some were complete maniacs like Nero. They survived some maniacs and fools at the top. They basically survived because the Roman Empire was unchallenged in the known

world. There was nothing to compete with the Roman Empire. They could make blunders for decades and centuries and recover.

The United States of America cannot have more blunders one on top of another and survive as a leading Nation in the world in terms of values, in terms of its democratic system, and in terms of its economic system. I happen to believe that it would not be just a disaster for Americans, for us who live here, we citizens who love this country, it would be a disaster for the whole world if our leadership position is lost. I do not see a rival. Among the rivals, I do not see anyone more capable of leading in the world in the direction we would like to see it go, where more people can enjoy the fruits of the earth, where more people can develop their potential.

The Declaration of Independence and the Preamble to the Constitution prevails. There is no Nation on earth that can do a better job. I do not want our Nation to collapse, not only for my own grandchildren and great grandchildren and those who survive me, I want the whole world to benefit from continued leadership by the United States of America. We should not allow a handful to throw away what so many have labored for so long to create. We should not let a blundering group of fund-raisers, a blundering group of fund-raisers, a blundering group of people who have contempt for competence, who laugh at wisdom, who ridicule experience, we should not let them dominate our government any longer.

I think the problems of New Orleans and the problems of the other sectors hit by Hurricane Katrina are problems we should begin to examine as possible new opportunities. In the process of rebuilding, let us not rush to spend billions of dollars. Dollars are very important. I do not like those who insist when helping the poor, if you throw dollars at them, you will hurt them. Throwing dollars do not solve problems. Dollars are the beginning of a solution to the problem. It does not solve the problem, but at least no solution begins unless you have resources, unless you have dollars. So it is good we have as Congress taken the first steps and appropriated $60 billion already to move the process. Much more will be necessary and it should be appropriated, but if we do not have the wisdom and the competence and we do not have the experience, if we do not have an administration that cares about governing for all of people, not just for a few, then those dollars are going to be wasted.

Lives that could be redeemed are going to be forever lost. There will be no comeback. New Orleans will not be rebuilt in a way that is productive and a signpost for the future.

In the rebuilding of New Orleans, we should build a city of the future. New Orleans is a great resource. The whole world will always look at New Orleans as a place, a colorful attraction that they want to go to. Its traditions with jazz, that is a vital part of it. It is also located in a place where it will always attract a great deal of attention.

□ 1945

So instead of condemning New Orleans and following the leadership of some people who say why rebuild it, it is too expensive, the next hurricane may wipe it out, we should look to rebuilding it as a city of the future, rebuilding it as a hurricane-proof city. There is such a thing as a city that could withstand a hurricane. There is such a thing as planning that could take into consideration all the things that went wrong and deal with the problems that have been revealed.

I think that the challenge of rebuilding New Orleans, the challenge of recovering from Katrina along the whole path, Mississippi, Alabama, wherever it hit, that challenge could show us the way to create a world-class, first-class, adequate homeland security system. Natural disaster relief merges now with homeland security concerns. Concerns of recouping from terrorism, of fighting terrorism, coping with terrorism, now merge with the concerns of natural disaster.

Why not have them merge? It is a way to approach the problem in a very economical way, it seems, if we are going to in anticipation of terrorism. And we know very well that it is going to strike only in a few places because we now are alerted. We have all kinds of mechanisms to thwart it, but still terrorism may get through; it may strike someplace. But in order to be prepared, we have got to be prepared everywhere. If we have got to be prepared everywhere for terrorism, why not the combination of preparation for terrorism and preparation for natural disaster be combined, be combined?

Why not deal with the problem revealed in New Orleans of abject poverty at the same time we deal with how to show that New Orleans can be prepared not only for future natural disasters but also for any terrorism threat? Why not show how the residents can be involved in the process of rebuilding and be involved in the process of creating a new economy and capitalizing on the fact that the whole world knows New Orleans and with the exploding world where the middle class is creating more and more tourists all the time, there will be always enough tourists to help bolster the economy of New Orleans.

There will always be a fascination with the location of New Orleans and the river and the various environmental things along that coast. It is a matter of how do we preserve what is good there and how do we handle it so that future problems are not there to dwarf the redevelopment, that business people are not afraid to go back to New Orleans, that the population itself is not afraid.

It is a great pity that we did not have the foresight the last few decades to prepare New Orleans properly. We have had experts on top of experts. We have done studies that showed us the dangers. It is quite an excellent example, unfortunately, of how our blundering administration in power and some other administrations in the past have had contempt for science, contempt for wisdom. The science was there. The preparations were there. Just last year they ran scenarios of hurricane level five. All these things have been done, but the willpower was not there. The wisdom was not there. The competence was not there to take steps to cope with the problem.

And over the years, we have spent billions of dollars in Iraq and billions of dollars on other projects, rockets, anti-missile systems; and there were numerous projects that were great failures and a great waste of taxpayers' money that could have been jettisoned in order to provide the money to build decent levees and waterworks of New Orleans.

''Who lost New Orleans?'' And I am reading a few quotes from a piece that I submitted to the Huffington Post. ''Who lost New Orleans? Our cities are the greatest treasures of our civilization. So why were the levees and the pumping stations emplaced to protect New Orleans from the sea so technologically obsolete?'' The Dutch, the Netherlands have been controlling the sea for a long time in a much wider area. They have the expertise. Why did we not bring the Dutch in to do the job that had to be done if we did not have Americans in the Army Corps, the engineers, the technological know-how did not exist? We could have in the world found the people that could do it, and we did not have to go any further than the Netherlands.

''If the descendants of the American geniuses who built large artificial ports at Normandy on D-Day could not design adequate protection, then why didn't we ask the Netherlands to outsource their expert sea management engineers to us long ago?''

And when we look at what happened on D-Day, we begin to have the benefit of history in the reruns of movies and the documentaries; and we see that D-Day was more than about the courage of American soldiers. That was the critical piece. If there had been no courage, if they had not kept going forward, all would have been for naught. But if they had courage and kept going forward and they were not backed up by a tremendous set of technological innovations, all would have been lost.

They built a port, artificial port, at Normandy, a port big enough to take trucks and tanks; and it was built in a very short period of time. If the people who designed that could not provide adequate protection for New Orleans, or the descendants of the people who designed that, then we should have gone to the Netherlands and outsourced their expert sea management engineers to come back to do it for us.

But I suspect that if the will had been there, if we wanted to do it, just as we did the impossible on the beaches of Normandy on D-Day, we could have done over a period of time what was necessary to save New Orleans.

''New Orleans will be lost only for a short period of time.'' As I just said, it is going to make a comeback.

''In spite of the paucity of spirit and imagination among our ruling decision-makers, cities will continue to resurrect themselves and survive. But Americans must learn from the lesson of an almost drowned New Orleans. No great American city should be needlessly placed at risk. The rural-centered congressional policies of the last 2 decades must be radically reversed. The power of Senators, in a Chamber not based on one man, one vote representation, deal-making for small population interests must be curbed.''

Taxpayer dollars must not be spent for projects and programs located where people do not live. They should be spent in places where people live in large numbers. That should be the priority.

''Who is served by expensive bridges in Alaska?

''Examine the last omnibus budget bill passed by Congress and signed by the President or review the items listed in the recently signed Surface Transportation Act. For even a high school sophomore, one fact will be immediately revealed: the per capita expenditure is far greater in sparsely populated States than it is in the densely populated States where the big cities are located.''

This is a leaning, a direction, a trend that has gotten out of hand in American policy-making and expenditures of taxpayers' dollars over the last 30 years. We are spending far more per capita in rural and suburban areas than we are in cities where the people are concentrated.

''Each Senator from a rural State has many more allies than the Senators from States with big cities. In other words, Senators who represent urban Americans have less influence.

''Review the scenario of last year's Senate deliberations on the provision of emergency hurricane relief aid.'' We voted money for the Florida hurricanes, remember, last year. We started at $6 billion. I do not know how far it went finally; but I know at the last minute, and I am not going to read this in great detail, but at the last minute there was a sudden request in the Senate by people who represented certain western States that drought relief had to be attached to the hurricane relief bill. Suddenly, they produced drought relief; and I think $2 billion, an extra $2 billion, was added.

It was kind of blackmail, if one asks me. It was added to the hurricane money in order to take care of drought relief that suddenly appeared. The power was there and it was used, unfortunately, to benefit too few. It was used in a way which was wasteful.

''With billions readily available to make war or implement any other deadly or wasteful priority our leaders deem necessary, why haven't we appropriated the funds needed to save, to maintain, to expand, to glorify our cities? That which is urban is almost synonymous with that which is civilized. Jefferson notwithstanding, the agrarian life permitted the flowering of only a few. In the rural domain, nature is to be placed on a much-deserved pedestal to be observed and admired. But'' big cities ''keep man's feet on the ground where life can be hugged and kissed and ravished, where culture is a unique product of imaginations interacting. Jazz could never have been born in the countryside, and between rows of corn and cotton, Satchmo could never have strutted and marched,'' as he did to put New Orleans on the map.

''New Orleans will not be lost forever like Atlantis. Salvaging New Orleans could prove to be a process which fuels the revamping of the corrupted Washington decision-making process.'' Salvaging New Orleans ''could spur the salvation of all cities which collectively constitute the core of our modern American civilization. The process must begin with less focus on bread and water looters,'' which got a lot of publicity and we are learning that that was greatly exaggerated, ''and more'' focus should be made on the ''looting of the Federal Treasury which has enriched a small percentage of the population'' to the detriment of cities.

Cities have not been properly funded because there were administrations like the present one that were not concerned about legislating for all the people, but were content to legislate just for a few.

''New Orleans has presented us with a hysterical profile which shows that in many vital ways, despite our impressive skyscrapers, we are an underdeveloped Nation. Our masses live in our cities, or the dependant exurbias and suburbs'' that surround our cities.

''To foster our Nation's security, prosperity and greatness, we must expend taxpayer resources on planning, programs, and projects which provide the greatest benefits for the greatest numbers. The Washington looting mentality must be replaced with a new Washington creative leadership imperative.'' A creative leadership imperative which governs for all and not just for the few.

I summed it all up in a short wrap point called ''The Washington Looting of New Orleans.''

''Washington looters still running loose
Abusers of New Orleans
Embezzlers of canal repair dollars
Big shot necks too big for a noose.
For the Mardi Gras
Neo-con domestic shock and awe
Bush budget blunders trapped in the crayfish claw
Grandmothers and babies cry
Urban peasant victims die;
Oh, when the Saints come marching in
Judgment will fall on merciless men.
Put street looting logs away
Only political atrocities on the dock today.
Washington looters still running loose
Big shot necks too big for a noose.''

Mr. Speaker, I will include in the RECORD this piece that appeared in the Huffington Post on September 1, 2005.

Mr. Speaker, we need to combine our concern with homeland security with our concern with the poor and our concern with the maintenance of our cities.

I am going to propose, for the benefit of the Congressional Black Caucus, an omnibus bill to deal with all the various problems relating to New Orleans. The problems are legion. They are problems of all kinds that have grown out of the crisis in New Orleans. And every Member of Congress is concerned. Many suggestions are being made, and they are not partisan necessarily. There is a great deal of concern on both sides of the aisle.

My problem is that we have authorized $60 billion without any omnibus bill to go with it, without any legislation to go with it; so these ideas out there percolating all around, everybody wanting to do the right thing, they do not get institutionalized in the proper way. We need legislation which definitely institutionalizes and codifies and makes it clear in legislation what it is we are going to do.

There are complaints and there are articles being written, exposes already about the contracting process, that no-bid contracts are being spread all over the place and the usual problems we have with large contractors not honoring subcontractors who are minority. All of those problems are resulting.

□ 2000

The President did not want us to take time to debate the legislation and write instructions as to how the money should be spent. But the President acted immediately in a very partisan way. He intervened into this process by first declaring that Davis-Bacon regulations should be suspended.

What are Davis-Bacon regulations? Why did the President rush into this process and say right away that Davis-Bacon regulations should be suspended. The President hesitated, was tardy in responding to the Katrina disaster. His administration was tardy. All of a sudden, they rushed in and said Davis-Bacon requirements should be suspended, that all contractors are not obligated to abide by Davis-Bacon regulations.

What is Davis-Bacon? It is a longtime regulation that says when the Federal Government is financing a program, building a building, a road, or whatever, when the Federal Government is concerned, contractors must pay the local prevailing wages. It is as simple as that. Contractors must pay the local prevailing wages.

Why would anyone not want contractors to pay local prevailing wages? As

you move southward in this country, I know, because I sit on the committee which is responsible for Davis-Bacon legislation, I know the charges and how they stack up, the wages that prevail in New Orleans and many of the southern States are far lower than the wages in any other part of the country. So they already are low.

Why do we have to rush to intervene and say you do not have to pay prevailing wages? The problem is they are going to run into situations where they are going to be paying wages higher than prevailing, because in order to get people to come in who have the expertise to do some of the construction, they are going to have to pay higher wages.

But the intervention of the White House immediately to suspend Davis-Bacon was a blow to a principal that they had enunciated, and we all agreed with, that priority would be given to the people of New Orleans, the workers of New Orleans who returned to rebuild their city. If they are given priority, but you say to the contractors, you do not have to pay them the wages they are used to getting for carpentry, for plastering, for operating machinery, you do not have to pay that, you are undercutting the economy by not paying the citizens the wages that they were receiving before.

So the suspension of Davis-Bacon was an unfortunate rush of a partisan nature, because the present administration and the majority party have relentlessly pursued an effort to sabotage and destroy Davis-Bacon over the last 4 years. To seize the opportunity for a partisan thrust like that was most unfortunate.

Then, a few days later, there is an order coming out of the Department of Labor which says we suspend all affirmative action rules. Any regulation relating to affirmative action that you have to comply with, forget about it.

There are not many affirmative action rules that apply to contractors, but even those small numbers that there are, some kind of little report you have to write to show you have diversity, et cetera, the nature of it, that is suspended. This is a second blow to the people of New Orleans since most of them, as you saw on television, the city was 67 percent African American, 67 percent. So if you suspend any requirements that contractors have diversity in their hiring, then you are certainly not helping to guarantee that those people who lived there before, who suffered through the hurricane, who suffered through relocation, can come back and expect to get jobs.

You are encouraging the contractors to ignore that, if it suits their purpose, and it will suit their purpose if they can get cheap labor from illegal immigrants, which is one of the problems that we are going to be confronted with as a result of not having any oversight on Davis-Bacon or on the affirmative action requirements.

