



Hinojosa	McKinney	Sánchez, Linda	Blumenauer	Herseth	Owens	Chocola	Jindal	Pitts
Holden	McNulty	T.	Boehlert	Higgins	Pallone	Coble	Johnson, Sam	Price (GA)
Holt	Meek (FL)	Sanchez, Loretta	Bono	Hinchey	Pascarell	Cole (OK)	King (IA)	Putnam
Honda	Meeks (NY)	Sanders	Boren	Hinojosa	Pastor	Conaway	King (NY)	Radanovich
Hooley	Melancon	Schakowsky	Boswell	Holden	Payne	Crenshaw	Kline	Regula
Hoyer	Michaud	Schiff	Boucher	Holt	Pelosi	Cubin	Knollenberg	Rehberg
Insole	Millender-	Schwartz (PA)	Boyd	Honda	Peterson (MN)	Culberson	Kolbe	Reichert
Israel	McDonald	Scott (GA)	Bradley (NH)	Hooley	Platts	Deal (GA)	Latham	Rogers (AL)
Jackson (IL)	Miller (NC)	Scott (VA)	Brady (PA)	Hostettler	Poe	Doolittle	Lewis (CA)	Rogers (KY)
Jackson-Lee	Miller, George	Serrano	Hoyer	Brown (OH)	Pombo	Drake	Linder	Rogers (MI)
(TX)	Mollohan	Shays	Hulshof	Brown (SC)	Pomeroy	Dreier	Lucas	Rohrabacher
Jefferson	Moore (KS)	Sherman	Insole	Brown, Corrine	Porter	Duncan	Lungren, Daniel	Royce
Johnson, E. B.	Moore (WI)	Skelton	Butterfield	Israel	Price (NC)	Ehlers	E.	Ryan (WI)
Jones (NC)	Moran (VA)	Slaughter	Capito	Jackson (IL)	Pryce (OH)	Everett	Mack	Ryan (KS)
Jones (OH)	Murtha	Smith (WA)	Capps	Jackson-Lee	Rahall	Feeney	Manzullo	Schmidt
Kanjorski	Nadler	Snyder	Capuano	(TX)	Ramstad	Flake	McCaul (TX)	Schwarz (MI)
Kaptur	Napolitano	Solis	Cardin	Jefferson	Rangel	Forbes	McCrery	Sensenbrenner
Kennedy (RI)	Neal (MA)	Spratt	Cardoza	Johnson (CT)	Renzi	Fortenberry	McHenry	Sessions
Kildee	Oberstar	Stark	Carmanah	Johnson (IL)	Reyes	Foxx	McKeon	Shadegg
Kilpatrick (MI)	Obey	Tanner	Carson	Johnson, E. B.	Reynolds	Franks (AZ)	McMorris	Shaw
Kind	Olver	Tauscher	Case	Jones (NC)	Ros-Lehtinen	Frelinghuysen	Rodgers	Shuster
Kucinich	Ortiz	Taylor (MS)	Chandler	Jones (OH)	Ross	Gallely	Mica	Simmons
Langevin	Owens	Thompson (CA)	Clay	Kanjorski	Rothman	Gingrey	Miller (FL)	Simpson
Lantos	Pallone	Thompson (MS)	Cleaver	Kapton	Roybal-Allard	Goodlatte	Miller, Gary	Sodrel
Larsen (WA)	Pascarell	Tierney	Clyburn	Keller	Ruppersberger	Granger	Moran (KS)	Stearns
Larson (CT)	Pastor	Towns	Conyers	Kelly	Rush	Graves	Myrick	Sullivan
Leach	Paul	Cooper	Cooper	Kennedy (MN)	Ryan (OH)	Hall	Neugebauer	Taylor (NC)
Lee	Payne	Costa	Costa	Kennedy (RI)	Salazar	Hastert	Northup	Terry
Levin	Pelosi	Costello	Costello	Kildee	Sánchez, Linda	Hastings (WA)	Norwood	Thomas
Lipinski	Peterson (MN)	Cramer	Cramer	Kilpatrick (MI)	T.	Hayas	Nunes	Thornberry
Lofgren, Zoe	Pomeroy	Velázquez	Crowley	Kind	Sanchez, Loretta	Hensarling	Nussle	Tiahrt
Lowe	Price (NC)	Visclosky	Cuellar	Kingston	Sanders	Herger	Osborne	Walden (OR)
Lynch	Rahall	Wasserman	Cummings	Kirk	Saxton	Hobson	Otter	Wamp
Maloney	Rangel	Schultz	Davis (AL)	Kucinich	Schakowsky	Hoekstra	Paul	Weldon (FL)
Markey	Reyes	Waters	Davis (CA)	Kuhl (NY)	Schiff	Hyde	Pearce	Westmoreland
Marshall	Ross	Watson	Davis (FL)	LaHood	Schwartz (PA)	Inglis (SC)	Pence	Wicker
Matheson	Rothman	Watt	Davis (IL)	Langevin	Scott (GA)	Issa	Peterson (PA)	Wilson (SC)
Matsui	Roybal-Allard	Waxman	Davis (KY)	Lantos	Scott (VA)	Istook	Petri	Young (AK)
McCarthy	Ruppersberger	Weiner	Davis (TN)	Larsen (WA)	Serrano	Jenkins	Pickering	
McCollum (MN)	Rush	Wexler	Davis, Jo Ann	Larson (CT)	Shays			
McDermott	Ryan (OH)	Woolsey	Davis, Tom	LaTourrette	Sherman			
McGovern	Sabo	Wu	DeFazio	Leach	Sherwood	Castle	Hunter	Oxley
McIntyre	Salazar	Wynn	DeGette	Lee	Shimkus	Chabot	Lewis (GA)	Sabo
			Delahunt	Levin	Skelton	Evans	Meehan	Strickland
			DeLauro	Lewis (KY)	Slaughter	Green (WI)	Ney	Stupak
			Dent	Lipinski	Smith (NJ)			
			Diaz-Balart, L.	LoBiondo	Smith (TX)			
			Diaz-Balart, M.	Lofgren, Zoe	Smith (WA)			
			Dicks	Lowe	Snyder			
			Dingell	Lynch	Solis			
			Doggett	Maloney	Souder			
			Doyle	Marchant	Spratt			
			Edwards	Markey	Sweeney			
			Emanuel	Matheson	Tancredo			
			Emerson	Matsui	Tanner			
			Engel	McCarthy	Tauscher			
			English (PA)	McCollum (MN)	Taylor (MS)			
			Eshoo	McCotter	Thompson (CA)			
			Etheridge	McDermott	Thompson (MS)			
			Farr	McGovern	Tiberi			
			Fattah	McHugh	Tierney			
			Ferguson	McIntyre	Towns			
			Filner	McKinney	Turner			
			Fitzpatrick (PA)	McNulty	Udall (CO)			
			Foley	Meek (FL)	Udall (NM)			
			Ford	Meeks (NY)	Upton			
			Fossella	Melancon	Van Hollen			
			Frank (MA)	Michaud	Velázquez			
			Garrett (NJ)	Millender-	Visclosky			
			Gerlach	McDonald	Walsh			
			Gibbons	Miller (MI)	Wasserman			
			Gilchrist	Miller (NC)	Schultz			
			Gillmor	Miller, George	Waters			
			Gohmert	Mollohan	Watson			
			Gonzalez	Moore (KS)	Watt			
			Goode	Moore (WI)	Waxman			
			Gordon	Moran (VA)	Weiner			
			Green, Al	Murphy	Weldon (PA)			
			Green, Gene	Murtha	Weller			
			Grijalva	Musgrave	Wexler			
			Gutierrez	Gutknecht	Whitfield			
			Gutknecht	Nadler	Wilson (NM)			
			Harman	Napolitano	Wolf			
			Harris	Neal (MA)	Woolsey			
			Hart	Oberstar	Wu			
			Hastings (FL)	Obey	Wynn			
			Hayworth	Olver	Young (FL)			
			Hefley	Ortiz				

## NOT VOTING—13

Ackerman	Green (WI)	Ney
Bilbray	Harman	Strickland
Castle	Hunter	Stupak
Chabot	Lewis (GA)	
Evans	Meehan	

□ 1915

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. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

MOTION TO INSTRUCT OFFERED BY MR. THOMPSON OF MISSISSIPPI

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 4954 offered by the gentleman from Mississippi (Mr. THOMPSON) 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 281, nays 140, not voting 12, as follows:

[Roll No. 500]

## YEAS—281

Abercrombie	Barrow	Berman
Ackerman	Bartlett (MD)	Berry
Allen	Bass	Bigert
Andrews	Bean	Billray
Baca	Beauprez	Bilirakis
Baird	Becerra	Bishop (GA)
Baldwin	Berkley	Bishop (NY)

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn

## NAYS—140

Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Brady (TX)
Brown-Waite
Ginny

Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter

□ 1924

Mr. MARKEY changed his vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the Chair appoints the following conferees:

From the Committee on Homeland Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. KING of New York, YOUNG of Alaska, DANIEL E. LUNGRON of California, LINDER, SIMMONS, MCCAUL of Texas, REICHERT, THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Ms. HARMAN, and Mr. PASCARELL.

From the Committee on Energy and Commerce, for consideration of titles VI and X and section 1104 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, UPTON, and DINGELL.

From the Committee on Science, for consideration of sections 201 and 401 of the House bill, and sections 111, 121, 302, 303, 305, 513, 607, 608, 706, 801, 802, and 1107 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SODREL, and MELANCON.

From the Committee on Transportation and Infrastructure, for consideration of sections 101–104, 107–109, and 204 of the House bill, and sections 101–104, 106–108, 111, 202, 232, 234, 235, 503,

507–512, 514, 517–519, title VI, sections 703, 902, 905, 906, 1103, 1104, 1107–1110, 1114, and 1115 of the Senate amendment, and modifications committed to conference: Messrs. LOBIONDO, SHUSTER, and OBERSTAR.

From the Committee on Ways and Means, for consideration of sections 102, 121, 201, 203, and 301 of the House bill, and sections 201, 203, 304, 401–404, 407, and 1105 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, SHAW, and RANGEL.

There was no objection.

#### 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. 3930. An act to authorize trial by military commission for violations of the law of war, and for other purposes.

#### ESTABLISHING A PILOT PROGRAM IN CERTAIN DISTRICT COURTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5418) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges, as amended.

The Clerk read as follows:

H.R. 5418

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

#### SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

##### (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which one or more issues arising under any Act of Congress relating to patents or plant variety protection must be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to one of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—The Director of the Administrative Office of the United States Courts shall, not later than 6 months after the date of the enactment of this Act, designate not less than 5 United States district courts, in at least

3 different judicial circuits, in which the program established under subsection (a) will be carried out. The Director shall make such designation from among the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended, except that the Director may only designate a court in which—

(1) at least 10 district judges are authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under other provisions of law; and

(2) at least 3 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

##### (e) REPORTING TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) PERIODIC REPORTING.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

(f) AUTHORIZATION FOR TRAINING AND CLERKSHIPS.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated not less than \$5,000,000 in each fiscal year for—

(1) educational and professional development of those district judges designated under sub-

section (a)(1)(A) in matters relating to patents and plant variety protection; and

(2) compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases, to be appointed by the courts designated under subsection (b) to assist those courts in such cases.

Amounts made available pursuant to this subsection shall remain available until expended.

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

The Chair recognizes the gentleman from Wisconsin.

□ 1930

#### 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. 5418, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5418 to establish a pilot program in certain U.S. district courts to encourage enhancements of expertise in patent cases among district judges. It is widely recognized that patent litigation has become too expensive, too time consuming, and too unpredictable. This addresses those concerns by authorizing a pilot program to improve the expertise of Federal district judges responsible for hearing patent cases.

The need for such a program is apparent. Patent cases account for nearly 10 percent of complex cases and consume significant judicial resources. Despite the investment of the additional resources by district judges to these cases, the rate of reversal on claim construction issues remains excessive.

One sitting Federal judge characterized the manner that the judiciary employs to resolve these cases as marked by “institutional ineptitude.” I would say, parenthetically, that that is a remarkable admission by a Federal judge.

The premise underlying H.R. 5418 can be stated in three words: practice makes perfect. Judges who are able to focus more attention on patent cases are more likely to avoid error and thus reduce the likelihood of reversal.

The bill requires the director of the Administrative Office of the Courts to select five district courts to participate in a 10-year pilot program to enhance judicial patent expertise. The bill specifies criteria that the director must employ in determining eligible districts and then preserves the continued random assignment of cases to prevent the pilot districts from becoming magnets for forum-shopping litigants.

Finally, the legislation will require the director to provide both the House

and Senate Judiciary Committees with periodic reports to help assess the program's efficiency and effectiveness.

Mr. Speaker, the bill does not purport to comprehensively address all of the ill associated with patent litigation, nor does it seek to substantively amend the patent laws or the judicial process. However, the program established by this bill will enhance judicial expertise in this crucial area while providing Congress important information to further improve the administration of patent claims.

Mr. Speaker, I commend the two gentlemen from California, Mr. SCHIFF and Mr. ISSA, for introducing this bill. I urge Members to support this important legislation.

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

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. SCHIFF) control time on our side.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5418, legislation that I introduced with my colleague, Representative ISSA, in order to establish a pilot program in the Federal district courts to encourage the enhancement of expertise in patent cases among district judges.

I want to thank my colleague from California for his leadership and tenacity on this issue that has brought us to this place. I also want to thank the chairman and ranking member of the Judiciary Committee and the Chair and ranking member of the Subcommittee on the Courts, the Internet and Intellectual Property for working to bring the bill to the floor today.

Mr. Speaker, I join with my colleague, Mr. ISSA, in introducing this legislation because I believe it is a worthy proposal that is narrowly drafted and will provide us with valuable and important insight on the operation of patent litigation in the Federal court system.

This patent pilot program, created under the bill, is designed to enhance expertise in patent cases among district judges, provides district courts with resources and training to reduce error rates in patent cases, and helps reduce the high cost and lost time associated with patent litigation.

The legislation has received an impressive display of broad-based support from a wide-ranging spectrum of interested parties, including the technology industry, the pharmaceutical industry, the consumer electronics industry, biotech, intellectual property owners and other IP organizations, as well as a U.S. district chief judge.

Several months ago, the Judiciary Subcommittee on the Courts, Internet and Intellectual Property held a hearing on improving Federal court adju-

dication of patent cases. At this hearing a number of proposed solutions were discussed, serious concerns were expressed with other proposals that would have called for the creation of a new specialized court as well as proposals that would move all patent cases to an existing specialized court.

These concerns centered around the need to maintain generalist judges, random case assignment, and to maintain the important legal percolation that occurs currently among the various district courts.

Our approach avoids these pitfalls and is a worthwhile program that Congress should establish on a test basis. It also bears mentioning that we have consulted very closely with the Administrative Office of the U.S. Courts, the representative of the Federal judiciary.

Indeed, these discussions led to a number of important improvements to the legislation that are reflected in the final product. We are also pleased that companion legislation has been introduced in the other body by Senators HATCH and FEINSTEIN.

In closing, I would like to stress that while this legislation is an important first step to addressing needed patent reforms, I believe that Congress must continue to work to address a number of issues surrounding patent litigation that require broad-based reforms to our patent system.

Mr. Speaker, I look forward to continuing my work with my colleagues on the Judiciary Committee and in Congress to address these issues.

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

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

Mr. ISSA. Mr. Speaker, I will be brief, not because this is not a great piece of legislation. I am very proud of the work we have done on a bipartisan basis in our committee, but because the fact is, this is a piece of legislation whose time has come.

This bill was voted unanimously out of the Judiciary Subcommittee and brought to the floor on suspension because in fact all of the details necessary to make a good piece of legislation were worked out with the community that will need it, use it, and benefit from it.

That includes members of the Federal bench, the AO, the Administrative Office of the judicial branch. It also includes both branches here in the Capitol and members from the administration. I believe this is an example of bipartisan work at its finest.

I thank my coauthor on this, Mr. SCHIFF, for working tirelessly on this, and for his good words. I would particularly like to thank the chairman, Mr. SENSENBRENNER, and Mr. CONYERS for taking the work we did in subcommittee as sufficient and bringing it quickly to the floor.

Last but not least, I very much want to thank the staff of the subcommittee

and the chairman and ranking member of the subcommittee, who encouraged us all along the way, held the necessary hearings, and have told us to do this and then do more.

Mr. SCHIFF. Mr. Speaker, I want to acknowledge the superb work done by my colleague, who really was the driving force behind this legislation.

Mr. SMITH of Texas. Mr. Speaker, H.R. 5418, a bill "[t]o Establish a Pilot Program in Certain United States District Courts to Encourage Enhancement of Expertise in Patent Cases Among District Judges," deserves the support of the Members of the House.

For the past 2 years, the Subcommittee on Courts, the Internet and Intellectual Property has conducted a thorough review of problems associated with the issuance of patents and the adjudication of patent claims.