So we are not taking advantage of this catastrophe and making it an opportunity. It could be an opportunity to show how well the Federal Government operates to protect the interests of workers, how well we operate to bring back and guarantee that the people who have suffered through this are part of the rebuilding process.

I hear that the mayor of New Orleans is creating a commission to come up with plans to restore and rebuild New Orleans. That is fine. That is wonderful, and such commissions should exist. But I think it is a commission that is going to be at the local level, the State and the city level. They need that.

But we also need another commission, which is made up of national people, people from the Nation, to participate and help to plan the rebuilding of New Orleans. We need to look at it as an opportunity for showing how an ideal city could be structured to better meet the needs of all the people.

We need to take on the challenge of a location which is hazardous under normal conditions. How do you make it less hazardous, is the question. What can you do?

I have a statement I made over the weekend at the Congressional Black Caucus Education Brain Trust, where I was focusing on the Katrina challenge in terms of education. I said that faith-based and community-based organizations could be involved in a very constructive way in the rebuilding of New Orleans. It is just one of the many ideas that need to be put into the hopper and made available to those people who could help oversee a national effort to support the rebuilding of New Orleans.

Of course, the Congressional Black Caucus, as I said before, has prepared omnibus legislation to express the ideas that have been put forward by the leadership of the African American community. Several meetings have been held.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REICHERT). Would guests in the gallery please take their conversations outside.

Mr. OWENS. Mr. Speaker, I would like to read from that statement that I read to the Members of the Congressional Black Caucus Education Brain Trust about Katrina and how education initiatives could be important.

The Katrina hurricane disaster has highlighted the continuing permanent disaster of national and local policies which neglect the basic needs of poor Americans. To focus specifically on education, please be advised that the New Orleans school system is rated presently as the very worst among numerous struggling urban systems.

From this current tragedy, there is a challenge for all Americans. In concert with the citizens of New Orleans and Louisiana, there should be a multi-level effort to redesign and rebuild a 21st century model education system. In concert with the citizens of New Orleans and Louisiana, there should be a national effort, a multi-level effort, to redesign and rebuild a 21st century model education system in New Orleans. New standards would could be set for physical facilities constructed to serve as emergency centers as well as schools.

Now, every school, whenever there is a natural disaster, the first facility utilized, if nearby, is a school. Why do we not better equip schools to handle emergencies? Why do we not recognize in the building of schools that they should be built so that they are adaptable for disasters, whether they are natural or man-made? Why can schools not be built so there are storage places for extra equipment and supplies and beds? Why can schools not be built so they have the best of modern communications equipment, so they will not be isolated, so they can communicate with the police and the National Guard, et cetera? Why can we not have that all built into the system? It would not cost very much more. It is a way to combine the homeland security dollars with the rebuilding dollars for New Orleans. New standards could be set for physical facilities constructed to serve as emergency centers as well as schools.

In my district, I had an organization come and ask for help with the funding for a new visitors center. It is the botanical garden. They are building a huge new visitors center. They wanted help from the Federal Government.

I said, why the Federal Government? They said well, it is a major economic facility, et cetera. I said maybe in the construction of your visitors center, you are in the center of Brooklyn, with a large population. Brooklyn has 2.7 million people. You are a public facility. You could be one of the places we could depend on in case of a disaster.

New York, as a city, is considered a high-risk city, so we are in a high risk area. Why not build in your new center some extras which can be used in the case of an emergency, a natural disaster or a terrorism attack?

They accepted that. The architects went to work. They have their proposal and are proposing and begging for funding to help them with that process. I am asking for money from the Committee on Homeland Security. It could be a good model, because every new public facility should take into consideration the fact that it may be needed in the future to help respond to an emergency, and in the process of its construction it would not be exceptionally unusually expensive to build in some extras.

All of the equipment for electrical wiring and communication services automatically would be placed at a higher level in such a new building, on roofs. One of the problems that flooding does is when you have electricity hooked up in the basement, along with connections to gas, is that the natural disasters result in impairing electricity early in the process. Why do we not put our electrical wiring and switches and facilities higher in our buildings? Schools could lead the way.

In addition to regular phone, computer and fire alarm communications, every school should be equipped with a shortwave radio or whatever is necessary to establish communications with various other entities in homeland security.

Of equal importance to the physical features, funding should be provided for the guarantee of the opportunity to learn for every student, using the standards that already are in place in numerous suburban school districts across the country. You get in a big debate when you say we are going to establish some standards so every student has an opportunity to learn. How much is that going to cost and how can the Federal Government afford that and what is it?

If you go to most suburban schools, it is already in existence. They provide the money necessary to guarantee the opportunity to learn for all their students. The decent libraries are there, with the right number of books, current and useful books. The laboratories for science teachers are there. The physical education facilities are there. So we should build into the new schools what New Orleans schools have not had, all of those opportunities to learn.

If necessary, a program of aid to families with children in schools could supplement the education funding in order to systematically attack the problem of inadequate home and family support.

In addition to the problems of poverty and weak home structures, the students who go back to school in New Orleans are going to be victims of trauma. They have had experiences which are very traumatic. They are going to have numerous problems that deserve some extra support, and we should build that in. It may come from the Department of Health and Human Services, which has a program called Aid to Families with Dependent Children. Why not Aid to Families With Children in School as another separate program related to the experience of a child in school?

Attendance and the regularity of parents going to meetings, a number of things could be done which would encourage a new mindset among family members and community members regarding education. That is not a physical feature, but it is an important opportunity-to-learn feature.

The greatest benefit to the people that the government can provide to the survivors of Katrina is a comprehensive support program which educates a generation of children to take new positions in their new City of New Orleans and the Nation, because, I repeat, it is to the Nation's advantage to have as many of its human beings educated as best as possible. It is part of the competition we face again.

□ 2015

Again, we are not like the Roman Empire. We cannot blunder on and on and expect to maintain leadership in the world. We cannot blunder on and on without being overrun, and I do not mean overrun militarily. We will be overrun culturally and economically. Our standard of living will be greatly changed if some of the great powers that are maneuvering, not maneuvering. I congratulate the government of India for providing a first-rate education program so that they are producing large numbers of scientists and technologists and they are taking over large swaths of the information industry from the United States.

I congratulate the small Asian countries that are taking some medical business, opening their own hospitals over there where they provide much better care than we provide here at cheaper rates. I congratulate them for educating their population for being able to do that.

I congratulate the government of China. They are graduating 600,000 scientists and engineers every year. That is a marvelous thing to do for human beings. Their nation, their leadership is not blundering; they are doing the right thing.

We should stop blundering on matters related to education and understand that that is where the world is going. If we are going to survive and outlast the Roman Empire, which is highly desirable, we should be in the leadership of the world for as long as possible and stay there. We are going to have to stop the incompetence and the blundering that exists presently.

Mr. Speaker, let me just take a minute to be very practical about the coming omnibus bill that the Congressional Black Caucus is preparing. There are some other groups here on the Hill preparing bills; I am sure Republican and Democratic groups are preparing some legislation. But by omnibus bill, we mean we want to take into consideration all of the various problems that do exist.

We do not want the blundering to go any further. The blundering that existed in the response to Katrina could be far more destructive as we prepare for a rebuilding of New Orleans and the coast, which is going to last for years and years. If we do it wrong, the effects will be there forever, probably. We will never have another opportunity like this. Just as with the war in Iraq, we have done it wrong; we lost an opportunity, as I said before.

Instead of following history, understanding the implications of history, understanding how much we have learned by waiting out the Soviet Union, waiting for it to fall; despite its terrible leaders like Stalin, and despite its advances with nuclear weapons, we waited, and we won. But in the case of Iraq, the blunder has cost us a great deal.

I am not submitting this for inclusion in the RECORD at this point, because I have not found a way to do that, but I want to call everybody's attention to the fact that USA Today, the national newspaper USA Today on Thursday, September 22 of this year, had an ad in its paper which tells the story dramatically about blunders and what the results can be. On one side it has a picture of all the people who led us into the Iraq war, and it says, ''They lied.'' On the other side, it has the listing of all of the people who died in the Iraq war, and at the bottom it says, ''They died.'' They lied, they died. I will not submit it for the RECORD today, but I urge everybody to look up September 22 USA Today and get a feel for where we are on our way to. They have all the names listed of all of those who died, just as we have them listed on the Vietnam Memorial.

Mr. Speaker, 58,000 died in Vietnam. We know we never want to do that again. But 58,000 died. They are all heroes. In fact, every American who puts on a uniform, whether he gets killed or wounded or comes back alive and healthy, is a hero. The minute you put on the uniform of your Nation, you are at the command, beck and call of our Nation. You go where you are sent. It is just sometimes luck that you are sent to a place where you are able to survive. You are a hero, and everybody should be looked upon, who goes out to serve their country and puts themselves at risk, as heroes, and we should be heroes in making certain that we never do it unnecessarily, that they are never put in situations which do not require those kinds of risks. Those that give their all should do it for something worthwhile.

We do not want that kind of blunder to ever affect us again. We do not want to blunder now as we go forward in the peaceful process of rebuilding New Orleans.

There are several groups who listed things that we should look for as we rebuild New Orleans and the gulf coast region. This one comes from Policy Link, but it happens to dovetail and sound very much like what the Congressional Black Caucus omnibus bill is proposing also, will be proposing.

One, rebuilding New Orleans and other devastated areas so that all communities are mixed income communities. Let us not rebuild ghettos which we have in the low-lying areas where the greatest amount of flooding took place; you had the poorest people. Probably because years and years ago, the realtors and the people who did the planning understood those areas were in danger, were at risk. The land was cheaper there, so the poor people are all there. The poor people who service the hotels and the industries, they all live there.

Why not, understanding that we are never going to be totally immune, no matter how we build the buildings, why not move the population so that they are on higher ground. Why not mix downtown, higher ground, why not have moderate-income and low-income housing mixed in among the hotels, mixed in in areas of high ground, the scenic parts of New Orleans which have

been reserved for the old aristocracy. Why not guarantee that there are places to live for those New Orleans evacuees who want to come back, so that they do not have to live in danger anymore.

Or if you are going to build in the low-lying areas where the greatest risk is, build buildings which are flood-proof, on stilts. There are various ways we can have large buildings which are not subject to flooding and buildings that hurricanes cannot blow down too. It is possible to do that.

Beyond that, I would recommend that there would be fewer, and other people have recommended, that there be fewer residences, but build institutions in those places. If you have to evacuate or something happens, the colleges like Dillard University, Xavier University, Southern University, all of those were inundated with the flood, they were put out of business for this semester and maybe next semester, and some may never recover. Those kinds of institutions could be rebuilt in that area and built with the flood-proofing and hurricane-proofing. But if something does go wrong, you do not have to evacuate large numbers of individuals, because institutions have fewer human beings that have to be dealt with.

Number two, let us have equitable distribution of the amenities and the infrastructure investments that make all communities livable, so that parks and schools and so forth are structured so that they encourage people to live in the neighborhoods and are designated as the places which are most habitable, less dangerous.

Number three, prioritize health and safety concerns. Let us not ignore the lessons of 9/11. We cannot ignore the fact that toxins, pollution, those things are going to kill people later on if we do not deal with them now. We had problems in New York when large numbers of our firemen were heroes and went into 9/11 searching for people under the rubbish, were there for the first few days.

They are now coming down with serious diseases, a few have died, and much of it was caused by the fact that they went in with no protection. That is very heroic, but it was not necessary. We should have provided the protection, the masks, and a few other things that were necessary. So the people who come back to live there certainly should not be forced to live in situations which are not thoroughly cleansed of all of these toxins.

Number four, we should ensure responsible resettlement and relocation for the people who have been displaced. There should be a guarantee. Here is where the Federal Government must come in and make it right, if the State and the city does not do it, a right to return, a right to resettlement in New Orleans, with the accompanying bonuses, whatever is necessary to entice people and get them to return.

All of those things should be there, and we should play a major role in guaranteeing that they are there. We should not discourage people to go from New Orleans to Idaho permanently, from New Orleans to San Francisco, New Orleans to Memphis, et cetera, and stay there. They have gone to these places that reached out and assured some shelter for the evacuees; they should not be forced to remain scattered. They should have a right to resettle.

Point five, we should restore and build a capacity of community-based organizations in the gulf coast region. As I said before, a program which involves all of the people there ought to be put forward so the capacity of community-based organizations should be a part of the way we guarantee some employment to people who live there in the area.

Number six, create wealth-building opportunities to effectively address poverty.

Number seven, strengthen the political voice of dispersed residents. We do not want any party to take advantage of the fact that we have residents dispersed now. It changes the voting patterns; it changes the political clout of New Orleans. We do not want any party to try to take advantage of that by leaving the residents dispersed so that they have no voting power.

Point eight, create a system for meaningful, sustained resident oversight. They should participate in the $200 billion investment that is predicted the American taxpayer is going to make. Certainly the residents of the gulf coast and of New Orleans should be able to have some voice in the way money is spent.

Point nine, leverage the rebuilding expenditures to create jobs and liveable wages that go first to local residents. I talked about Davis-Bacon and the suspension of affirmative action. Both of those do not help to create the jobs for local residents. We should reverse those policies as soon as possible.

And finally, number ten, develop a communication and technology infrastructure that provides residents with the means to receive and share information related to community-building, support services, access, et cetera, and for communications to be provided for future emergencies.

I would propose a homeland security faith and community-based organization neighborhood mobilization program, on top of whatever else we do, and this kind of program would provide a defined set of community services. Each organization would be responsible for, and it would maintain, a homeland security fail-safe, volunteer committee that each group would have to maintain; and that volunteer, fail-safe committee would be laymen who would be first responders, lay people who could be first responders in case of emergency.

Special homeland security training would be provided for these fail-safe committees. Establish disaster relief and shelter sites ahead of time so that these laymen who are part of the process know where to go and what to do. Increases in auxiliary policemen, increases in volunteer firemen, all of those kinds of things we can put on the agenda as part of using the New Orleans and gulf coast experience as a model for what has to happen in large populations across the country.

Mr. Speaker, I would like to close with a request to submit for the RECORD an item entitled ''Fact Sheet.'' This deals with community-based and faith-based institutions being involved in this process, and one is called ''Models for Combination Church and School-based Projects for Possible Funding,'' along with my previous statements for the RECORD.