H.R. 5418 focuses on one aspect of patent litigation—the recognition that judges are too often inexperienced in dealing with technical areas of the law and that they rarely have the opportunity to have a patent case go all the way through trial.

Patent cases equal only 1 percent of cases filed in U.S. District Courts but are responsible for nearly 10 percent of complex cases. On average, an individual federal judge has only 1 patent case go all the way through trial every 7 years, which means trial-level judges may have no more than 3 or 4 such cases over their entire judicial career.

These statistics suggest judges could benefit from the development of greater expertise and that they might develop this ability by handling these cases, which are so vital to American companies.

Mr. Speaker, the bill before us is designed to enable designated federal judges to have the opportunity to enhance their expertise in handling these cases and to measure the effects, if any, on patent litigation.

Introduced by Representatives DARRELL ISSA and ADAM SCHIFF, the bill followed an October 2005 Subcommittee oversight hearing on proposals to structurally reform the patent litigation system.

This bipartisan measure was approved by the Subcommittee on July 27, 2006 and approved by the full Judiciary Committee on September 13, 2006.

As amended, the bill will require the Director of the Administrative Office of the Courts to select 5 districts to participate in a 10-year pilot project.

It will also require the Director, on a periodic basis, to prepare and report to Congress on aspects of the project and to make a recommendation on whether the program should be extended, expanded, or made permanent.

Mr. Speaker, I urge my colleagues to support this bipartisan bill.

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

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 pass the bill, H.R. 5418, as amended.

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

A motion to reconsider was laid on the table.

### ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1052, I call up the bill (H.R. 5825) to update the Foreign Intelligence Surveillance Act of 1978, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1052, in lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, the amendment in the nature of a substituted printed in House Report 109-696 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Surveillance Modernization Act".

#### SEC. 2. FISA DEFINITIONS.

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

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

(2) by adding at the end the following:

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

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

“(f) ‘Electronic surveillance’ means—

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

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

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

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

(2) in paragraph (3), by striking “; and” and inserting “;”; and

(3) by striking paragraph (4).

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

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

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

“(n) ‘Contents’, when used with respect to a communication, includes any information

concerning the substance, purport, or meaning of that communication.”.

#### SEC. 3. AUTHORIZATION FOR ELECTRONIC SURVEILLANCE AND OTHER ACQUISITIONS FOR FOREIGN INTELLIGENCE PURPOSES.

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

“AUTHORIZATION FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

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

“(1) the electronic surveillance is directed at—

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

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

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

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

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

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

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

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

“AUTHORIZATION FOR ACQUISITION OF FOREIGN INTELLIGENCE INFORMATION

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

General certifies in writing under oath that—

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

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

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

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

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

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

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

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

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

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

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

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

“(c) FAILURE TO COMPLY.—In the case of a failure to comply with a directive issued pursuant to subsection (a), the Attorney General may petition the court established under section 103(a) to compel compliance with the directive. The court shall issue an

order requiring the person or entity to comply with the directive if it finds that the directive was issued in accordance with section 102(a) or 102A(a) and is otherwise lawful. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person or entity may be found.

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

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

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

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

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

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

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

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

“(i) USE OF INFORMATION.—Information acquired pursuant to a directive by the Attor-

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

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

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

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

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

“(A) the information was unlawfully acquired; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### SEC. 4. JURISDICTION OF FISA COURT.

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

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

#### SEC. 5. APPLICATIONS FOR COURT ORDERS.

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

(1) in subsection (a)—

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

(B) in paragraph (7)—

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

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

(iii) by striking subparagraph (D); and

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

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

(D) in paragraph (9)—

(i) by striking “a statement” and inserting “a summary statement”; and

(ii) by striking “application;” and inserting “application; and”;

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

(F) by striking paragraph (11).

(2) by striking subsection (b);

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

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

#### SEC. 6. ISSUANCE OF AN ORDER.

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

(1) in subsection (a)—

(A) by striking paragraph (1); and

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

(2) in subsection (c)(1)—

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

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

(C) by striking subparagraph (F);

(3) by striking subsection (d);

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

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

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

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

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

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

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

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

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

If the Attorney General authorizes such emergency employment of electronic surveillance, the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 103.”;

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

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

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

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

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

#### SEC. 7. USE OF INFORMATION.

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

(1) by striking “radio communication” and inserting “communication”; and

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

#### SEC. 8. CONGRESSIONAL OVERSIGHT.

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

(1) in subsection (a)(2)—

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

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

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

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

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

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

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

(1) in section 501 (50 U.S.C. 413)—

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

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

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

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

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

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

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

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

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

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

“(g) The Chair of each of the congressional intelligence committees, in consultation

with the ranking member of the committee for which the person is Chair, may inform—

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

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

#### SEC. 9. INTERNATIONAL MOVEMENT OF TARGETS.

(a) **ELECTRONIC SURVEILLANCE.**—Section 105(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)), as redesignated by section 6(4), is amended by adding at the end the following new paragraph:

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

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

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

#### SEC. 10. COMPLIANCE WITH COURT ORDERS AND ANTITERRORISM PROGRAMS.

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

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

(c) **DEFINITIONS.**—In this section:

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

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

#### SEC. 11. REPORT ON MINIMIZATION PROCEDURES.

(a) **REPORT.**—Not later than two years after the date of the enactment of this Act, and annually thereafter until December 31, 2009, the Director of the National Security Agency, in consultation with the Director of National Intelligence and the Attorney General, shall submit to the Permanent Select Committee on Intelligence of the House of

Representatives and the Select Committee on Intelligence of the Senate a report on the effectiveness and use of minimization procedures applied to information concerning United States persons acquired during the course of a communications activity conducted by the National Security Agency.

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

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

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

(3) summary descriptions of such violations.

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

#### SEC. 12. AUTHORIZATION AFTER AN ARMED ATTACK.

(a) **ELECTRONIC SURVEILLANCE.**—Section 111 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811) is amended by striking “for a period not to exceed” and all that follows and inserting the following: “for a period not to exceed 90 days following an armed attack against the territory of the United States if the President submits to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate notification of the authorization under this section.”.

(b) **PHYSICAL SEARCH.**—Section 309 of such Act (50 U.S.C. 1829) is amended by striking “for a period not to exceed” and all that follows and inserting the following: “for a period not to exceed 90 days following an armed attack against the territory of the United States if the President submits to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate notification of the authorization under this section.”.

#### SEC. 13. AUTHORIZATION OF ELECTRONIC SURVEILLANCE AFTER A TERRORIST ATTACK.

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

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

##### “AUTHORIZATION FOLLOWING A TERRORIST ATTACK UPON THE UNITED STATES

“SEC. 112. (a) **IN GENERAL.**—Notwithstanding any other provision of law, but subject to the provisions of this section, the President, acting through the Attorney General, may authorize electronic surveillance without an order under this title to acquire foreign intelligence information for a period not to exceed 90 days following a terrorist attack against the United States if the President submits a notification to the congressional intelligence committees and a judge having jurisdiction under section 103 that—

“(1) the United States has been the subject of a terrorist attack; and

“(2) identifies the terrorist organizations or affiliates of terrorist organizations believed to be responsible for the terrorist attack.

“(b) **SUBSEQUENT CERTIFICATIONS.**—At the end of the 90-day period described in subsection (a), and every 90 days thereafter, the President may submit a subsequent certifi-

cation to the congressional intelligence committees and a judge having jurisdiction under section 103 that the circumstances of the terrorist attack for which the President submitted a certification under subsection (a) require the President to continue the authorization of electronic surveillance under this section for an additional 90 days. The President shall be authorized to conduct electronic surveillance under this section for an additional 90 days after each such subsequent certification.

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

“(1) there is a reasonable belief that such person is communicating with a terrorist organization or an affiliate of a terrorist organization that is reasonably believed to be responsible for the terrorist attack; and

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

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

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

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

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

“(3) describes the reasons for believing the United States person is affiliated with or in communication with a terrorist organization or affiliate of a terrorist organization that is reasonably believed to be responsible for the terrorist attack; and

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

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

“(g) **REPORTS.**—Not later than 14 days after the date on which the President submits a certification under subsection (a), and every 30 days thereafter until the President ceases to authorize electronic surveillance under subsection (a) or (b), the President shall submit to the congressional intelligence committees a report on the electronic surveillance conducted under this section, including—

“(1) a description of each target of electronic surveillance under this section; and

“(2) the basis for believing that each target is in communication with a terrorist organization or an affiliate of a terrorist organization.

“(h) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term ‘congressional intelligence committees’ means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”; and

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

"Sec. 112. Authorization following a terrorist attack upon the United States."

**SEC. 14. AUTHORIZATION OF ELECTRONIC SURVEILLANCE DUE TO IMMINENT THREAT.**

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

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

**"AUTHORIZATION DUE TO IMMINENT THREAT**

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

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

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

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

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

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

"(6) may be submitted in classified form.

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

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

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

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

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

**"(e) UNITED STATES PERSONS.**—Notwithstanding subsections (a) and (b), the President may not authorize electronic surveil-

lance of a United States person under this section without an order under this title for a period of more than 60 days unless the President, acting through the Attorney General, submits a certification to the congressional intelligence committees that—

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

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

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

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

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

**"(g) DEFINITIONS.**—In this section:

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

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

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

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

(2) in the table of contents in the first section, by inserting after the item relating to section 112, as added by section 13(2), the following new item:

"Sec. 113. Authorization due to imminent threat."

**SEC. 15. TECHNICAL AND CONFORMING AMENDMENTS.**

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

(1) in section 105(a)(4), as redesignated by section 6(1)(B)—

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

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

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

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

The SPEAKER pro tempore. Debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking member of the Permanent Select Committee on Intelligence.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes, and the gentleman from Michigan (Mr. HOEKSTRA) and the

gentlewoman from California (Ms. HARMAN) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5825, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 5825, the Electronic Surveillance Modernization Act. In 1978, Congress enacted the Foreign Intelligence Surveillance Act, or FISA for short, in order to provide a mechanism for the domestic collection of foreign intelligence information.

The goal of FISA was to secure the integrity of the fourth amendment while protecting the national security interests of the United States. When FISA was enacted, domestic communications and international communications were fundamentally different from one another. Specifically, domestic communications were transmitted via wire, while international communications were transmitted via radio.

In modern times international communications are increasingly transmitted through undersea cables which are considered wire. H.R. 5825 provides a technology-neutral definition of electronic surveillance to ensure that international communications are treated the same under the law regardless of the technology used to transmit them.

The bill also simplifies the process for getting a FISA court order and returns the focus of FISA to protecting those with a fourth amendment expectation of privacy.

On December 16 of last year, based on the leak of classified information, the New York Times published a story regarding a terrorism surveillance program operated by the National Security Agency. The President subsequently acknowledged that he had authorized this program after 9/11 to intercept the international communications of those with known links to al Qaeda and related terrorist organizations.

Notwithstanding the administration's position that this program is fully consistent with U.S. law and the Constitution, the President has requested that Congress provide additional and specific authorization to ensure that U.S. laws governing electronic surveillance are updated to reflect modern modes of communication.

Mr. Speaker, terrorist organizations are global in scope, and rely on electronic communications to plan and execute their murderous designs. We

can all agree that electronic communications must not be impervious to detection by U.S. law enforcement intelligence officers whose vigilance has helped avert another terrorist attack on our soil in the 5 years since the 9/11 attacks.

As General Hayden testified on July 26, 2006, the National Security Agency intercepts communications and does so for only one purpose: "To protect the lives, liberties and well beings of the citizens of the United States from those who would do us harm."

General Hayden also noted that "the revolution in telecommunications technology has extended the actual impact of the FISA regime far beyond what Congress could ever have anticipated in 1978, and I do not think that anyone can make a claim that the FISA statute was optimized to deal with 9/11 or to deal with the lethal enemy who likely already had combatants inside the United States."

Mr. Speaker, H.R. 5825 updates FISA to reflect modern technology and the changing nature of the terrorist threat. This legislation combines the Judiciary Committee's provisions that streamline the FISA process with the Intelligence Committee provisions that provided the President much needed statutory flexibility to conduct surveillance of foreign communications.

This legislation responds to the urgent need to provide our Nation's law enforcement intelligence communities with 21st-century tools to meet and defeat a 21st-century threat.

It is crucial to improving our national efforts to detect and disrupt acts of terrorism before they occur on American soil. This bill is the product of extensive discussion and thoughtful deliberation. It will make America safer while safeguarding American civil liberties.

Mr. Speaker, I urge support of this vital legislation.

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

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

Mr. Speaker, ladies and gentlemen of the House, let me state from the outset that we support our government intercepting each and every conversation involving al Qaeda and its supporters. But I cannot support legislation that not only fails to bring the warrantless surveillance program under the law, but dramatically expands the administration's authority to conduct warrantless surveillance on innocent Americans.

This is the Bush bill. It is amazing to me that we would even be taking up a law that fails to regulate the present domestic spying program. Nearly 9 months after we first learned from the New York Times that there was a warrantless surveillance program going on, and we did not know it until then, there has been no attempt to conduct an independent inquiry into its legality.

□ 1945

Not only has the Congress failed to conduct any sort of investigation, but the administration summarily rejected all requests for a special counsel or Inspector General review, and when the Office of Professional Responsibility finally opened an investigation, the President of the United States himself squashed it by denying the investigators security clearances.

Now, since 1978, there have been 12 amendments to this bill, 51 different changes. So let us not start off acting as though there have never been changes here before.

What we are doing, instead of restricting the administration and the National Security Agency, this bill grants the administration more and new authority to conduct warrantless surveillance of American citizens. Not only does the bill permit warrantless surveillance of the international communications of any American who is not a target, but it grants the administration new authority to conduct warrantless surveillance on domestic calls in many new circumstances.

We do not like this measure before us because, instead of bringing the President's warrantless surveillance program under the law, what has been done, without much finesse, is to dramatically expand his authority and permit even broader and more intrusive warrantless surveillance of the program and the phone calls and the e-mails of innocent Americans.

It raises severe constitutional questions, the fourth amendment and the equal protection of agencies and subjects everything in this area to ill-considered and unfair process.

But it is not just the law professors and the civil liberty unions that are supporting it. We have here a statement from former national security officials, and I will insert the statement of former national security officials in the RECORD at this time.

STATEMENT OF FORMER NATIONAL SECURITY OFFICIALS

The President has spoken repeatedly and emotionally in recent days about the need for intelligence professionals to have clarity in the law. He has emphasized that it is not fair to ask these men and women to operate in an uncertain legal environment and that, in fact, legal uncertainty hampers operational effectiveness and thereby jeopardizes our national security. Yet legal uncertainty is exactly what will result if Congress heeds the President's call to enact legislation that replaces the obligation to use the procedures of the Foreign Intelligence Surveillance Act with broad language about relying upon the President's constitutional authority.

Before FISA was enacted, courts addressed the issue of warrantless surveillance for domestic security purposes but did not clearly resolve the scope of the President's authority regarding foreign intelligence surveillance. FISA was enacted in order to clarify this murky legal area by setting forth a clear process for electronic surveillance of foreign powers and agents of foreign powers. The Executive Branch welcomed the clarity and this law has been viewed as an essential national security tool for 28 years.

This legislation would return a complex subject to the murky waters from which FISA emerged by making going to the FISA court or applying FISA in any way optional rather than mandatory. It leaves it to the President to decide when he has the authority to conduct warrantless surveillance of Americans or foreigners. Whether he has made the right determination will not be known unless and until it is challenged in court.

If advances in technology or other exigencies not contemplated in FISA present the President with a national security emergency, he should have a window in which to act while promptly seeking appropriate amendments to FISA—and this could be provided for in the statute. But this extraordinary emergency authority should not be permitted effectively to repeal FISA.

FISA was a political compromise between the Legislative and Executive branches of government; unforeseen exigencies should require those branches of government to continue to coordinate, not condone unilateralism by either branch. Indeed, the world has become so much more complex, both technologically and socially, than it was in 1978, that making FISA optional rather than mandatory would significantly destabilize the balance struck then between law and policy.

As individuals with extensive experience in national security and intelligence, we strongly urge that the requirements of FISA remain just that—requirements, not options. Congress should continue to work to get the facts and if, once they are provided, these facts demonstrate the need for changes in the law, amend it only as needed to meet genuine national security imperatives. Legal clarity is just as essential in this context as any other in which intelligence or law enforcement officers are asked to operate. FISA provides that clarity and should not be abandoned or amended in ways that render it irrelevant.