[FROM THE HUFFINGTON POST]

THE WASHINGTON LOOTING OF NEW ORLEANS

(BY REPRESENTATIVE MAJOR R. OWENS)

Who lost New Orleans? Our cities are the greatest treasures of our civilization. So why were the levees and the pumping stations emplaced to protect New Orleans from the sea so technologically obsolete?

If the descendants of the American geniuses who built large artificial ports at Normandy on D-Day could not design adequate protection, then why didn't we ask the Netherlands to outsource their expert sea management engineers to us long ago?

New Orleans will be lost only for a short period. In spite of the paucity of spirit and imagination among our ruling decision-makers, cities will continue to resurrect themselves and survive. But Americans must learn from the lesson of an almost drowned New Orleans. No great American city should be needlessly placed at risk. The rural-centered congressional policies of the last two decades must be radically reversed. The power of senators (in a chamber not based on one man, one vote representation) deal making for small population interests must be curbed. Taxpayer dollars must be spent for projects and programs located where people live. Who is served by expensive bridges in Alaska?

Examine the last omnibus budget bill passed by Congress and signed by the president; or review the items listed in the recently signed Surface Transportation Act. For even a high school sophomore one fact will be immediately revealed: the per capita expenditure is far greater in sparsely populated states than it is in the densely populated states where the big cities are located. Each senator from a rural state has many more allies than the senators from states with big cities. In other words, senators who represent urban Americans have less influence.

Review the scenario of last year's Senate deliberations on the provision of emergency hurricane relief aid and the power of the states with less people becomes apparent. During the negotiations the Senate rural raiders held the bill hostage until they could extort an extra two billion dollars for a sudden need for drought relief. At the end of this extortion orgy there was no money left for New Orleans where, in 2004, government officials had conducted a training exercise, pinpointed the same water control problems which have now emerged, and accurately predicted the number of casualties we see occurring today. The knowledge was available but the sympathy and sensitivity to cities was smothered. In Washington, particularly the undemocratic Senate, village mind-sets unwilling and/or unable to manage modern complexities are firmly in charge.

With billions readily available to make war or implement any other deadly or wasteful priority our leaders deem necessary, why haven't we appropriated the funds needed to save, to maintain, to expand, to glorify our cities? That which is urban is almost synonymous with that which is civilized. Jefferson notwithstanding, the agrarian life permitted the flowering of only a few. In the rural domain nature is to be placed on a much deserved pedestal to be observed and admired. But a city keeps man's feet on the ground where life can be hugged and kissed and ravished; where culture is the unique product of imaginations interacting. Jazz could never have been born in the countryside; and between rows of corn and cotton Satchmo could never have strutted and marched.

Ted Koppel wants fervently to lash the New Orleans lawless looters looking for food and bottled water in the sacred supermarkets. Where are the commentators with the guts to go bounty hunting for the government treasury looters who for decades devoured all of the appropriations that should have been saved for our needy cities. Throwing dollars at problems never automatically solves them but in New Orleans there could have been more planning on how to spray the rapidly breeding mosquitoes; how to manage the evacuation of the refugees from the Superdome; how to keep intact a fail-safe system far repairing a breech in the wall around Lake Ponchartrain; how to guarantee at vital installations the necessary auxiliary generating power; how to achieve the immediate deployment of massive numbers of U.S. military helicopters and naval small boats to speedily rescue all stranded inhabitants instead of waiting for the conventional sluggish National Guard and Red Cross buggies to roll out.

New Orleans will not be lost forever like Atlantis. Salvaging New Orleans could prove to be a process which fuels the revamping of the corrupted Washington decision-making process. It could spur the salvation of all cities which collectively constitute the core of our modern American civilization. The process must begin with less focus on bread and water looters and more scrutiny of the Washington leadership which has for decades allowed the continuous looting of the federal treasury to enrich the small percentage of the population not dependent on cities.

New Orleans has presented us with a hysterical profile which shows that in many vital ways, despite our impressive skyscrapers, we are an underdeveloped civilization. Our masses live in our cities (or the dependent exurbias and suburbs). To foster our nation's security, prosperity and greatness we must expend taxpayer resources on planning, programs and projects which provide the greatest benefits for the greatest numbers. The Washington looting mentality must be replaced with a new Washington creative leadership.

THE WASHINGTON LOOTING OF NEW ORLEANS

Washington looters still running loose
Abusers of New Orleans
Embezzlers of canal repair dollars
Big shot necks too big for a noose.

For the Mardi Gras
Neo-con domestic shock and awe
Bush budget blunders trapped in the crayfish claw.

Grandmothers and babies cry
Urban peasant victims die;
Oh when the Saints come marching in
Judgement will fall on merciless men.

Put street looting logs away
Only political atrocities on the dock today.

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CONGRESSIONAL BLACK CAUCUS EDUCATION BRAINTRUST

FACT SHEET

SUMMARY DEFINITION

The Faith-Based and Community Initiative was designed to ''enlist, equip, empower, and expand the heroic works of faith-based and community groups across America.'' It includes increased tax incentives for charitable giving, an extension of Charitable Choice rules to most federally funded social service programs, and the Compassion Capital Fund, an HHS program. President Bush established a White House Office of Faith-Based and Community Initiatives and set up Centers for Faith-Based and Community Initiatives in 10 federal agencies to ensure that faith-based and community organizations have improved access to the programs operated by their agencies.

WHITE HOUSE OFFICE OF FAITH BASED AND COMMUNITY INITIATIVES

The purpose of this office is to: Identify and eliminate federal barriers to the full participation of faith-based and community serving programs in the provision of social services; Give these organizations the fullest opportunity permitted by law to compete for federal funding; Encourage greater corporate and philanthropic support for faith-based and community organizations through public education and outreach activities; Existing evidence shows that only partisan favored groups have received priority to date.

COMPASSION FUND

The Compassion Capital Fund (CCF) administered by the Department of Health and Human Services, since its inception three years ago, has provided $99.5 million in grants to 197 organizations and sub-grants to over 1,700 grassroots organizations. CCF administers two grant programs: the Demonstration Program and the Targeted Capacity Building Program. Operated almost as a covert domestic program, for a long period no objective criteria was established for the handouts of these taxpayers dollars.

APPLICATION PROCEDURES

Except for the very flexible Compassion Capital Fund (CCF), there are no publicly earmarked faith-based funds set aside for faith-based organizations. For the CCF there was no transparent review and selection process; and no timely announcements of funds awarded. At present, ''where appropriate'' certain programs are granted ''Novice Eligibility'' and given 5 extra points when being reviewed in the various cabinet level Departments.

CHURCH VS. STATE CONSTITUTION ISSUE

Faith institutions have always participated in community based programs. Indeed, the record shows that in the ''War Against Poverty'' and Head Start'' programs the best performing agencies were often church based. The current controversy concerning government funding of religious institutions relates to the position of the Bush administration which insists that religious affiliation can be a factor in hiring program personnel. Also religious doctrine and dictates may be incorporated into any activities or curriculum of these Bush funded programs. To avoid the continuing denial of needed funds to poor community recipients this constitutional question should be left to be decided by the Federal courts.

COMPONENTS OF PROPOSED FAIR AND BALANCED FAITH AND COMMUNITY BASED FUNDING INITIATIVES

Poor communities throughout the nation, for the last thirty years, have seen Federal funds drained from their grassroots organization. Funding which places resources in the hands of front-line efforts is desperately needed. All public decision-makers should support fair competition for community based grants. The standards and procedures for the unbiased, transparent, objective notification, processing, review and evaluation of community-based programs have been well established by the Economic Opportunity Act and its successor, the Community Services Block Grant.

CONTACTS FOR ADDITIONAL INFORMATION

White House Office of Faith-based and Community Initiatives, Jim Towey, Director.

Centers for Faith-Based and Community Initiatives

Department of Justice, Patrick Purtill, Director, *www.ojp.usdoj.gov/fbci*

Department of Health and Human Services, Bobby Polito, Director, *www.hhs.gov/fbci*

Department of Education, John Porter, Director, *www.ed.gov/faithandcommunity*

Agency of International Development, Linda Shovlain, Acting Director, *www.usaid.gov/fbci*

Small Business Administration, Joseph Shattan, Director, *www.sba.gov/fbci*

Department of Labor, Brent Orrell, Director, *www.dol.gov/cfbci*

Department of Housing and Urban Development, Ryan Streeter, Director, *www.hud.gov/offices/fbci*

Department of Agriculture, Juliet McCarthy, Director, *www.usda.gov/fbci*

Department of Commerce, David Bohigian, Director, *www.commerce.gov/fbci*

Department of Veteran Affairs, Darin Selnick, Director, *www.va.gov*

THE KATRINA CHALLENGE TO FAITH-BASED AND COMMUNITY INITIATIVES EDUCATION

The Katrina Hurricane disaster has highlighted the continuing permanent disaster of national and local policies which neglect the basic needs of poor Americans. To focus specifically on education please be advised that the New Orleans school system is rated as the very worst among numerous struggling urban systems. From this current tragedy there is a challenge for all Americans. In concert with the citizens of New Orleans and Louisiana there should be a multi-level effort to redesign and rebuild a 21st Century Model Education System. New standards could be set for physical facilities constructed to serve as emergency centers as well as schools. Extra spaces for the storage of vital equipment and provisions would be incorporated into the new architecture which places all buildings on stilts with grassy playgrounds beneath them. All of the equipment for electrical wiring and communication services would be placed at higher levels or on roofs instead of easily flooded basements. In addition to regular phone, computer and five alarm communications, every school should be equipped with a short wave radio on the newly established Homeland Security standard frequencies.

As equally important as the physical features funding should be provided for the guarantee of the Opportunity-To-Learn for every student using the standards already in place in numerous suburban school districts across the nation. A program of Aid to Families With Children In School must supplement education funding in order to systematically attack the problem of inadequate home and community support. Stipends should be paid to parents who regularly attend meetings and volunteer. Bonuses should be paid to families where students maintain good attendance and high grades. Grants should be given to churches and other organizations who provide support for families with children in school.

The greatest benefit that the people and the government can provide for the survivors of Katrina is a comprehensive support program which educates a generation of children to take productive positions in their new city of New Orleans and in the nation.

MODELS FOR COMBINATION CHURCH/SCHOOL BASED PROJECTS FOR POSSIBLE FUNDING

I. SUPPLEMENTAL EDUCATION SERVICES (SES) NETWORK USING RETIRED TEACHERS

Program Purpose and Function

Tutorial, After-School and Weekend Programs for low-performing, low-income students attending low performing schools. Church and Community Organization Sites could provide more intimate settings in close proximity to the homes of students.

Possible Funding Sources

Funding is mandated by the Department of Education (DOE) through all recipients of Title I Funds. Other DOE Funds could be made available. Title I funds will cover the cost of tutors; however, to establish and maintain a network with additional enticements and incentives for pupils would require some auxiliary funding.

Administration and Operations

The Local Education Agency will determine the contents and processes for the tutoring although State licensing or approval may also be required. Funding beyond the cost of tutors will allow for flexibility in creating enrichment activities and maximizing family and community involvement. It is particularly important to maintain continuity of the Supplementary Education Services presence during each Summer recess. Assuming the attachment to a parent entity which provides space, bookkeeping and financial services, the budget for a project serving 50 children should be enough to finance: A coordinator's salary; stipend for two parents; phone and computer services; indoor game materials; field trips, snacks for students and parents. An application should be submitted for $150,000 to 250,000.

II. COUNSELING FOR CHILDREN OF INCARCERATED PARENTS

Program Purpose and Functions

This is an initiative that has been highlighted by the Bush Administration as a highly desirable function. There are no detailed guidelines in place and this allows for a great deal of creative flexibility. Advice and examples of models should be requested from the Department of Justice. Educators should insist that schools are in a pivotal position to play a major role in producing worthwhile results for such a program. This does not rule out collaborations and partnerships with agencies and churches serving prison inmates and ex-offenders.

Possible Funding Sources

Although the Department of Justice (DOJ) is the obvious starting point, possible funding should be explored with the departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). The latter funds a number of programs for uplift and improvement in the low-income public housing under its jurisdiction.

Administrative and Operations

The professional advice of social workers, psychiatrists and psychologists must be at the core of such a project, however, community residents who are ex-offenders or the relatives of current inmates may make invaluable contributions. Assuming that the project will operate under the administrative and fiscal umbrella of an already established church or community organization (or the school system), the budget for a project serving 50 children should be enough to finance: A coordinator; Stipends for Volunteers; Fees for Professional Consultants; Prison Visit Trips. An application should be submitted for $200,000–300,000.

III. AUXILIARY DISCIPLINARY, PATROLLING, POLICING SERVICES USING PARENTS

Program Purpose and Function

Security is a major problem in many urban schools and many have chosen to use local police or private guards. Pilot projects are needed to show that utilizing parents, church members, and community residents would injure student self-esteem less and also cost less.

Possible Funding Sources

The Department of Education (DOE) is concerned about the increase of spending on security and should entertain new approaches. The Department of Justice (DOJ) will accept proposals which are in harmony with its juvenile delinquency prevention mandate. The Department of Homeland Security (DHS) should be offered proposals which demonstrate the possibilities of training these same parents and community residents to be volunteer first responders for emergencies.

Administration and Operations

Where necessary, local school systems have already developed structures for maintaining security. The pilot programs proposed here should be funded long enough (one year) to prove that they can accomplish a better result for less money. A request should be made (for one school) for $200,000–300,000.

IV. COOPERATIVE TECHNOLOGY, TRAINING AND REPAIR PROJECT

Program Purpose and Function

Large numbers of computers and other educational technology devices are grossly underutilized as a result of the absence of mechanics and technicians to make repairs and perform preventive maintenance. A church or community organization based project could provide an ongoing service for local schools while at the same time it trains a group of local residents.

Possible Funding Sources

The Department of Education (DOE) and the Department of Labor (DOL) should be solicited for funds to accomplish this worthwhile objective. It is possible that the E-Rate discounted coverage of expenses could be utilized for such a project after the appropriate negotiations.

Administration and Operations

The project is obviously best suited for a cluster of schools with a reasonable critical mass of computers and other equipment to be maintained. A supervisor instructor with the necessary assistants and interns to serve a minimal cluster could be sustained with an annual appropriation of $200,000—300,000.

PUSHING AHEAD WITH AMERICA'S AGENDA

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, tonight I want to talk a little bit about all the great things that Americans are doing day in and day out to help our friends and neighbors from the gulf coast.