Ken Bass  
Formerly Counsel for Intelligence Policy, Department of Justice

Eugene Bowman  
Formerly Deputy General Counsel, Federal Bureau of Investigation

Mary DeRosa  
Formerly Special Assistant to the President

Formerly Legal Advisor, National Security Counsel

Juliette Kayyem  
Formerly Member, National Commission on Terrorism (The Bremer Commission)

Formerly Legal Advisor to the Attorney General, Department of Justice

Elizabeth Larson  
Formerly Senior Staff, House Permanent Select Committee on Intelligence

Formerly Senior Executive, Central Intelligence Agency

Elizabeth Rindskopf Parker  
Formerly General Counsel, National Security Agency

Formerly General Counsel, Central Intelligence Agency

F. Whitten Peters  
Formerly Secretary of the Air Force

Formerly Principal Deputy General Counsel, Department of Defense

Stephen Saltzburg  
Formerly Deputy Assistant Attorney General, Criminal Division, Department of Justice

William S. Sessions  
Formerly Director, Federal Bureau of Investigation

Formerly Chief United States District Judge for the Western District of Texas

Michael A. Smith  
Formerly Assistant General Counsel, National Security Agency

Brit Snider  
Formerly General Counsel, Senate Select  
Committee on Intelligence  
Formerly Inspector General, Central Intel-  
ligence Agency  
Suzanne E. Spaulding  
Formerly General Counsel, Senate Select  
Committee on Intelligence  
Formerly Assistant General Counsel, Cen-  
tral Intelligence Agency  
Michael A. Vatis  
Formerly Director, National Infrastruc-  
ture Protection Center, Federal Bureau of  
Investigation  
Formerly Associate Deputy Attorney Gen-  
eral, Department of Justice

I lift up the names of two people in particular: William Sessions, the former Director of the Federal Bureau of Investigation, formerly Chief Judge of the Western District of Texas; and William H. Webster, formerly Director of the Federal Bureau of Investigation and former Director of the Central Intelligence Agency.

There is a wide agreement that this legislation is not what we should be doing. It should be rejected because we are giving the administration unilateral authority to review the call records and e-mails of millions of Americans and permits the administration to use surveillance devices without cause, thereby reinstating the discredited "total information awareness" program that kept records on hundreds of millions of Americans.

Hidden in the fine print are provisions which grant the administration authority to maintain permanent records on innocent American citizens, granting the administration new authority to demand personal records without court review, and terminating any and all legal challenges to unlawful wiretapping.

So we are joined in our position by the Computer and Communications Industry Association, including Microsoft, Verizon, Google and Intuit; law school deans, 63 of them; 13 former national security officials; the Center for Democracy and Technology; and the Center for National Security Studies.

We must fight terrorism, but we must fight it in the right way, consistent with our Constitution and in a manner that serves as a model for the rest of the world. This bill fails that test.

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

Mr. SENSENBRENNER. Mr. Speaker, my speakers are on their way to the floor, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER), ranking subcommittee member.

Mr. NADLER. Mr. Speaker, I rise in opposition to this dangerous and unnecessary legislation. Dangerous because it threatens the fundamental rights all Americans hold dear, and unnecessary because the sponsors appear to believe that freedom is the enemy.

The right to engage in surveillance of communications is not at issue today. What is at issue is the right to spy on

Americans in the United States without a warrant from a court.

Nowhere under current law is there any requirement that the government stop listening to terrorists until they get a court order. Existing law gives the government 72 hours after it has begun surveillance to get a warrant from the secret FISA court.

Our colleagues, the gentleman from California (Mr. SCHIFF) and the gentleman from Arizona (Mr. FLAKE), have proposed to extend that time so the government has more time to make its case; and they have proposed to update the FISA law so as to make it unnecessary to get a warrant to tap a conversation between two persons outside the United States, even if the conversation is routed through the United States. That proposal solves all the legitimate concerns with FISA.

It is so reasonable a proposal that this Republican rubber-stamp Congress refused to let us even get a vote on it. It is not surprising that the process of taking away liberty should trample on democracy as well.

What the President wants, and the Republican Congress is prepared to give, is unrestrained authority to spy on anyone, without having to answer to anyone. Once again, the President wants to be above the law, and this House appears ready to oblige him.

The power to use every tool we have to gain as much intelligence on the terrorists as we can is a vitally important power, and we support that power as long as it is constrained by law.

It is also a dangerous and easily abused power. We have plenty of experience with the abuse of that power. Remember J. Edgar Hoover wiretapping Martin Luther King, for example. That is why we have a Constitution. That is why we have courts. That is why we have checks and balances. That is why we have legal controls on the executive branch, not to protect the bad guys but to protect the rest of us from abuses of power.

Unchecked power, no matter what the purpose is dangerous. It is also unnecessary. History will judge this Congress harshly when this inevitably bad bill is approved.

Do not be stampeded into signing away our freedom. Let us insist that this be done right, by rejecting this very wrong and dangerous bill and considering the very reasonable alternative given to us by the bipartisan gentlemen, Mr. SCHIFF and Mr. FLAKE.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mrs. WILSON), the author of the bill.

Mrs. WILSON of New Mexico. Mr. Speaker, I think it is important for people to understand tonight why we are doing this.

I believe very strongly that intelligence is the first line of defense in the war on terrorism. That means we have to have intelligence agencies and capabilities that are agile, that are responsive to changes in technology, and

that also protect the civil liberties of Americans.

It is hard to understand and hard to explain, frankly, the FISA law to people who do not deal day in and out with these things, but I have got to tell you this is how I have tried to explain it.

I live in New Mexico very near Route 66. Route 66 is the mother road that went from Chicago to LA through every little town along the way. But then modernization came along, and we replaced Route 66 with Interstate 40. We no longer have the stoplights and the intersections. We created on ramps and off ramps and concrete barriers to protect the citizens where traffic was moving very, very quickly. That is kind of like what we are trying to do here with the Foreign Intelligence Surveillance Act.

Now, it bothers me a little bit that for 4 years Democrat leaders in this House, including the minority leader and the ranking member of the Intelligence Committee, were briefed on the President's terrorist surveillance program multiple times, and now, when I come to the floor of the House with a bill that proposes putting signs and rules of the road in place to protect American civil liberties, you object to the controls and protections. If there were concerns about the fourth amendment, those concerns should have been raised 4 years ago.

The fourth amendment requires that people in America be free from unreasonable search and seizure. We have set in place rules of the road in the wake of a terrorist attack, when there is an armed attack on the United States or when an attack is imminent on the United States, rules of the road that are reasonable, that are constitutional, that protect civil liberties and that also keep us safe in the event of terrorist attack.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the legislation.

First, we are legislating in the dark. We do not even know what the President is doing now because he will not tell us, but we do know that he says he will not continue doing what he is doing unless we retroactively authorize it and immunize everyone who participated in the illegal activity from any criminal and civil liability.

But for the New York Times disclosure that the administration had authorized secret surveillance of domestic conversations, we would not even know about it now. When exposed, the President claimed he was operating under inherent powers, but court decisions have found that the President cannot simply declare administration actions constitutional and lawful, whether or not they are.

Yet rather than finding out what is going on, we are moving forward with this legislation not only to authorize

something in the future but to retroactively legalize whatever has been going on in the past.

Yesterday, under the military tribunal bill, we authorized what had previously been considered torture and retroactively immunized everybody involved in it. Today, we do the same type of retroactive approval and immunization to what may be illegal domestic surveillance.

The President already has broad latitude to conduct domestic surveillance, including surveillance of American citizens under the Foreign Intelligence Surveillance Act, totally in secret, so long as it is overseen by the FISA court.

So this is not a question of whether or not dangerous terrorists should be wiretapped. Of course they should, and they can be under present law, but in a democratic society with checks and balances, we should insist that some checks and balances occur, either before the wiretap or after the wiretap in the case of an emergency.

This bill does not enhance security, but it does allow surveillance without the traditional checks and balances that have served our Nation well. This bill, therefore, should be defeated.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am not sure what bill I just heard referred to. As I read this bill, as one of those who helped to write this bill, we have time limits in this bill. We have notices in this bill. We have requirements in this bill. This bill attempts to do what we should want to do, that is, base it on the expectation of privacy of the individual involved.

This bill attempts to try and bring up to date the FISA law, a law that was established at a time when technology was far different than it is today. This is an attempt to try and bridge that gap that was created as a result of technology changing.

We set into motion by the law when FISA was first established and in accordance with those technologies which were then available. This is an attempt to allow us to still secure that kind of information that was always allowed under the FISA law, always anticipated to be under the FISA law, but which might be brought into question by the change in technology which has taken place.

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It also attempts to try and deal with that tension I mentioned before that exists as a result of the constitutional powers that the President has, that we have, and that the judicial branch has and in an area of law where for many years, since the beginning of this Republic, the Supreme Court has found that the President has not exclusive,

but preeminent, power or preeminent authority.

And there is a reason for this. It is the reason Benjamin Franklin talked about in the quote I gave earlier this evening. It is the reason for the kind of functions that take place in a war-time scenario. It is a recognition that you can have one Commander in Chief and that one Commander in Chief has, as part of his responsibility, the requirement to be able to obtain intelligence about the enemy, intelligence about the foreign power.

So the question is, How do you construct a law which allows the President to exercise that responsibility and at the same time allows us to exercise our responsibility? There seems to be this idea where we say that there is an inherent power in the President, but then we don't recognize it at all. Or if he acts, and acts pursuant to that constitutional provision, what he has done is unconstitutional and illegal. And we therefore say, when we try to construct a law which we hope will cover most of the areas of activity by the President, where it will engender a greater spirit of cooperation, we say that what he did or if he asserts that authority, somehow that is unlawful or unconstitutional.

We have prerogatives in the House of Representatives. There are areas of cooperation. There are areas where we have preeminent power, such as the House of Representatives is given the responsibility and the authority to begin any law which would take money from the pockets of our constituents. The President of the United States cannot do that under the Constitution, yet he does work with us in that regard, in many different ways even before he gets the final bill.

What we have done here is to try to set up a structure which calls for the kind of activity that will be reported to us on a regular basis, with time requirements that don't exist in current law today. It circumscribes some of the activities that otherwise are questionable right now, and it sets up a framework for cooperation, it seems to me.

So I hear a lot of, and I have used this word before, but hyperbole here on the floor. We have men and women of good will on both sides of the aisle that have differences of opinion on this. But to condemn this as somehow an effort for us to give away our power; that somehow this allows the President to continue to act in an illegal way or to cover up previous illegal activity betrays a lack of understanding of the Constitution, of the structure of this House, and of activity of prior administrations, both Democrat and Republican.

I would ask us all to support this well-crafted bill.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to a distinguished member of the committee, Mr. SCHIFF.

Mr. SCHIFF. I thank the gentleman for yielding.

My colleague from California is right, we do have reasonable dif-

ferences of opinion on this legislation. Regrettably, we won't get a chance to vote on them. The bipartisan substitute that I offered with Mr. FLAKE will not be permitted to come up for a vote tonight.

Let us look at where we are. It is 5 years since 9/11. And in those 5 years, the Justice Department, the NSA have not come to Congress to ask for the changes that are being proposed by this bill. Indeed, but for the fortuity of the disclosure of the secret program by the New York Times, we wouldn't be here at all. That says something about the efficacy of the current law and the current FISA court.

Now, I happen to think the FISA laws can be improved. We have amended them, though, in 25 different ways over the last several years, so it is not as if this 28-year-old act has been untouched. The question here, the rub here is not what we do with foreigners who are talking to other foreigners on foreign soil, as my colleagues in the majority would like us to believe. The rub here is what do we do about Americans on American soil.

Do we want to entrust to the government and say you can surveil an American here at home without any court supervision? We are going to take entire programs off the books. We are going to embody a philosophy that says to the government, we trust you. We don't need a check and balance. My colleague says that the transportation analogy would be rules of the road. Well, the more accurate analogy would be if we had a speed limit sign and people were racing past it and violating the speed limit, the base bill would say, tear down the sign or do away with the court that would enforce the law by stripping the court of the jurisdiction to review the program.

That is not what we are here to do. We are here to say to the American people that those that wish us harm we will go after with every tool. But you, who are law-abiding citizens of this country, have a reasonable expectation of privacy in your homes and we will respect that. When we intrude your home and your phone and your e-mail, you will have the confidence of knowing that a court is overseeing what the government does.

Because the Framers' philosophy was check and balance. It served us well for 200 years. It will continue to serve us well.

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

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the gentleman from California and the opportunity to work with him on the substitute.

Mr. Speaker, I rise today in opposition to H.R. 5825. In 1978, Congress passed a seminal piece of legislation called FISA. This act recognized that while the President has inherent authority to protect American citizens, Congress has clear authority to regulate that surveillance.

There have been many technological changes over the past 28 years, and FISA has been amended many times to adapt to those changes. But, now, we here in Congress are confronted with the knowledge that the executive branch has chosen to conduct surveillance outside of the strictures of FISA. We must now choose whether to allow warrantless surveillance to continue or whether we should bring the terrorist surveillance program and any other programs that might be in operation under FISA's authority. If we do not, we will essentially have two categories of surveillance programs: one on the books and one that is off the books.

Now, perhaps the existence of FISA has made us all complacent. We have not been confronted for the past three decades with reports of executive branch abuse. But prior to FISA's passage, such abuses were legion. The Church Commission of the mid-1970s identified instances of abuse of the executive branch surveillance power that were so egregious that they thought it necessary to bring in FISA.

Do we want to return to the pre-FISA era? I would submit that we should not. Yet the bill we will vote on tonight will ensure that surveillance will continue to be gathered outside of FISA, effectively returning us to that era.

As I have said before, the acid test for Republicans should be as follows: Would I more jealously guard the congressional prerogative to regulate the President's inherent authority to conduct warrantless surveillance if the current occupant of the White House did not share my party affiliation? If the answer is yes, then it is our obligation to vote against the underlying bill and to vote instead for the motion to recommit.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague, Mr. Speaker.

Let us be clear about one thing. As we have all said, we understand that electronic surveillance is a vital tool in the war on terror. We all want to know when Osama bin Laden is calling: when he is calling, who he is calling, and what he is saying. Existing law, FISA, gives the President the authority to do that. And if the President wants greater flexibility in using that authority, he should come to the Congress and tell us exactly what additional authority he needs.

As has been said, this Congress has already amended FISA, the electronic surveillance law, more than 25 times since 9/11 to accommodate changing technologies. That is why it was so troubling to learn that what we as a Congress did in the PATRIOT Act with respect to electronic surveillance was essentially a meaningless exercise. We gave the President expanded authorities, but the President has since argued that he can go beyond the expanded authorities that we gave him, and he has

ignored the work of the Judiciary Committee and this Congress.

On what basis does he do this? This President claims when it comes to conducting electronic surveillance he is, in the final analysis, not constrained by the laws passed by this Congress. He claims his constitutional authority as Commander in Chief under article II in this area ultimately allows him to ignore the will of the Congress.

Take a look at the administration's legal memorandum of January 19, 2006. Essentially, they say that we don't have the power ultimately to regulate in this area. And I find it incredibly curious that after the Judiciary Committee, on a bipartisan basis, adopted language proposed by Mr. FLAKE that simply said Congress finds that article I, section 8, clause 18 of the Constitution, known as the necessary and proper clause, grants Congress clear authority to regulate the President's inherent power to gather foreign intelligence. That was passed on a bipartisan basis. It is gone from this bill. Mr. FLAKE's amendment is gone from this bill. That is taken out of this bill.

Now, imagine, here we are as a Congress, in passing a law that seeks to regulate the President's authority in this area, albeit giving him additional authorities, that in passing that law we strip out the provision that says we as a Congress find that we have the power to regulate in this area. It is a total abdication of congressional responsibility. It is ceding the President's argument that Congress doesn't matter in this area.

I believe, ultimately, it is a dangerous power grab on behalf of the administration; and this Congress, on a bipartisan basis, has not stood up to our responsibilities under the Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I am grateful to our chairman.

This is critical. We are in a war with people who want to destroy our way of life. Now, we are rightfully concerned about the civil rights of Americans, but the thing is this doesn't have to do with the civil rights of Americans. If the President, or any President, I don't care who it is, would authorize wiretapping surveillance of American to American, then I will be right here with anybody else calling them to task. That is not what we are about here.

And, in fact, in this act, it actually updates the definition of who is covered under FISA to ensure that electronic surveillance is narrowly focused on America's enemies. That is part of what is so important here.

Another aspect that makes this even more crucial today: some have said, why now? Why today? Is this all for politics? Well, I don't know. The question is, when a Federal judge in Detroit strikes this down, who was hand picked, let's face it. As I understand,

there were 30 lawsuits filed around the country, so that as soon as the ACLU and most liberal folks got the judge they wanted from the draw in each of those jurisdictions, they dismissed all the others and got the most liberal judge they could get. That is inappropriate. That is not justice. This is putting our Nation at risk. This is something we have to do now.

Some have said, well, gee doesn't it really affect the rights of Americans? And the answer is no, not unless you are dealing directly with a foreign terrorist. This is not about domestic to domestic, American to American.