But first, Mr. Speaker, I want to commend the Republican Conference for taking decisive action today to be sure that we continue to push ahead with our agenda here in this House, that agenda of spending reductions, immigration reform, and keeping our focus on national security. It is clear that we will not let partisan wrangling get in the way of progress, and that is exactly why the American people have elected us to serve in this body. We are focused on their agenda.

I think it is important too, Mr. Speaker, to let the American people know that we have heard them loud and clear; and what they are wanting to see is action, decisive action on fiscal responsibility. They want fiscal accountability. After all, as so many of my constituents have reminded me in these last few days as we have talked about the pressing needs that we have in our country, this money is their money. It is not government's money.

□ 2030

It is the taxpayers' money, and it is our responsibility to be good stewards of that money. Many people have told me that they have just really grown ill and fatigued with seeing money spent and that they are not seeing it accounted for. They feel like it is time for bureaucrats to turn around and be responsible to taxpayers that are sitting at kitchen tables.

I have a lots of things I would like to respond to from my colleague across the aisle. He spoke about blunders that have taken place, and he seemed to have lost a little bit of hope with the U.S. and spoke negatively with how we have progressed with certain areas and positively of things that are happening in other areas in other countries. It just made me recall something that I remembered President Reagan would time and again say when he talked about spreading freedom and about what a noble goal, a noble goal it was to spread freedom to every corner of the world.

Mr. Speaker, you know, as we talk about what is happening in Iraq and as we talk about what is happening in Afghanistan, and we look at the agenda that our men and women in uniform carry out every day, as we look at how committed our President and his team have been to spreading freedom, we know that that is done because in the end having peace spread across this Nation, through the Middle East is going to give a peace dividend for our children and our grandchildren.

And in that peace dividend people find the opportunity to dream those big dreams. They find the opportunity to seek a better education, to seek opportunity, to build those businesses and to create a life that they would like to have for themselves and for their children. That is possible because of freedom. It is possible because of a commitment, a commitment that we make to move forward in spreading freedom.

My colleague also was talking about blunders and rebuilding and looking at

the wonderful gulf coast area and how it is going to be rebuilt. Mr. Speaker, I would just have to tell you, I feel that those are some mighty resilient folks down there in the gulf coast. They are people who when that stormed passed through and it cleared away, I know many of the folks down in southern Mississippi that I was working with, they threw that chain saw in the back of that pickup truck, they grabbed their work gloves, they grabbed their work boots, they got out there and they started cutting trees. They started clearing the way. They went to work. They were not waiting for somebody else. They went to work.

Now, as we get to the rebuilding phase, it is important that we be innovative, that we be creative, that we bring some great solutions to the table, that we think about tax incentives, that we think about enterprise zones, that we think about going in here and encouraging ownership.

What can we do to encourage private property ownership? What can we do to encourage businesses to redevelop?

Possibly, Mr. Speaker, going into this area is a great place to go and run a pilot project to see how a flat tax would work so that we are making it easier on hard-working men and women, making it easier on families to come back and reestablish those homes and reestablish those businesses and rebuild those communities. Because right now they are looking at physical infrastructure that has been damaged. Their economic infrastructure has been damaged. The social infrastructure of their community has been damaged. They want to take ownership of those projects.

I commend the good communities along the gulf coast region, whether they are in Alabama, Mississippi, Louisiana, or Texas. Communities are coming together to meet their needs. And I want to talk a little bit about those Americans and the folks that have taken time to show compassion and caring. And I want to express some things tonight. I think it is important for us to stand and thank all of the churches and the not-for-profit organizations and the faith-based organizations who have led the way, who have led the way in caring for those who have provided shelter, who have provided money, have continued to raise money, that have donated supplies, and people who have even traveled into areas to help with caring, to help with feeding those that need to be fed, to help with clean up, and are committed to staying with these communities as they rebuild.

You know, photos do not do the degree of damage justice. I think that during this process that we have been through for the past month, we have seen government make some mistakes. We have seen government do some things right, and I know that most of us have probably been both impressed and sorely disappointed at the very same time. And I think one of the things that we have seen is that we have seen ordinary people do some truly extraordinary things.

I will have to tell you, as I said earlier, for me there is a personal connection to all of this. I grew up down in south Mississippi, and I was a high school girl when Hurricane Camille hit. And I can tell you from what I have seen, Katrina is much worse than my memories of Hurricane Camille. And just a few days after Katrina struck, I was down at where I grew up in southern Mississippi.

I went down there with my family so that we could help those in my home community. We took in supplies, and we went down to assist. My parents are long-time Red Cross volunteers; and they had been working at the shelter before the storm hit, trying to help those who were fleeing out of Gulf Port and Biloxi right along the coastal areas.

Even though my home community in southern Mississippi where I grew up suffered a lot of damage, those folks were there tending to others. It did not seem to matter that they did not have water, they did not have electricity, that some people did not have roofs. What they were doing was tending people that really had a need. They felt like that was the most important thing to do: tend to those that were injured; tend to those that were grieving; go clean things up and then let us get around to rebuilding.

The thing that I could not help but notice is the way that people from all walks of life were coming together to clear debris, to clear fallen structures. The spirit of America truly has been alive and well, even in the very tough days that we saw after Hurricane Katrina and we have seen this past week with Hurricane Rita. And since then we have learned more about some of these ordinary folks who stepped forward and did extraordinary things to help those who had lost their homes and their community.

In my district, which runs from the Mississippi border north to the Kentucky border, I have seen our communities across this entire district pull together to offer assistance. In many of our counties they have done so.

Mr. Speaker, that is what I am hearing from congressional Members all across this country. Forty-eight States have evacuees that are seeking refuge and a place to call home, maybe temporarily, maybe a little longer. They are all coming together, 48 States, communities across 48 States. A great example of this is our Memphis Corps of Engineers has been in New Orleans helping to repair the levees while our Shelby County, Memphis area nonprofits and faith-based groups have been pitching in as well. They have been incredibly generous.

We have had so many, and I would like to list just a few: the Bellevue Baptist Church, the Cathedral of Faith Ministries, Christ United Methodist Church, the Cornerstone Institutional Baptist Church, Cummings Street Baptist Church, Greater Harvest Church of God In Christ, the Greater Praise Church of God In Christ, the Independent Presbyterian Church, Memphis Union Mission, the Mid-South Baptist Association, and the Baptist Children's Home.

Mr. Speaker, it is like this in districts all across our country. All are working to provide shelter for evacuees. And then those that are coming forward with meals and shelters, the Friendship Baptist Church, the Germantown Presbyterian Church, Oakland First Baptist Church, and then the Breath of Life Seventh Day Adventist, Calvary Episcopal Church, the Holy Rosary Catholic church and School, and Hope Presbyterian Church, the Hutchinson School, and Impact Ministries of Memphis.

They are finding a way to feed volunteers and to feed evacuees. Mr. Speaker, all of this is such a testament to the greatness of our country. Up in the greater Nashville area, Montgomery County areas, they are in middle Tennessee, we have seen the Crievewood Baptist Church, Tulip Grove Baptist Church, Clear View Baptist Church, Hilldale Church of Christ all open their doors and provide shelter for those that were needing a temporary home.

We have also seen a wonderful evacuation center open in Franklin, Tennessee. I had the opportunity of inviting Secretary Mineta to join me as he had the opportunity to work with the Red Cross volunteers and look at this wonderful shelter, visit with our local elected officials, visit with the evacuees who had come out of Texas, out of Louisiana, out of Mississippi to call Franklin, Tennessee temporarily home.

We have also had the kitchen at Clear View Baptist Church and Near Ministry providing food; Grace Works Ministries collecting clothing and hygiene kits. Our Interfaith Dental Clinic providing acute care.

Mr. Speaker, while folks were receiving evacuees there, they were in the process of loading 18-wheelers and trucks and sending much needed supplies into the gulf coast area.

The Montgomery Bell Academy Service Club loaded an 18-wheeler full of supplies that were needed and sent it south into Jones County, Mississippi. This is happening all across the country in many districts.

I would like to mention a few of the things that some of our colleagues have done. In fact, just last Thursday my good friend, the gentleman from Texas (Mr. GOHMERT), rented two U-Haul trucks and went to a local food bank in Tyler, Texas. He then drove the trucks to Lufkin, Texas, which was out of food and water. They had received an influx of evacuees at several of their shelters. They were out of food and water and needed some help. So the gentleman from Texas (Mr. GOHMERT) unloaded the supplies and then went to the emergency operations center to meet with the local officials

to see what else it was they needed. So he found out.

After midnight he visited a shelter. He found out there were nearly 200 evacuees there. They did not have pillows and blankets. So off he went to the local Wal-Mart where he bought the supplies that were needed. He returned and distributed these to the folks that were there that were in need.

That is a good deal of work, and it is a great thing a good man did for some folks in need. I want to thank the gentleman from Texas (Mr. GOHMERT) and all of those across the country who like him are reaching out to help others. I also want to thank those in his district that helped him in meeting these needs.

We have also seen some of the Nation's largest companies really step up to the plate on this. We have watched Wal-Mart really do some fantastic work. They have now donated in excess of $20 million in funds and in goods to help those that have been displaced, $20 million. Motorola has provided $1 million to an education fund to help rebuild schools and educate displaced children in the gulf coast region.

There again, another company that is stepping up to the plate to help. To date, they have provided several mission-critical responses to the gulf coast, including the delivery of replacement communications equipment to first responders, direct financial support to the American Red Cross Disaster Relief Fund, and more than 300 Motorola employees and partners are on the front lines in the impacted areas to repair and restore communications.

It is going to be a heavy lift. There is a lot of devastation in this area; and, indeed, it is going to take each and every one of us working together as a team, working together as a team from the local, the State, and the Federal levels, from the private, not-for-profit and public sectors, and here in Congress from both sides of the aisle as we work to meet the needs of this region of our Nation.

We all know that for so many prescription drugs are critical for survival, and we know that many people escaped thinking they would return in a day or two and be back home, not thinking to bring documents, prescriptions, health care information with them. And of course, we know many times when you escape and you are leaving and evacuating for a hurricane, in a couple of days you are back.

□ 2045

This time was different, and so we have watched as the Nation's pharmaceutical companies have contributed $120 million in refrigerated insulin, vaccines, antibiotics, antiseptics, nonprescription pain relievers, and millions of cans of infant formula.

One of our former colleagues here in the House, a Louisianan, Billy Tauzin, who had been a Republican Member from Louisiana, now works with these pharmaceutical companies. He said, ''We want to make certain that every single person who needs help gets it during the difficult weeks and months ahead.''

I want to thank him and the companies he represents for their donations. They are literally saving lives.

Mr. Speaker, I can tell my colleagues firsthand, having been in some of these shelters, having talked with the medical teams that are there, having worked with them to find out what their needs are, they are incredibly appreciative of the medical supplies and the pharmaceuticals that have come into the shelters to help them, to help our medical professionals meet the needs that so many of the evacuees are having with their health care.

Mr. Speaker, another word on another Member of this body. The gentleman from New Hampshire (Mr. BASS) has created an informal relief committee in his hometown of Peterborough, and I want to tell my colleagues a little bit about what he is doing. This is the kind of partnership that is going to make a tremendous difference.

The gentleman from New Hampshire's (Mr. BASS) rural New England town will provide essential resources to the small southern city of Collins, Mississippi. That little town is represented by the gentleman from Mississippi (Mr. PICKERING). It is down in south Mississippi. They sustained a tremendous amount of devastation and damage in Hurricane Katrina.

The gentleman from Mississippi (Mr. PICKERING) and the gentleman from New Hampshire (Mr. BASS) have worked to connect these two communities, and these two communities, miles apart, are forging a sister city relationship that will help ensure the swift delivery of goods and services to the citizens of Collins, Mississippi. Grateful citizens they are to the wonderful citizens of Peterborough, New Hampshire, and we thank them for that effort.

The gentleman from Delaware (Mr. CASTLE) helped kick off ''Hunger Drive 2005'' for the hurricane victims by donating groceries, preparing meal packages and announcing that his Wilmington congressional office will serve as a satellite office in collecting goods.

The gentleman from Delaware (Mr. CASTLE) said that, ''In the aftermath of Hurricane Katrina, we have all been searching for ways to help, and help in more ways than just donating money. We wanted to do something that directly impacted the lives of the victims and their families.''

I thank the gentleman from Delaware (Mr. CASTLE) for stepping forward and for working with his constituents in Delaware to help our citizens in the gulf coast region.

Mr. Speaker, I will have to tell my colleagues one little story, too. While driving to Mississippi, I stopped in the gentleman from Alabama's (Mr. ADERHOLT) district. I was going to grab a quick sandwich and get back on the road and continue driving so that we could get the load of supplies that we were taking down to where we wanted them to be.

I walked into the fast food restaurant. I was greeted at the counter by a friendly young man, big smile. I placed my order. He invited me to drop some change in the hurricane relief jar that they had put on the counter, and I thanked him for doing that, told him where I was heading, and he said, I have got to tell you, we are working with our congressman and his wife; we have got a great congressman and they are going to help us help some folks down in the gulf coast.

So we thank the gentleman from Alabama (Mr. ADERHOLT), his staff and his family for taking the lead in Cullman, Alabama.

I really think this sums up some of what this country is feeling and how we are reaching out right now. It is certainly clear that this effort is having an impact on our kids.

In Kalamazoo, Michigan, third graders are selling pickles at school to raise money for the hurricane victims.

In Maryland, high school students are collecting thousands of backpacks for needy children.

A group of children in Forest Acres, South Carolina, spent their day off from school to help those in need. The students sold baked goods and lemonade on a neighborhood sidewalk. They raised $145 in just a few hours, and all of it is going to help the victims and the families that are victims of Hurricane Katrina.

We, in Tennessee, have seen our great country music community come together in order to put their unique talents to work for the relief effort. This weekend in Oxford, Mississippi, there is an enormous concert. It is filled with country music stars. We thank them. They are performing, they are travelling, they are participating to raise money and raise awareness, raise the funds that are necessary to help hardworking Americans rebuild their lives and, as I said, raise awareness about what the true needs are in the gulf coast area.

Alan Jackson, Craig Morgan, Terri Clark, LeAnn Rimes, Marty Stuart, Keith Urban, Alison Kraus, just to name a few, sold out the 4,400-seat Grand Old Opry House to raise money. They were able to donate, get this, $230,000 to the Red Cross.

One of our great Nashville companies, the Great American Country owner Scripps Network, they contributed $1 million.