We have heard some on the other side bring up scripture, that we need to do unto others, even if they are not Americans. We need to do unto others, I would submit to you, and I love it when people call on scripture like my brothers and sisters from the other side of the aisle, because it brought to mind to me Romans 13-4 that says, "for it," the government, "is a servant of God for your good. But if you do evil, be afraid. For the government does not bear the sword without purpose. It is the servant of God to inflict wrath on the evildoer." So if we want to invoke "do unto others," let's look at the rest of the verses and get it in context.

Individually, should we go after people who are after our country? Absolutely not. That is inappropriate. But the government, which is us, has not only an obligation, but we have the critical duty to make this happen.

So I would humbly submit that because we have rogue Federal judges out there who will do their will to destroy this administration, or any administration's effort to protect us, we have to do our job.

□ 2015

We have got to make sure that this government does deal with evil, does deal with those who seek to destroy us, and, yes, put them under surveillance; not Americans but foreigners, because that is our job. That is what we are required to do. That is what I swore to do when I joined the Army, when I swore to defend the Constitution against all enemies, foreign and domestic. That is what we still have got to do.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, a distinguished member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, in recognition of the Federal judiciary, I know that as they take an oath of office that their commitment is to serve the American people and the United States of America with the dignity and respect of that office. It has not come to my attention there are any number of "rogue judges" that would undermine the Constitution. But I do believe that it is crucial that the facts of this debate be established and

why there is such opposition to an initiative that deals with the security of America.

There is no divide, I have said this, I think, on any number of occasions, on the commitment of members of the Democratic Caucus on securing America. In fact, there are any number of experts who have engaged in the issues of security and intelligence for a very long period of time.

But, frankly, we are arguing against the broad brush that this Congress has now given to the Bush administration, and the Bush administration has made no convincing case to Congress justifying the need to change the law and to satisfy Congress, nor has Congress been able to satisfy itself that any recommended changes would be constitutionally permissible.

Chairman HOEKSTRA said that Congress simply should not have to play 20 questions to get the information that it deserves under our Constitution. That is the chairman of the Intelligence Committee.

Frankly, I think it is important to note that the President, this administration, has not identified any technological barriers to the operation of FISA. I believe in modernizing it. However, most of the legislative proposals to amend FISA do not attempt to modernize the law, but rather erode the fourth amendment protection, since available technology allows the interception of more communications.

Let me tell you what happens in this legislation. First of all, there is an opportunity to drag in the innocent. This new bill could drag in journalists and foreign workers of high-tech companies. This bill, for example, radically lifts the universe of warrantless searches. It drastically amends existing definitions in a manner that will permit government to retain indefinitely information collected on Americans.

This is about protecting Americans with this broad brush. This is about not going back to McCarthyism. This is about making sure that we secure us within our borders, northern and southern and otherwise, but it is to say do not turn us into terrorizing ourselves.

The fourth amendment has not been abolished. This could have been amended in collaboration with our colleagues to protect civil liberties, the 4th Amendment, and to secure America. This is a rush to the election. I ask my colleagues to oppose this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the chairman.

Mr. Speaker, in the very simplest of terms, the strategic goal of terrorists in this war is to be able to hide from justice long enough to be able to gain access to weapons of mass destruction with which they can radically alter the future of American freedom for generations to come. The strategic challenge

that we face is in finding and defeating terrorists before they gain access to such weapons and proceed to achieve their horrifying goal.

It is obvious that the critical factor in all of this effort is intelligence, for if we knew where every terrorist in the world was at this moment, we could destroy nearly all of them in less than 60 days.

But, Mr. Speaker, we have been held back by liberals in this country. Every effort the President has made to gain such intelligence has been resisted.

We should consider the terrorists' own words if we doubt their commitment to strike this country in the most horrendous way possible. Osama bin Laden said many years ago, "It is our religious duty to gain nuclear weapons." Hezbollah's Nasrallah said of America, "Let the entire world hear me. Our hostility to the Great Satan is absolute. Regardless of how the world has changed after September 11, death to America will remain our reverberating and powerful slogan. Death to America."

Terrorists, Mr. Speaker, believe that they have a critical advantage over the free people of the world. They believe their will is far stronger than ours and that they need only to persevere to break our resolve.

Mr. Speaker, the message of liberals in this country has only encouraged terrorists in that belief. If we fail to use our best and critical intelligence mechanisms to fight and defeat terrorists in these critical days, our children and grandchildren will pay an unspeakable price, and history will condemn this generation for such profound irresponsibility in the face of such an obvious threat to human peace.

We need to pass this bill, Mr. Speaker.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from California (Ms. WATERS), a member of the Judiciary Committee.

Ms. WATERS. Mr. Speaker, if there is one thing the American people know, they know that America has a Constitution that protects us from being spied on by our government. Everything about this bill makes a mockery of the Constitution of the United States of America. This administration has literally thrown the Constitution out the window.

In committee markup, the majority jammed a substitute amendment down our throats that basically undermines that part of the Foreign Intelligence Surveillance Act that requires that the administration get a warrant before eavesdropping on American citizens. Now the majority is jamming another Republican substitute or comprehensive amendment down the throats of the American people by considering this bill under what is known as a closed rule, which prohibits Democrats from offering any changes or amendments.

As we grapple with the war on terrorism, the constitutional power of the

President has been stretched until it cannot be stretched anymore, from the use of force executed against Iraq, to the initiation of a warrantless surveillance program that targets innocent Americans.

In April, the U.S. Attorney General told the Judiciary Committee that even if that authorization to use military force resolution were determined not to provide the legal authority for the program that the President's inherent authority to authorize foreign intelligence surveillance would permit him to authorize the terrorist surveillance program.

The imperial President can do whatever he wants. Mr. President, Mr. Attorney General, Mr. Chairman, why then do we need this legislation?

The President illegally and unconstitutionally authorized the wholesale collection of domestic communications, and now the majority wants to give him legislative permission. This is not fair or honest.

This bill broadens the scope of those the President can monitor, so innocent people can be violated so long as the surveillance is directed at so-called "one permissible target." It also removes one of the central requirements for conducting warrantless surveillance, one that provides the most protection to the American people. And, as FISA has said, there is no substantial likelihood that the surveillance will acquire the contents of any communication to which a United States person is a party.

They shouldn't be spying on us. If what the President is doing right now is so clearly authorized and is in the best interests of our Nation's security, why was this provision so troublesome? Is it clear that the fourth amendment rights of the American people are a burden to this administration? If a case is so extreme that it would take too long to obtain a warrant, these requirements shouldn't be difficult to meet.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today in strong support of this legislation that is so important to our Nation's security when a new type of warfare threatens our security. I appreciate the good work of my friend from New Mexico, my colleague Heather Wilson, to bring this bill to the floor, she and a number of her colleagues.

The bill will authorize the NSA's terrorist surveillance program, which is truly vital to our Nation's security. Remember back to 9/11? We in this House ran down the street away from this Capitol because we were scared, and all of America was scared. Nobody knew where the next strike was going

to hit. Nobody knew how much others had planned.

That was September 11. On October 25, the leadership of the House and Senate, Democrats and Republicans, leadership and heads of the Intelligence Committee, met with the President and the Vice President to look at this program and agreed that it was necessary to our security, that we needed to be able to pick up the phone if there was a call from a terrorist number into America. We needed to know what was being said, and we couldn't wait.

Ever since that October 25 date, the leadership of both parties in the House and Senate have routinely overseen this program. At the end of every meeting they came to the conclusion that what we were learning to keep our Nation safe was worth the targeted program that intercepted calls to known terrorist numbers, to numbers in the United States of America.

Now, some have said here tonight we have the 72-hour application process under FISA to address the need to intercept such calls. FISA is paperwork heavy. The critical factor is not the time available to go to the FISA court after the emergency application, but the detailed requirements for information that must be definitively known before you can even start the emergency surveillance.

There are 11 separate items: the identity of the target, the description of the target, and so it goes, all down through the 11. I don't have time to read all 11.

There is paperwork filled out first by the analysts at NSA, and then looked at by the lawyers at NSA, and then looked at by the lawyers in the Department of Justice. Not only lots of paperwork, but layers of lawyers.

So when my colleague from New Mexico says that we need rules of the road for this program that has been so crucial to our security, frankly, I am proud to support her.

Let me conclude with a quote from CIA Director Michael Hayden: "Had this program (the NSA surveillance) been in effect prior to 9/11, it is my professional judgment that we would have detected some of the al Qaeda operatives in the United States and we would have identified them as such. The NSA program allows faster movement than is possible under FISA."