Mr. Speaker, I could go on and on because America has once again risen to the challenge. The American people have been incredibly generous, but I want to end this time tonight with this. To every individual, to every community who is out there, helping to ease the suffering of our friends in the gulf coast, I want to say thank you. I want to encourage them to keep up the

good work because, indeed, Mr. Speaker, this is what we are a great Nation of, freedom, free people who group together to stand together to help one another and to be there to support one another when times are tough.

Mr. Speaker, we thank them all for their contribution to this Nation. We thank them for their commitment to being certain that American families, that American communities continue to be the beacon of light and hope and freedom for the entire world.

30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House, and we would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader, for allowing us to have an hour here on the floor on the Democratic side.

Our 30 Something Working Group has been coming to the floor now for the second Congress, talking about issues that are facing Americans, issues that we are working on here in the Congress, issues that are facing the Congress and things that we feel very strongly about. Every week, we come together to talk about these issues and then we come to the floor.

As of recent, we have been coming to the floor if not every other day, every day, because there are so many issues that are facing the country and this Congress. I think it is important that we continue to not only speak to the Members of this House of Representatives and this Congress, but this administration and the American people.

We have been talking for quite a few weeks now on the action or lack of action as it relates to Hurricane Katrina. We have had a couple of events today that I think is worthy of merit of discussing, and also, as it relates to still, Mr. Speaker, pointing out the fact that we have over 100,000 Americans still in shelters, some based on the fact that we have had a natural disaster, two natural disasters, but some based on the fact of we have not governed in the way that we should have governed to protect those Americans.

Many of the experiences that these Americans have gone through and loss of life has been a breakdown in government operation. Either it be local or State or Federal, it is important that we address these issues.

Before we really get into what we are here to talk about tonight, the last time we left this floor, we talked about an independent panel, a bipartisan independent panel outside of this Congress, to deal with the issues that are facing some may say, well, it is just dealing with the gulf States, but I think that is an understatement. I think we are dealing with all Americans when we are talking about $200 billion-plus of the Federal tax dollars.

I can also share with my colleagues and Members, Mr. Speaker, the fact that it is disturbing to see some of the proposals that are coming out from the majority side that are saying that we should sell 13 national parks to pay for the natural disaster or we should look at wasteful spending. Of course, we have been talking about looking at wasteful spending for a very long time. Of course, the majority side has taken us into a deficit as far as the eye can see, but I think it is important for us to look at Americans that understand that we have to respond to Americans when they are in their time of need, not take away from.

We need to address issues like oil companies making more money than they have ever made before, record profits. Meanwhile, Americans cannot even fill their tank. Folks in my neighborhood, where I come from, they are having to park their cars. The President is saying conserve; if you do not need gas, do not get it. I do not quite get that, but Americans need gas to be able to take their families to work and their children to school.

There are some very interesting statements, some very interesting actions, here in Washington, DC. I think it is important that we not only point out to the Members what the American people, in this time that we live in now here in this country, with all eyes on this Federal Government, that we act responsibly.

I think it is also important that we address the issue of protecting the institution. This institution, which is the U.S. Congress, wherein the Members of the 109th Congress, regardless of whether we are on the majority side or the minority side, it is our responsibility to keep this argument above the belt, and I am very disturbed, at a time of national disaster, in a time of need, that Americans need this Congress, that we are still moving as business as usual.

I am talking about the partisan panel that has been passed by this House to look into what happened in Hurricane Katrina. I know that a couple of hearings have taken place, but it is very disturbing that Americans have to see that we are working against what they have asked for.

Here in my hand I hold a CNN–USA Today poll that was taken the 16th through 18th. Anyone, I am pretty sure, can go on the Web site. I just want to make sure no one sees this as the Kendrick Meek Report or the Tim Ryan Report or the Ms. Wasserman Schultz Report.

The question goes as follows: As you know, some people have called for an investigation into the problems the government had in responding to Hurricane Katrina. Who would rather see conduct this investigation, independent panel or Congress?

Now, it does say problems the government had in responding to Hurricane Katrina. It did not say the Federal Government. It did not say the State government. It did not say the local government. So I want to put that aside because some folks are playing this game as though it is some conspiracy theory to go after the Federal Government because they did not do what they were supposed to do and the local government did what they did right; they had no wrong.

Eighty-one percent, independent panel, 81 percent; 18, Congress. One percent was unsure. I am pretty sure if the question was put out on the issue of do you want a partisan panel to look at the response to the natural disasters, I am pretty sure they would have been a lot lower to Congress, and that is what is happening right now.

I, once again, say that it is important that we have an independent panel. What we mean by independent panel, just like the 9/11 Commission, that brought about the kind of accountability that we are having now. All has not been implemented that the 9/11 Commission called for, but a lot has improved as it relates to communications, the State, Federal and local governments, and I think it is important that we follow that.

Also, I know that we are going to talk about some of the cronyisms, some of the corruption that is going on around, not only this body, but throughout the government structure, and it is important, and I think a lot of this has brought about a lack of oversight, even when it comes down for some of the candidates for some of these appointments as it relates to the plum list, that have been well-documented, these are not my words, well-documented throughout the media and also as it relates to watchdog groups that are watching the Congress for what we do, and the President for what he does.

□ 2100

And I think we have to be responsible to the American people, Democrat, Republican, Independent alike. We have to make sure individuals that are being placed in these positions have some level of qualifications to be able to fill the position so that American people are not left vulnerable.

And with that, Mr. Speaker, I would like to yield to either of my colleagues, whichever wants to start this discussion.

Mr. RYAN of Ohio. Mr. Speaker, I would be happy to join in, and I thank the gentleman again for having me here. There is a lot going on here in Washington. And just to kind of follow up where the gentleman was going, we had about 70- or 80-some e-mails just last week talking about we want to have an independent commission and it should be removed from the traditional partisan bickering that goes on in this Chamber; there should be an independent counsel and independent commission that oversees what is going on with Katrina.

We know about the appointments, and we know that we had a gentleman who was a lawyer for equestrian horse shows that was not qualified, and seven or eight of the top brass in FEMA were political appointees. We know all this stuff, but we need to figure out how to get to the end and how to respond next time. Because next time it may not be a hurricane. Next time it may be a biological attack. The next time it may be a 9/11-type of attack. And though we do not like to talk about these things, our constitutional obligation here is to talk about worst-case scenarios and prepare for them.

If the President and this administration is not going to appoint the proper people, and I saw today or yesterday that Michael Brown, Brownie, is now being hired as a consultant for FEMA. So he is still in the mix.

Mr. MEEK of Florida. If the gentleman will yield for just a second on that point, he is not only hired as a consultant but he has been hired as a consultant to find out what went wrong.

This takes me back to last week. Same thing happening in the White House right now. The adviser, the young lady who is the Presidential adviser on homeland security now, has the task as it relates to the White House to find out what went wrong. These are the people that are making the decisions. That is the reason why we need an independent panel.

Last week we talked about this, and it was a little facetious to say it, but I said, My name is KENDRICK MEEK, and I am going to investigate myself and I will give you the findings in another 6 weeks. I said that to drive a point about the issue as it relates to the response to these natural disasters. And let us not leave Rita out, Hurricane Rita.

The fact is that people lost their lives, and not lost their lives in the storm, but lost their lives in the aftermath of the storm. Their lives could have been saved if we had had people in place that could make sound decisions.

I was reading in one of our publications here that Mr. Brown gave an interview to a newspaper and said, I called the White House and told them we have a problem and we need some help. Well, that is not good enough. Because the whole thing about the Federal Emergency Management Agency is to, what? Be ready to respond to a natural disaster. Now, Michael Brown, he is just Exhibit A as far as I am concerned.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield. It gets worse. I was watching the hearings yesterday. FEMA's responsibility is to coordinate the response of the Federal Government in a natural disaster. They literally are the point agency, and all of the agencies in the Federal Government are basically brought under their direction. So what was Mr. Brown's response to, I think it was a question from the gentleman from Connecticut (Mr. SHAYS), about what he did to coordinate the disaster response. His answer was that he told the mayor of New Orleans and the Governor of Louisiana that they should issue a mandatory evacuation, and they did not listen, according to him.

That was the sum total. That is what he kept repeating. That was the sum total of his response to the question of how did he coordinate the vast resources that FEMA has at their disposal and every agency in the Federal Government: that he picked up the phone and called two people and told them to evacuate New Orleans. Well, I do not know about you, but if I had at my disposal the Department of Homeland Security, the Department of Energy, the Department of Health and Human Services, the Department of Housing and Urban Development, and the list goes on, I think that I could probably think of a couple more things to do besides make two phone calls.

This was the biggest natural disaster in American history and his response was to make two phone calls. Now, that may have something to do with the fact that his only previous experience was running the Arabian Horse Association, I do not know; but I would think even with a clean slate, and not knowing almost anything, not being an expert in disaster response at all, I would think I could do a little bit more than make two phone calls.

Mr. RYAN of Ohio. No doubt about it. This goes right to the heart of every single thing that has happened here in the last 5 years. This outfit does not know how to govern. They do not know how, period, dot, end of story. They just do not know how to govern. They do not know how to control the government. They do not know how to utilize the government for good purposes. They cannot do it with FEMA. They screwed up Medicare. The tax cuts are not working. Their tax policy, it stinks. Our trade policy is no good. Our international relations are atrocious. There are very few countries in the world that even like us any more. We are having hearings on global threats. Who likes us? China is going in and scooping up all the people we have upset over the past few years. What are we doing right, I ask my good friends from the 30-something Group?

And since we are talking about homeland security and communicating with people, most people at home that are watching now understand what has happened here today. Unfortunately, it is a very, very sad day in the history of this institution where someone in leadership has been indicted on the Republican side. And as I am going through my notes here, I am realizing that the leadership over there can get hold of Homeland Security if we have an issue in Texas, a political issue. They can call the FAA and have them track down some information.

There was no hesitation in the calling and using of a Federal Government agency to track down Texas legislators during the whole redistricting deal, so we know how to get hold of them if we need the Federal Government for political purposes. But if we need to rescue people or to cut through bureaucracy during a natural disaster, all of a sudden we do not know what we are doing.

Mr. MEEK of Florida. Let me just say this, Mr. Speaker. I think it is important, very important, and my colleagues heard me earlier mention the issue about protecting the institution and making sure that we carry ourselves in the way we are supposed to carry ourselves, but I am here to say, as someone that knows that this happens when you are in political life, you have some people that are investigated. You have some people that are indicted. It happens. When it does happen, I think it is important for those that are accused, or it is said that this is what you have done and here is my evidence, then it is appropriate for one to say, well, I believe that I am innocent. I believe this is not what you think it is; and in the coming weeks, days, months, or years the truth will come out.

But it is another thing entirely when it comes down to intimidation, and that is what I would like to address, especially of my colleagues on the other side of the aisle. Some of the press reports that I have read that came out just recently have me a little disturbed. I am a little disturbed that people in power are coming down on a locally elected prosecutor and saying this is politically motivated. They are not indicted. They have nothing to do with the case, but they are coming down on this individual. I think that is wrong.

Mr. RYAN of Ohio. Let us be sure how this works. This is a grand jury. This is not a prosecutor, this is a grand jury.

Mr. MEEK of Florida. A grand jury has brought this about. But once again I want to state for the record that no one is saying that the person in question is guilty as charged. We do have courts in this land.

But we do know here in this political circle that some people would be lined up out at the door. We have seen it before in the last administration, or when the House was Democratic. Members lined up out of the door to convict on this floor Members that have been indicted or investigated in the past.

Now, I can tell you that I know on this side of the aisle we are better than that. Now, some of my friends on the Republican side did not take part in that, but I am here to tell you that there have been Members that have blown things out of proportion, coming onto the floor with paper bags on their heads, and we have heard Members saying, I am ashamed to be a part of this institution, because someone was accused of not paying a parking ticket. So there are some who have been blowing this thing out of proportion.

But I can tell you what is beyond a coincidence, and that is the number of

inquiries that are being conducted on this Congress from outside officials. The number of inquiries that are taking place, and I am talking real inquiries. I am not talking about someone paid for a plane ticket for someone, or someone had a steak dinner somewhere and somebody is upset about it, or someone did not report something small. We are talking about serious charges. We are talking about charges of speaking to Federal officials and not telling the truth. We are talking about questionable financial transactions. We are talking about a number of things. But I will tell you this, it is beyond coincidence that all of this is happening now.

My point is this, my colleagues. The majority side has not carried out its responsibilities. On the Committee on Armed Services, we have had 110 complaints about contractors overcharging the government, people that are being paid that are not even in Iraq, troops not having what they need when they need it at the height of the fighting; and worse yet, we sit on the committee that has oversight, yet not a mumbling word. Not a mumbling word. Not one real ''let us pull you in and talk about it.''

Look at Abu Ghraib. It almost took an act of Congress, with Members kicking and screaming, to even get the Secretary there to talk about these issues. If we conducted the proper oversight, maybe, just maybe, FEMA would have been in the position to respond to those individuals that were in harm's way. Maybe, just maybe, we would not have these cost overruns as relates to some of these companies like Halliburton and other companies that are out there that are charging our Federal taxpayers' dollars that are undocumented. Maybe, just maybe, officials in the White House that are running around without any oversight, without anyone saying, excuse me, can you answer this question for me; without anyone questioning them, things would be different.

I will tell you this, and then I will come in for a landing because I know you all want to talk about this subject.

Mr. RYAN of Ohio. Just get around the airport.

Mr. MEEK of Florida. We have been talking about this for a very long time, and I hate to say it, but in this Congress everybody wants to saying something out in the media. No one wants to come and talk about the responsibilities that we have as Members of the 109th Congress. We have a responsibility. Guess what, this was the Congress before we got here, and hopefully it will be a Congress and an honorable institution when we leave. We are the stewards of this. We are the benefactors of the past blood, sweat, and tears.

Mr. Speaker, there are veterans right now without limbs that are the reason we have the opportunity to come in here and breathe the very democracy we celebrate every day; their life, their commitment, these families that have lost so much in order for us to come in here. And for us to use our titles to chastise someone for doing what they believe is their job, and not just allegations against an individual but allegations that changed the face of this entire Congress. Members got unelected. If this is true, Members were unelected from this Congress because reapportionment took place. Members were elected and unelected in Texas because reapportionment took place. If that is true, then this is very, very serious.

So I would warn the Members of this Congress on both sides of the aisle to let us make sure that we pay attention to what is going on and make sure we refrain from using our office and our influence, because intimidation is the wrong medicine for this time.

Ms. WASSERMAN SCHULTZ. I do not know where to start here, I have so many things swirling through my head. The both of you have been here a couple of terms now, but I just got here. I am a freshman. I have been here all of 10 months. In January, like you did, but for me it was my first time so it was perhaps a little bit more sacred and special, because you know how it is when you do it your first time, you hold up your hand and swear to uphold the Constitution; and when you are doing that, you swear to uphold the integrity of this institution.

□ 2115

We have all served in legislative bodies. The gentleman from Ohio (Mr. RYAN) served in Ohio, and the gentleman from Florida (Mr. MEEK) and I served in the House and Senate in Florida. One of the things that the staff who have been around a long time, one of the things they impress upon new members, they stress how critical it is that we uphold the integrity of the institution, that the perception of the institution, that each of us as individuals, we impact the perception in America of the American people's view of the U.S. House of Representatives.

Now there is a pall cast over this House. There is a pall cast over this House because it feels like almost every month since I have been here, there is another Member of this body being accused of something.

I recall 11 years ago, in fact, it was 11 years ago Monday, that the Republican Contract With America was issued in 1994. Part of that contract, from my recollection, had to do with the integrity of this House and how the Republican leadership talked then about how they were going to, and they were very sanctimonious about it, they were going to restore integrity to this institution and inspire confidence in the American people.

My constituents have a pretty significant difference in the way they define integrity. My kids are watching tonight. The 6-year-olds are awake, and they are watching and I have to go home and explain to them why this man is all over the news; and, Mommy, what did he do? I have to have that conversation, as do parents across this country, every other week.

The reason that is important is not just because we want to uphold the impression and integrity of this institution, let us bring it home here. It exemplifies why we need an independent commission. If there are Members' ethics called into question, how are the American people going to be able to expect and get an independent, objective investigation of what went wrong?

The example that the gentleman from Florida (Mr. MEEK) just used is a good one. It would be like, to use the example of Enron executives saying Mr. Prosecutor, you do not have to do the investigation about what went wrong at Enron, our CEO and our executive board will take care of that; or Tyco.

Now we are doing that in this very House of Representatives, people who have been accused of wrongdoing, for whatever reason, not related to Hurricane Katrina, but we have got to make sure that this institution's integrity is upheld and maintained.

While you have people who are in the midst of their own personal situation, it is inappropriate, on top of the fact it was inappropriate to start with, to have a partisan select committee investigate the aftermath of Hurricane Katrina, now it is underscored even more so because there are people's integrity called into question in this Chamber. We need to make sure that we can restore the American people's confidence in the direction that this country is going, in the job we are doing here, and without an independent investigation of the aftermath of Hurricane Katrina, we are not going to be able to do that.

I am hopeful in the coming years, I will be able to talk to my kids and tell them this is an institution in which they should be proud that their mom is serving and there are people who are serving in it who have the highest values.

Mr. RYAN of Ohio. Mr. Speaker, I want to try to break this down because we do not want to accuse anybody, and I want to make a different point. The indictment today that was filed against the majority leader, and everyone will read it in the newspaper tomorrow and hear it on the news, I am not explaining anything new, but the basic charge is in Texas there is a law that does not allow corporate money to get involved in political campaigns.

The charge is that corporate money went into this leadership PAC and that money made its way into the State elections for senators and legislators within the State of Texas. The Republicans then, with that money, ended up winning seats and taking control, then using that power to then reapportion congressional districts off-cycle. We normally do it every 10 years. So every 10 years when you do the Census, you reapportion congressional districts. But they did this 3 years after the Census. This did it in 2000.

This is the allegation. They took this corporate money, won the seats, did the redistricting again and got rid of four out of five Democratic Members in Congress because of the redistricting. It is alleged this corporate money made its way to influence elections here in the United States Congress and Democrats lost five seats.

Now that if it is true is horrendous and a total breach of trust for the American people, if that is true. But I want to make another point. This highlights, whether this is true or not, this highlights the number one problem in the United States Congress. There is so much money in this institution it sickens me, and I know it sickens the 30–Something Group, because that money influences too much of the policy that comes forth, and every single decision that is made in this Congress is about money. It is about fund-raising, it is about how we can squeeze somebody else for another dollar for our frontline candidates.

The policy that comes through here consistently reflects how can we raise more money. That is the problem. I think that is the issue that the incidents today lead to. This institution has become more about money than about governing. When you have your policies set around money, you end up getting bad policies and you end up getting an abuse of power. That is exactly what happened.

Look at the Medicare bill. At 3 in the morning, they told us it was $400 billion, that was a lie. It ended up being $700 billion, and the actuary was told not to tell Members of Congress, elected officials in the United States of America, that they were not allowed to know the true cost of the Medicare program. Give me a break. They knew there were Members who would not vote for a bill that cost more than $400 billion, so they said $400 billion. Weeks later we find out it was $700 billion. That was a lie.

The war and all of the nonsense leading up to it was a lie. Every single thing. We are safer now since we elected this new President and we have the Republicans in control; wrong. We saw what happened with Katrina, another lie.

We are good stewards of the government, less government more efficient; wrong. Cronyism at FEMA, eight of the top people all political hacks, and people died because of it.

Our responsibility here is to oversee this kind of thing, and everyone keeps telling us we are safer and we saw it was not true. After September 11, we do not have time to be nice. We do not have time to sit here and accept everything at face value. This has all led to an abuse of power.

Homeland Security and the FAA was used during this whole Texas debacle to track down Texas legislators who feared their government so much they flew to Oklahoma. They feared their government and they flew to Oklahoma. And then the war, again misinformation coming from the government. Again, FEMA, cronyism, abuse of power again.

And now, which really, really frightens me, we have this President talking about getting rid of the Posse Comitatus law in the United States of America which means if you do not think using Homeland Security and FAA to abuse power is not enough, if you do not think appointing cronies at FEMA to oversee emergency management in the United States of America is enough of an abuse of power, now the President is suggesting that we get rid of Posse Comitatus, which means the military can take over emergency situations and have police powers in your communities. Now wait a minute, this has got to stop somewhere.

This has got to stop somewhere, and it all comes back to this money being so ingrained into this system that it drives everything. And too much money, too much power, one party control here, House, Senate, White House, leads to an abuse of power. That is what you are seeing on the news tonight and that is what you will see on the news tomorrow. You will hear about it for the weeks and months to come because one-party rule in the United States of America is bad for our government. Power corrupts and absolute power corrupts absolutely.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, listening to the gentleman from Ohio (Mr. RYAN), I am thinking about all of the reasons I ran for Congress, and I decided that public service was a career choice for me, and that is because I want to make the world a better place. We all do. Certainly the three of us do. Our colleagues do. The vast majority of the Members here want to do that. It leaves such a bad taste.

What has happened over the last several months and what came down today with one of our colleagues on the other side of the aisle, what came down a few weeks ago with another colleague on the other side of the aisle, the whole thing swirling around with Mr. Abramoff and the lobbyist, and we even had a gangland murder connected with that in my district in Hollywood, Florida, it is so pervasive, it is so disturbing, it gives me deep concern that people end up thinking that we are all just like those individuals who have strayed.

We have got to make sure that we can restore some confidence, we can go back to why we all ran in the first place and move this country in the right direction again. You have got cronies and phonies that are infiltrating the government. The culture of corruption that has become so pervasive here, not just in this body but at the executive level as well, it is worst than startling.

Mr. RYAN of Ohio. Mr. Speaker, maybe if we were not so concerned in this House, the other body, the executive branch, about raising money and putting our political friends into certain positions all over, maybe this government would do a better job of actually executing its job. We spend so much time, not we, but the ruling party here, the Republican Party, spends so much time trying to raise money and squeeze donors and appoint their college roommate's friend to the head of FEMA. Maybe if we spent, if this government spent as much time and energy and the resources to actually govern the country, maybe we would be doing a lot better.

Poverty is up. Our education levels are not where they need to be. There is a widening gap between the wealthiest people in the country and the poorest people in this country. We saw a good example of that in New Orleans, but it is the same in every city in United States of America, structural poverty that is here in this country. Maybe if we were spending a little more time actually trying to run the country instead of raising money and appointing political hacks, maybe we would be a little better off.

We talked about the money and how it influences everything here. Is it a coincidence that through all this, all this money that is involved in this whole system, it is a coincidence that the wealthiest people in this country are getting tax breaks? That is like a direct connection. A lot of money donated from the wealthy people in the country, and the wealthy people in the country get a tax break, and everyone else seems to suffer.

We are not saying for one moment that we do not think that our government needs reform: Education, health care, it needs reform. We are the reform party. This group has had control of this Chamber for over 10 years now.

□ 2130

No reform at all. Numbers are not up where they need to be up. They are down where they need to be up, and they are up where they need to be down. It is about reform. But to see the influence of money in this Congress and then to see the wealthiest people who are contributing get the tax cuts just does not seem fair.

Mr. MEEK of Florida. Madam Speaker, reclaiming my time, I think it is important going back to protecting the institution, going back to making sure that we do what we are supposed to do as the 109th Congress. I cannot speak for the 110th Congress. It is up to my constituents if I am to make it there. But I tell my colleagues this: being a Member of the 109th Congress in the minority or the majority, I think it is important that we share with our colleagues the importance of their duty of making sure that they do what they are supposed to do, because this is not about friendships.

We were not elected to come up here to be friends with one another. We were elected to come up here to represent our districts and the American people, to be able to make sure that democracy stands for another 200-plus years

and beyond. That is our job. Our job is to come up here to protect the welfare of those individuals who cannot protect their own welfare, and we are here to make sure that there is a government in place for when they need it.

Some people in our country do not want anything from government. But guess what. When they need it, it should be there for them. No one is trying to get into anyone's life. But I can tell the Members this right now: the reason why we are here on this floor and the reason why we come to this floor week after week is to make sure that we raise the issues of the American people, Democrat or Republican alike. It does not matter. I do not ask my constituents, when they come to my office, I need to know their party affiliation. I do not go and chastise in a general sense of the word Republicans because some Republicans that I know, many that I know that are supporters of mine, either it be politically or friendship-wise or what have you, they do not share some of the things that I see the majority side acting on now.

If it was not for this side of the aisle pushing after 9/11 for an independent commission and if it was not for the work of those families, there would not have been an independent 9/11 Commission. There would not have been the testimony by not only White House officials, Pentagon officials, CIA, FBI, DEA, name it, transportation officials. We never would have gotten close to the bottom of what really happened if it was not for the push on this side.

The gentlewoman from California (Ms. PELOSI), our leader right now, was called a tainter by the Republican side for calling for an independent commission. There is a lot of name calling that goes on here on this floor. I for one do not like to name call. I just like to speak of the truth, period. When I talked about the allegations today, if they are true, then it is a problem.

The 9/11 Commission would not have seen the light of day if it was not for what we are doing right now, giving voice to those who sent us up here to give voice to them. After 9/11, Democrats called for a Department of Homeland Security. It is well documented. The majority-side leadership said we do not need a Department of Homeland Security. The White House said we do not need a Department of Homeland Security. And now we have a Department of Homeland Security, not because they thought it was a great idea. It was because of the pressure that was brought upon by us and also by the American people.

I think it is also important to talk about the issue of Social Security. The 30-something Working Group cut its teeth on the issue of Social Security, making sure that every American has the opportunity to have a guaranteed benefit. Whether it be a Democrat, Republican, young, old, disabled, retired, a survivor of someone that paid into Social Security, we fought for that. We stood here on this floor. We called out the leadership on the majority side. And the American people then, when we were making that argument, were on our side and we were on the side of the American people, period, dot.

Now when it comes down to Katrina, when it came down to responding to Hurricane Katrina, we were brought up here in special session over a case in Florida. We have got to come up here, and we have got to vote to try to save someone's life. We can get into all of that, but that is the past. We came up here for that. And after Hurricane Katrina, the Democratic leadership called for a special session. Oh, we do not need to do that. The American people demanded that the Federal Government do more than what it is doing right now. The President said, I am calling Congress back to session. There was a question, did the Democrats not call for that? Yes, they did too, but we are all in this thing together.

There should be an emergency supplemental. Oh, we do not need that, not now. Then that happened.

We called for Michael Brown's resignation because it was obvious. Here on this floor, I remember like it was yesterday, we called for it. I personally said if they are in a football game and they are within the first quarter and they have a quarterback that is not necessarily going to get them to the goal line, it is time to change personnel. A week later the President said, Michael Brown, you are doing an excellent job.

This goes into exactly what we are talking about. If it is left up to the majority, and I will not say us because we are here speaking now after 9 o'clock at night, children at home, loved ones at home, but we are here on this floor. Not because it is good for our health. It is because we care about what happens in this institution and this country. The bottom line is if it is left up to what the spin machine puts out from the majority side, we are in trouble.

Three days later, the Director of FEMA is sent back to Washington, then later resigned. We brought that issue up to the American people that he should be removed. Now we are at the independent commission. We have Members making statements that it is a shame that Democrats are not participating in the partisan commission.

The American people can see it. Go on CNN, USA Today Web site. This poll is there just as clear as my name is KENDRICK MEEK. As a matter of fact, I will give out the Web site: www.pollingreport.com disasters. We can get third, fourth-party validators. We called for an independent commission. Eighty-one percent of the American people called for an independent commission. I was talking with some of my Republican colleagues yesterday that are in leadership, and I told them they could save the country a lot of pain and frustration if they were just to say doing this in a partisan way is not the right way to do it. We should have an independent commission. If they are calling for it or the American people are calling for it, let us find a way.

I just want to finish this actual conversation that just took place yesterday. If they want it, we should just do it because we have nothing to hide. We are calling for an independent commission outside of this government because it does not have the ability to investigate itself. We cannot do it. We can just not do it because I am going to tell my colleagues right now, they say one thing and they do another. When I say ''they,'' I am talking about leadership on the Republican side.

The President said, I am a fiscal conservative. He has not vetoed one spending bill since becoming President. An unprecedented highway bill with all kinds of pork projects in it and everything. He is not even saying, I am going to stand for what I told you I would do, and we are not going to spend. Unprecedented spending. Unprecedented deficit. I mean, this is like opposite day. This is like, I am a fiscal conservative. No, I am not. I believe in responsible spending. I really do not. The action does not follow the words.

But in this case in the posture that we are in now, as Members of Congress, as we go to our districts, people cannot help but say, Wow, you are a Member of Congress? You are going to admit to that? You are actually going to admit that you are a Member of Congress? So you must not care about spending, or you must not really have control over no-bid contracts or companies that are already under investigation by the very government that has called them into question.

So what I am saying is that when we talk about credibility, when we talk about name-calling, remember the Democratic leader was called a tainter, and worse, I am pretty sure, in private. But I think it is important. And I call on all of my colleagues, Democrat, Republican, and the one Independent we have, that it is more important now than ever that we go see the wizard and get some courage and heart, and I will not even go to the third one as it relates to mine because I know that we know better. We need to be man-up and woman-up and leader-up enough to say this is not right and we have got to stop it.

And I believe, as I close on this point, Madam Speaker, that the American people will smile on those that are trying to do something about the present situation and frown on those that just watch what is happening and say that it will go away. It will not go away. This is reality. People cannot afford to put gas in their tank; meanwhile companies are making record profits and no one is saying anything about it.

Eight States have asked the Congress to look into this issue of record profits of these gas companies. Has it happened? No. Do my colleagues know what I hear today? There are Members here looking at an energy bill. We are

going to help the whole gas thing, and we have to go into the Arctic natural reserve and look for oil. People have hidden agendas that they want to carry out on the pain and suffering of Americans. As I speak right now, 100,000-plus in the middle of a basketball court in a shelter without a home, which could have been prevented if we had been on our j-o-b and making sure that the Corps of Engineers had what they needed to make sure that they can build that levee around New Orleans, to make sure that FEMA was able to respond to these folks. To make sure that the Congress, as they said, or the majority said, does what they were going to do from the beginning of being fiscal conservatives.

They have been just the opposite. The President said, I will make sure that we do not carry out wasteful spending. Maybe, just maybe, we would have no no-bid contracts going on with record profits. Maybe companies that are under investigation by this government and Departments will not continue to get billions of dollars in contracts. Maybe, just maybe, we would have some accountability if, only if, we had Members that were willing to stand up and face the music on our responsibilities and tell whoever is saying that we have to look the other way: I am sorry. We have a constitutional responsibility because someone woke up early Tuesday on election day to make sure I was elected to come here to Congress.

So whatever repercussions that may come out of this pressure, so be it. That is the bottom line because I will not, as a Member of this Congress, look my constituents in the eye and say I was in the minority and it was not much that we could do because there were powerful people on the other side of the argument who would have done things to me and would have said things about me and would have looked at me funny if I would have said something.

This country would not be independent if we had leaders like that. I would not be in Congress if we did not have leaders that were willing to fight to make sure that I could make it to Congress. The lights would not be on on this building if veterans did not lay down their life to make sure that we are able to salute one flag here today. That is how deep this argument goes.

And for those who have a problem, a problem, with our exercising democracy under this flag, then they have a problem with America. That is the bottom line. That is what it is, period, dot.

Madam Speaker, I am sorry, but I just had to share the fact that the reason why we are here is to make this country better. The reason why we are here and we argue the way we do night after night is to make sure that those who are in power, those who are committee chairmen, those who make the decisions on what bills come up, what bills do not come up, that we work on their conscience, that we remind them of their power and we remind the American people that if they want a change, then they will have their opportunity to make that change. And when they have that opportunity to make that change, then they need to make that change at the right time.

But I will tell the Members we cannot even last that long if we continue to act the way we are acting here, especially on the majority side, like it is just another day at the office.

People are suffering. People cannot put gas in their tanks. Folks are being threatened by the fact that they are going to roll back a prescription drug benefit that poor people have. Folks do not even know if their kids can get title I lunch. Meanwhile, no one speaks of billionaires getting tax cuts. We are going to sell national parks. There are questions of drilling where we have never drilled before. We do not even know if there is oil there; but because we are in this situation, we have individuals with power that want to come in and take advantage on the backs of suffering and death and lack of governance.

Ms. WASSERMAN SCHULTZ. Madam Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Madam Speaker, the thought occurs to me that people might be wondering why this even matters. I mean, so many times I talk to people and they say to me it is just the way politics is. They are going to reward their friends. They get into power and they are going to reward their friends, and that is just the way politics is.

And what I have to say to them, what we are trying to say to them, is that this culture of corruption is pervasive.

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The culture of corruption is pervasive. It would disturb me deeply if it was just Members of Congress and we could say, there are some bad apples where people have gone astray and that is all it is. But it goes so much deeper than that with this administration, with the leadership on the other side.

This is how deep it goes: We have got cronyism and corruption that runs all the way up the ladder. I will just outline for you what I am talking about. Let us look at the appointments that have been made.

As recently has come to light, Mr. Brown was totally unqualified to be the director of FEMA.

Mr. RYAN of Ohio. ''Brownie.''

Ms. WASSERMAN SCHULTZ. Brownie's previous experience was being head of the Arabian Horse Association. I saw him attempt to defend himself at the hearing the other day, and he outlined his vast array of experience being the assistant to a city manager, essentially a glorified intern. But, to me, I just feel like there needs to be a couple more lines on the resume when it comes to the man who directs the response of the Federal Government to natural disasters.

Let us take if it was just the Congress or just Michael Brown heading up FEMA where the cronyism stopped. Then I could say, you know, occasionally that is going to happen.

But let us look at the gentleman who was appointed as the Deputy Commissioner for Medical and Scientific Affairs at the Food and Drug Administration. The Food and Drug Administration is charged with assuring the safety of everything from new vaccines and dietary supplements to animal feed and hair dye. They are the one that approve medicines and say whether medication can go on the market.

So Mr. Scott Gottlieb was named the Deputy Commissioner, and he was 33-years-old. This is the 30-something Group, so we are not going to be critical of that. But this is a person who got his medical degree at Mount Sinai School of Medicine, and his previous experience prior to taking this job at FDA, and they declared him a ''noted authority'' who had written ''more than 300 policy and medical articles,'' his biography neglects the fact that many of those articles that he wrote criticized the FDA for being too slow to approve new drugs and too quick to issue warning letters when it suspects one already on the market might be unsafe.

I think if you asked the family members and people whose loved ones died from taking Vioxx and some of the other inhibitors that people have had horrendous reactions and even deaths from because some of these drugs have been raced to the market too quickly before they have been fully vetted by the FDA, I think they might take issue with the fact that the person in charge of that is slightly less than qualified.

His previous experience before that was to be the editor of a popular Wall Street newsletter, the Forbes-Gottlieb Medical Technology Investor, in which he offered such tips as ''three biotech stocks to buy now.'' This is the deputy commissioner of the FDA in charge of medical and scientific affairs.

If it was just the FDA, if we were going to stop there and it did not go further than that, I might be able to write it off. But then let us go travel over to another agency. We have another agency, the Office of Management and Budget, in which an ex-lobbyist with minimal purchasing experience was overseeing $300 billion in spending, until his arrest last week. The person who was in charge of procurement for the Office of Management and Budget was responsible for $300 billion in spending until he got arrested.

So you can see where we go. You peel back layer after layer after layer. So we are not casting aspersions randomly here. We are not just being partisan. There is a culture of corruption that is pervasive, and, my god, we have an opportunity in the next 13 months to take our message to the American people and help tell them that we are

going to come and restore their confidence; that we have got competence and we have got integrity and we know how to make sure we can expand access to health care.

Our priorities are straight. We know that the Federal Government can do something about gas prices, and not just have the President stand behind a podium and say, ''You know, if you don't have to drive, please don't.'' That is their conservation policy.

So before I go further than I should, I am going to turn it over to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. That was beautiful. You know, you play sports when you are a kid, and I know the gentleman from Florida (Mr. MEEK) was a college athlete, a college football player, a great athlete back in his day, a little slower afoot now than he used to be. But if you used to play sports as a kid and if you would not start or you did not get in the game right away, you would be watching everybody play and you knew you were better than everyone else that was playing, and you just thought, put me in coach.

Well, the Democrats are saying, put me in, coach. We will do better than this. And quite frankly, it does not seem that hard, given everything that has been going on, the corruption, the cronyism.

Democrats know how to run the government. Are we perfect? No. But we had a great FEMA director, we knew how to respond. We passed the first Family and Medical Leave Act. We know what families need and we know how to deliver.

In 1993 we balanced the budget, leading to the greatest economic expansion in the history of the United States of America, without one Republican vote. Al Gore had to come to the Senate to make the tie-breaking vote. Many people on this side of the aisle lost their seats because they made a tough vote that was in the best interests of the country, but not in the best interests of their own political careers. If you get a chance to read President Clinton's book, he highlights a couple of those people who made those tough votes.

My point is that the Democrats know how to govern. Are we perfect? Absolutely not. But you do not see this nonsense going on. They had to spend $40 million to chase our President around for something that had nothing to do with the public affairs of government. Was he wrong? Absolutely. But we are talking about the public affairs and public responsibilities.

Put us in, coach.

Mr. MEEK of Florida. Give the website.

Mr. RYAN of Ohio. The website is 30somethingdems@mail.house.gov. If you think we have cronies in government, do you think there is an abuse of power, a waste of money, things are tilted too much, the website is 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. Madam Speaker, reclaiming my time, with that, I just want to thank the Democratic leader for allowing us to have this time. Also I want to commend you both for doing your homework. I believe we will be back tomorrow, the 30-something Group tomorrow afternoon after votes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. SCHMIDT). The Chair must admonish Members that remarks in debate should be directed to the Chair, and not to persons who may be viewing the proceedings.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. COSTA (at the request of Ms. PELOSI) for today after 5:00 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. POE, for 5 minutes, September 29.

Mr. MCHENRY, for 5 minutes, September 29.

Mr. NORWOOD, for 5 minutes, September 29.

Mr. GINGREY, for 5 minutes, September 29.

Mr. GOHMERT, for 5 minutes, today and September 29.

Mr. BURGESS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Government Reform; in addition to the Committee on Energy and Commerce and 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.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 3200. An act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station''.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, September 29, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4250. A letter from the Under Secretary, Acquisition, Techonology, and Logistics, Department of Defense, transmitting a report on status of V-22 Osprey Aircraft before resumption of flight testing, pursuant to Public Law 107–107, section 123 (115 Stat. 1031); to the Committee on Armed Services.

4251. A letter from the Engine Manager, Department of the Air Force, Department of Defense, transmitting a request for a congratulatory letter for the retirement of Master Sergeant Christopher A. Shipp; to the Committee on Armed Services.

4252. A letter from the Administrator of National Banks, Comptroller of the Currency, transmitting the issues of the Quarterly Journal that comprise the 2004 annual report to Congress of the Office of the Comptroller of the Currency; to the Committee on Financial Services.

4253. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — HIPAA Administrative Simplification: Standards for Electronic Health Care Claims Attachments

[CMS-0050-P] (RIN: 0938-AK62) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4254. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-44, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance for defense articles and services; to the Committee on International Relations.

4255. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 038-05); to the Committee on International Relations.

4256. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 081805B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4257. A letter from the Acting Deputy Asst. Admin. for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Commercial Trip Limits for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 020405D] (RIN: 0648-AS97) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4258. A letter from the Deputy Asst. Admin. for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Reef Fish Limited Access System [Docket No. 050408096-5182-02; I.D. 033105A] (RIN: 0648-AS69) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4259. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Haddock Incidental Catch Allowance for the 2005 Atlantic Herring Fishery [Docket No. 050517132-5132-01; I.D. 051105D] (RIN: 0648-AT36) received August 12,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4260. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting; Fishery Closure [Docket No. 050816224-5224-01; I.D. 081005A] (RIN: 0648-AT69) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4261. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Modification of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5237-02; I.D. 090105A] (RIN: 0648-AT48) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4262. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 050421110-5192-02; I.D. 041505F] (RIN: 0648-AT03) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4263. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #5 — Adjustments of the Recreational Fishery from Cape Alava, Washington, to Cape Falcon, OR [Docket No. 050426117-5117-01; I.D. 080805A] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4264. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805C] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4265. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea Subarea [Docket No. 041126332-5039-02; I.D. 082505A] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082405B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4267. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082405A] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4268. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 082305B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4269. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits [Docket No. 040830250-5109-04; I.D. 081605C] (RIN: 0648-AS27) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4270. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090605E] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4271. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessles Using Trawl Gear in the Bering Sea and Aleutian Islandas Management Area [Docket No. 041126332-5039-02; I.D. 081705F] received September 16,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4272. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705G] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4273. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705E] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4274. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands [Docket No. 041126332-5039-02; I.D. 072205B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4275. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072205C] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4276. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071505D] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4277. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2005 Winter II Quota [Docket No. 030912231-3266-02; I.D. 071905B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4278. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071905A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4279. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072205A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4280. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Implement the Cooperative Research and Technology Enhancement Act of 2004 [Docket No.: 2004-P-034] (RIN: 0651-AB76) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4281. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report for 2004 on the STOP Violence Against Women Formula GrantProgram; to the Committee on the Judiciary.

4282. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7889] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4283. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4284. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4285. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds; Hampton Roads, VA [CGD05-04-043] (RIN: 1625-AA01) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4286. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; St. Croix, United States Virgin Islands [CGD07-05-042] (RIN: 1625-AA87) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4287. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tchoutacabouffa River, Cedar Lake, MS [CGD08-05-034] (RIN: 1625-AA09) received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4288. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marana Regional Airport, AZ [Docket No. FAA-2005-21005; Airspace Docket No. 05-AWP-2] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4289. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ruidoso, NM [Docket No. FAA-2005-22160; Airspace Docket No. 2005-ASW-12] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4290. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment to Class E Airspace; Santa Teresa, NM [Docket No. FAA-2005-22159; Airspace Docket No. 2005-ASW-11] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4291. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Stage 4 Aircraft Noise Standards [Docket No.: FAA-2003-16526] (RIN: 2120-AH99] (RIN: 2120-AA99) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4292. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimum; Miscellaneous Amendments [Docket No. 30449; Amdt. No. 3125] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4293. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30451; Amdt. No. 3127] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4294. A letter from the Director, Regulations & Rulings Division, Department of the Treasury, transmitting the Department's ''Major'' final rule —Certification Requirements for Imported Natural Wine (2005R-002P) [T.D. TTB-31] (RIN: 1513-AB00) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2006 [CMS-8026-N](RIN: 0938-AO00) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program: Part A Premium for Calendar Year 2006 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8025-AO01] (RIN: 0938-AO01) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4297. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Update of Ambulatory Surgical Center List of Covered Procedures [CMS-1478-IFC] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4298. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible for Calendar Year 2006 [CMS-8027-N] (RIN: 0938-AO02) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4299. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2006 [CMS-1286-f] (RIN: 0938-AN89) received August 2, 2005, 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. SESSIONS: Committee on Rules. House Resolution 468. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–238). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 469. Resolution providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990 (Rept. 109–239). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes (Rept. 109–240). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MURPHY (for himself and Ms. HART):

H.R. 3928. A bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. ROHRABACHER, and Mr. GARY G. MILLER of California):

H.R. 3929. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange

County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. GILCHREST, and Mr. SCHIFF):

H.R. 3930. A bill to establish the Universal Education Account and the Universal Education Corporation to promote global education reform; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. LATOURETTE, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. WEXLER, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. CROWLEY, Ms. ESHOO, Ms. KAPTUR, Mrs. MCCARTHY, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. ROTHMAN, Mr. MOORE of Kansas, Ms. LEE, Mr. SHERMAN, Mr. MCNULTY, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. HOLT, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. KIRK, Ms. SCHAKOWSKY, Mr. STARK, Mr. HONDA, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. ISRAEL, Ms. KILPATRICK of Michigan, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. NORTON, Mr. OWENS, Mr. KUCINICH, Mr. OLVER, Mr. PALLONE, Ms. WOOLSEY, Mr. SABO, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. UDALL of Colorado, Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. MEEHAN, Mr. FARR, Mrs. DAVIS of California, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. WEINER, Mr. PASCRELL, Mr. LANTOS, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. FOLEY, Mrs. MALONEY, Mr. UDALL of New Mexico, Ms. CARSON, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mrs. CAPPS, Ms. MCCOLLUM of Minnesota, Mr. RANGEL, Mr. SHAYS, Mr. WELDON of Pennsylvania, Mrs. LOWEY, Mr. FERGUSON, Ms. BERKLEY, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. KING of New York, Mr. SANDERS, Mr. TIERNEY, Mr. WOLF, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. MARKEY, Mr. GALLEGLY, Mrs. KELLY, Mr. BERMAN, Mr. SAXTON, and Mr. WYNN):

H.R. 3931. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mrs. BONO (for herself, Mr. LANTOS, Mr. CASTLE, and Mrs. CAPPS):

H.R. 3932. A bill to prohibit human cloning; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself, Mr. MICHAUD, Mr. SAXTON, and Mr. SIMMONS):

H.R. 3933. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture.

By Mr. KING of New York (for himself, Mr. FOSSELLA, Mr. RANGEL, Mr. CROWLEY, Mr. MCNULTY, Mrs. MCCARTHY, Mr. ISRAEL, Mr. HINCHEY, Mr. HIGGINS, Mr. ENGEL, Mr. BOEHLERT, Mr. BISHOP of New York, Mr. SERRANO, Mrs. MALONEY, Mr. SWEENEY, Mr. KUHL of New York, Mr. WEINER, Mr. ACKERMAN, Mr. TOWNS, Mrs. LOWEY, Mrs. KELLY, Mr. REYNOLDS, Mr. MCHUGH, Mr. MEEKS of New York, Mr. WALSH, Mr. OWENS, Ms. VELÁZQUEZ, Mr. NADLER, and Ms. SLAUGHTER):

H.R. 3934. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''; to the Committee on Government Reform.

By Mr. ROGERS of Kentucky (for himself, Mr. BLUNT, Mr. SIMMONS, Mr. DAVIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BONNER, Mr. WAMP, Mr. BOUSTANY, Mr. WALSH, Mr. SWEENEY, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. CAMP, Ms. GRANGER, Mr. BEAUPREZ, Mr. MCCOTTER, Mr. DUNCAN, Ms. LORETTA SANCHEZ of California, and Mr. WICKER):

H.R. 3935. A bill to authorize the Secretary of the Treasury to issue Hurricane Relief Bonds in response to Hurricanes Katrina and Rita and subsequent flooding and displacement of residents in the federally designated disaster areas of Alabama, Florida, Louisiana, Mississippi, and Texas; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Ms. HERSETH, Mr. ETHERIDGE, Ms. PELOSI, Mr. DEFAZIO, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. KILDEE, Mr. RAHALL, Mr. MICHAUD, Ms. BORDALLO, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. FILNER, Mr. PASCRELL, Mr. BISHOP of New York, Mr. MCNULTY, Mr. COSTELLO, Mr. SANDERS, Mr. CONYERS, Mr. LIPINSKI, Mr. BOUCHER, Ms. ESHOO, Ms. HARMAN, Mr. EVANS, Mr. PALLONE, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. MARKEY, Mrs. MCCARTHY, Mr. HINCHEY, Ms. SOLIS, and Mr. VAN HOLLEN):

H.R. 3936. A bill to protect consumers from price-gouging of gasoline and other fuels during energy emergencies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 3937. A bill to include dehydroepiandrosterone as an anabolic steroid; 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. DAVIS of Tennessee (for himself and Mr. DUNCAN):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself and Mr. VAN HOLLEN):

H. Res. 471. A resolution supporting the goals and ideals of a ''National IT'S ACADEMIC Television Quiz Show Day''; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. BOEHLERT and Mr. MILLER of North Carolina.
H.R. 328: Mrs. LOWEY.
H.R. 445: Mr. WILSON of South Carolina.
H.R. 503: Ms. CARSON and Ms. ROYBAL-ALLARD.
H.R. 543: Mr. OXLEY.
H.R. 550: Mrs. BONO and Mr. GONZALEZ.
H.R. 552: Mr. BOOZMAN and Mr. PETERSON of Pennsylvania.
H.R. 576: Mr. WESTMORELAND.
H.R. 583: Mr. PORTER.
H.R. 586: Mr. BARTLETT of Maryland and Mr. SCHIFF.
H.R. 657: Mrs. LOWEY, Mr. MILLER of Florida, and Mr. SCOTT of Georgia.
H.R. 668: Mrs. MALONEY.
H.R. 691: Mr. GILLMOR.
H.R. 698: Mr. MICA.
H.R. 752: Mr. MARKEY.
H.R. 768: Mr. ANDREWS.
H.R. 819: Ms. GINNY BROWN-WAITE of Florida.
H.R. 867: Ms. ESHOO.
H.R. 923: Mr. MCHUGH, Mr. TOM DAVIS of Virginia, Mr. HIGGINS, and Mr. DENT.
H.R. 976: Mr. BARTLETT of Maryland.
H.R. 1083: Mr. KOLBE.
H.R. 1097: Mr. FEENEY.
H.R. 1106: Mr. DOGGETT.
H.R. 1120: Mr. STUPAK.
H.R. 1129: Mr. SALAZAR.
H.R. 1190: Mrs. DAVIS of California.
H.R. 1201: Mr. ANDREWS.
H.R. 1204: Mr. SCOTT of Georgia.
H.R. 1264: Ms. ZOE LOFGREN of California, Mr. HINCHEY, Mr. KILDEE, Ms. HERSETH, Mr. LANGEVIN, and Mr. RYAN of Wisconsin.
H.R. 1435: Mr. ANDREWS.
H.R. 1498: Mr. FORTENBERRY and Mr. WELLER.
H.R. 1545: Mr. MCKEON.
H.R. 1554: Mr. SIMMONS.
H.R. 1602: Mr. BOOZMAN and Mr. TERRY.
H.R. 1615: Ms. CARSON.
H.R. 1870: Ms. HART.
H.R. 1973: Mr. BRADY of Pennsylvania and Mr. ABERCROMBIE.
H.R. 2037: Ms. DELAURO.
H.R. 2052: Mr. RUPPERSBERGER.
H.R. 2053: Mr. RUPPERSBERGER.
H.R. 2087: Mr. TIERNEY.
H.R. 2112: Mr. TIAHRT, Ms. ROS-LEHTINEN, and Mr. FOLEY.
H.R. 2177: Mr. BILIRAKIS.
H.R. 2209: Mr. JENKINS.
H.R. 2317: Mr. SALAZAR.
H.R. 2553: Mr. ANDREWS.
H.R. 2567: Mr. JACKSON of Illinois.
H.R. 2594: Mr. EMANUEL.
H.R. 2646: Mr. FORD.
H.R. 2694: Mr. SCOTT of Georgia and Mr. CHANDLER.
H.R. 2802: Ms. ESHOO.
H.R. 2803: Mr. KANJORSKI and Mr. MOORE of Kansas.
H.R. 2807: Mr. BERMAN.
H.R. 2861: Mr. JACKSON of Illinois.
H.R. 2933: Mr. ALEXANDER.
H.R. 2963: Mr. BROWN of South Carolina and Ms. MCCOLLUM of Minnesota.
H.R. 3006: Mr. GRIJALVA, Mrs. DAVIS of California, Mr. MILLER of North Carolina, and Mr. KENNEDY of Rhode Island.
H.R. 3011: Mr. GOODLATTE, Mr. KLINE, and Mr. DOOLITTLE.
H.R. 3142: Mr. BERMAN, Ms. MATSUI, Mr. MEEHAN, Mr. FARR, Mr. SMITH of Washington, Mr. HINCHEY, Mr. JACKSON of Illinois, and Mr. LEWIS of Georgia.
H.R. 3147: Mr. UDALL of New Mexico and Mr. ALEXANDER.
H.R. 3191: Ms. KILPATRICK of Michigan.

H.R. 3196: Mr. NADLER.
H.R. 3336: Mr. WEXLER.
H.R. 3359: Mr. VISCLOSKY.
H.R. 3361: Mr. BRADY of Pennsylvania.
H.R. 3368: Mr. LEVIN, Ms. KILPATRICK of Michigan, Mr. UPTON, Mr. STUPAK, Mrs. MILLER of Michigan, Mr. CONYERS, Mr. DINGELL, Mr. KNOLLENBERG, Mr. SCHWARZ of Michigan, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. MCCOTTER, and Mr. CAMP.
H.R. 3385: Mr. LEACH.
H.R. 3417: Ms. SOLIS.
H.R. 3436: Mr. MANZULLO.
H.R. 3504: Mr. HIGGINS.
H.R. 3561: Mr. MCGOVERN and Mr. BERMAN.
H.R. 3568: Mr. CASE.
H.R. 3588: Mr. BURTON of Indiana.
H.R. 3697: Ms. BALDWIN, Mr. HOLT, and Mr. BAIRD.
H.R. 3698: Mr. DOGGETT, Mr. GONZALEZ, and Mr. FRANK of Massachusetts.
H.R. 3740: Mr. OWENS, Mr. NADLER, Mr. SNYDER, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. MCGOVERN, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. ALEXANDER, Mr. PASCRELL, and Mr. NEAL of Massachusetts.
H.R. 3763: Mr. BOYD, Mr. DAVIS of Tennessee, Mr. TANNER, Mr. CRAMER, and Mr. MCINTYRE.
H.R. 3780: Ms. BERKLEY and Mr. OBEY.
H.R. 3802: Mrs. DAVIS of California, Mr. GRIJALVA, and Ms. WOOLSEY.
H.R. 3811: Mr. SAM JOHNSON of Texas.
H.R. 3829: Mr. COLE of Oklahoma.
H.R. 3838: Mr. MCGOVERN, Mr. STUPAK, Mr. GUTIERREZ, Mr. BERMAN, Mr. DOGGETT, and Mr. LEVIN.
H.R. 3841: Mr. GRAVES and Mr. HOBSON.
H.R. 3868: Mr. MILLER of Florida, Mr. FLAKE, and Mr. BURTON of Indiana.
H.R. 3869: Mrs. BLACKBURN and Mr. UPTON.
H.R. 3870: Mr. MORAN of Kansas and Mr. MILLER of Florida.
H.R. 3915: Mr. ENGLISH of Pennsylvania.
H.R. 3916: Mr. HONDA.
H.R. 3918: Mr. JEFFERSON, Mr. HALL, Mr. SAM JOHNSON of Texas, and Mr. MARSHALL.
H.J. Res. 38: Mrs. KELLY.
H.J. Res. 55: Mr. DUNCAN.
H. Con. Res. 42: Mr. MOORE of Kansas.
H. Con. Res. 112: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. BACA, Mr. SCOTT of Georgia, Mrs. MCCARTHY, Mr. BISHOP of Georgia, Mr. MCNULTY, Mr. KUCINICH, Mr. PASTOR, Mr. GRIJALVA, Mr. MCDERMOTT, and Mr. GONZALEZ.
H. Con. Res. 137: Mr. PAYNE.
H. Con. Res. 158: Mr. BAIRD.
H. Con. Res. 178: Mr. ISSA.
H. Con. Res. 197: Mr. MILLER of North Carolina, Mr. BROWN of Ohio, Mr. SKELTON, and Mr. PRICE of North Carolina.
H. Con. Res. 230: Ms. HARRIS, Mr. SESSIONS, Mr. PETERSON of Minnesota, Ms. HART, Mr. GOHMERT, Mr. COOPER, and Mr. TOWNS.
H. Con. Res. 245: Mr. MILLER of Florida, Mr. MATHESON, Mr. HAYES, Mr. GINGREY, Mr. DAVIS of Kentucky, Mr. BISHOP of Georgia, and Mr. HOSTETTLER.
H. Con. Res. 248: Mr. WOLF, Mr. CANTOR, Mr. GALLEGLY, Mr. BISHOP of New York, and Ms. HARRIS.
H. Con. Res. 252: Mr. SMITH of New Jersey.
H. Res. 97: Mr. MILLER of Florida and Mr. ADERHOLT.
H. Res. 192: Mr. BISHOP of Georgia and Mr. GONZALEZ.
H. Res. 220: Mr. SABO and Mr. KING of Iowa.
H. Res. 261: Mr. DOYLE.
H. Res. 388: Mr. BOOZMAN.
H. Res. 438: Mr. CARDIN, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. TANCREDO, Mr. MCCOTTER, Mr. HIGGINS, Mr. PENCE, Ms. ROS-LEHTINEN, Mr. KING of New York, and Mr. BISHOP of New York.
H. Res. 442: Mr. NADLER.
H. Res. 444: Mrs. MCCARTHY, Mr. WALDEN of Oregon, Mr. BRADY of Pennsylvania, and Mr. LANTOS.
H. Res. 457: Mr. BARTLETT of Maryland, Mr. MCDERMOTT, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 463: Mr. MEEKS of New York.