It is our responsibility as leaders of this Nation to make that faster movement possible to defend our Nation, and to do it in harmony with protection of our civil rights, which rules of the road do.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, every single Member of this body supports giving our Commander in Chief the tools necessary to track terrorists, to intercept their communications, and to disrupt their

plots. Any suggestion otherwise, any suggestion that any Member of this body somehow seeks to coddle terrorists who want to attack our Nation and kill our people demeans our discourse and is beneath the dignity of this institution.

□ 2030

Make no mistake. Our highest duty is to protect the American people, secure our homeland, strengthen our national security, and defend the Constitution of the United States. This legislation, unfortunately, is deeply flawed and not bipartisan, and would turn the Foreign Intelligence Surveillance Act on its head. It fails to explicitly preserve FISA's exclusivity. Thus, by implication, it allows the President to conduct surveillance of Americans pursuant to any inherent authority argument.

The bill makes sweeping changes to the definition of electronic surveillance, allowing the National Security Agency to listen without warrant to the content of any communication that is from the United States to overseas or vice versa. The bill allows for warrantless surveillance after an armed attack or a terrorist attack or anticipation of an imminent attack; yet these terms are not defined or are loosely defined.

It is truly a shame, Mr. Speaker, but not surprising that the majority refused to allow the Members of this House to consider the reasonable bipartisan substitute offered by Congressmen SCHIFF, FLAKE, and INGLIS, two Republicans, two Democrats, and Congresswoman HARMAN.

The gentlewoman said that we ran out, running down the street. There is a time to stop running down the street and think and give us an opportunity to offer alternatives. What a shame that we have not done that. What a shame we still run. What a shame we still hark to politics rather than the policy.

For example, just listen to what William Sessions and William Webster—among others—stated recently.

Recall, Mr. Sessions is the former Director of the FBI during the administration of George H.W. Bush, and Mr. Webster is the former Director of the FBI during the Carter and Reagan Administrations and former Director of the CIA during the first Bush Administration.

They stated (and I quote): "Legal uncertainty is exactly what will result if Congress heeds the President's call to enact legislation that replaces the obligation to use the procedures of the Foreign Intelligence Surveillance Act with broad language about relying upon the President's constitutional authority."

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds, because it has been stated that we might have been able to prevent the September 11 attack. But a distinguished member of the 9/11 Commission specifically criticized General Hayden for suggesting that the NSA warrantless wiretapping program could have prevented the September 11 attack by stating that it is patently false

and an indication that he is willing to politicize intelligence and use false information to help the President.

The Administration's claims that the NSA programs could have prevented the September 11 attacks do not appear to comport with the facts. With respect to Nawaf Alhazmi and Khalid Almihdhar, the September 11th Commission found that the Government had already compiled significant information on these individuals prior to the attacks, writing, "[o]n May 15, [2001], [a CIA official] reexamined many of the old cables from early 2000, including the information that Mihdhar had a U.S. visa, and that Hazmi had come to Los Angeles on January 15, 2000. The CIA official who reviewed the cables took no action regarding them." Under FISA, the Administration could have used the information to seek permission to monitor the suspects' phone calls and e-mails without risking any disclosure of the classified information. It is also not at all clear that warrantless surveillance would have been useful in averting the 9/11 attacks, since the Administration was unable to locate where the two suspects were living in the United States and, according to the FBI "had missed numerous opportunities to track them down in the 20 months before the attacks." Senator Bob Kerrey, who was a member of the 9/11 Commission, specifically criticized General Hayden for suggesting that the NSA warrantless wiretapping program could have prevented the September 11 attack stating: "[t]hat's patently false and an indication that he's willing to politicize intelligence and use false information to help the President."

I turn now to the gentleman from Virginia (Mr. MORAN) who has studied this matter and I yield him 2 minutes.

Mr. MORAN of Virginia. I thank my good friend and soon-to-be Chair of the Judiciary Committee.

The Republican leadership should be ashamed of itself to be so readily willing to undermine every American citizen's constitutional protection of privacy in order to give some political help to an endangered Republican Congresswoman from New Mexico.

This bill gives the executive branch unilateral powers to operate outside of the law. The FISA court has worked well for the past 30 years. Through the issuance of warrants, it provides our intelligence agencies expedited access to listen in on private communications but while safeguarding our civil liberties.

The FISA court has refused only four requests for surveillance out of 10,000. Four requests refused out of 10,000. And the Attorney General already has the ability to collect information without a court order in emergency situations. But this bill will retroactively approve the President's wiretapping program, one that our judicial branch has held is illegal. It even allows the Justice Department to coerce telephone companies to give up their records.

To date, the administration has never articulated to Congress or the relevant committees why such expansive new authority is necessary. Congress and the American people deserve an answer as to why we should give this President unilateral authority to erode our constitutional rights.

Mr. Speaker, we believe that every communication to and from al Qaeda

should be monitored. In doing so, however, Congress should not give the executive branch a blank check to expose millions of innocent Americans to warrantless surveillance. Let's cast a vote for our Constitution and for our Bill of Rights and reject this bad bill.

The SPEAKER pro tempore. The Chair would advise, the gentleman from Michigan has 4 minutes remaining; the gentleman from Wisconsin has 9 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from New York (Mr. HINCHEY) 2 minutes.

Mr. HINCHEY. Mr. Speaker, throughout the course of our history, the most respected and revered Americans have consistently warned us that the greatest threat facing our country was not external but internal. We could not be conquered from abroad, but we do have the capacity to erode what constitutes this country from within. By doing so, we would place ourselves in deep jeopardy; and that is what we see happening here today. We see the erosion of the basic principles of this country, the rule of law based upon our Constitution.

This bill that is before the House now is contrary to the fourth amendment of our Constitution. It provides for illegal surveillance. And when that Constitution was written, it was written based upon the experience of people who saw the effects of these kinds of dictatorial policies in other places around the world. And that is what we are now introducing to our own country.

We have so-called conservative Republicans who are refusing to conserve the basic principles and elements of the Constitution. And the most important part of that document, of course, is the first ten amendments, the Bill of Rights, and what we are seeing here is the erosion of the fourth amendment.

This bill is contrary to every basic principle of our country. If we pass this legislation, we are opening up new opportunities for an increasingly despotic administration to continue to erode the basic freedoms and liberties of the American people. On that basis alone, this bill should be rejected, and it should be rejected enthusiastically by the vast majority of the Members of this House. If we really understand what we are all about, vote this bill down.

Mr. CONYERS. Mr. Speaker, I now yield the balance of our time to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, if tonight the National Security Adviser walked in the Oval Office and said, "Mr. President, we believe there is an imminent attack about to occur in the United States, and we want to listen in on a phone call," we think there should be no doubt that the President has the authority to say, "Yes, listen in on that phone call," to protect the United States.

But at some point the emergency power ends, and the normal rules of law must obtain. Certainly that point comes sooner than 90 days after the request is made, which can be renewed and renewed and renewed without a decision of an independent Federal judge.

We have a law in place that says that within 72 hours of that emergency our President must go before independent Federal judges in a private, secret proceeding and justify the decision to listen to the calls of Americans or read their e-mails. 99.9 percent of the time since 1978 that has worked. There is simply no record, there is simply no justification to overturn that decision.

This is the most expansive, frightening, and unreasonable expansion of government power since Japanese Americans were unlawfully interred during the Second World War.

One of our friends from the other side of the aisle said that he was offended that liberals had somehow subjected the country to danger. Well, America's first liberal, Thomas Jefferson, would be offended by this piece of legislation, because it sets the outer balance of Presidential power wherever the President chooses to set those outer bounds. This violates *Marbury v. Madison*, it violates a fundamental tenant of American law, and, for these reasons, this bill should be defeated.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have got a problem in this country: We are under attack. There are almost 3,000 people that died on 9/11, and we have had to change our entire philosophy on how to deal with this threat.

Before 9/11, we treated terrorist acts as a criminal act. And with a criminal act, a crime occurs and people are killed, and we send out the police to investigate. Hopefully, they get enough evidence to indict someone, and then the U.S. Attorney's offices will try them and hopefully obtain a conviction, and the judge sentences them, hopefully, for a long, long time.

9/11 proved we can't do that any more, because there are thousands of lives that are at risk. In this age of suicide bombings and suicide attacks, the people who would be prosecuted usually die in the commission of that terrorist act and take thousands of souls, innocent souls along with them. That is why we have to bring up to date a law that was written in the mid-1970s, and we have done this in a constitutional manner.

What we have heard from the other side of the aisle is, no, this isn't good enough and that the perfect is that the enemy of the good. Well, Mr. Speaker, if the perfect defeats the good, then bad will prevail. And if there is, God forbid, another terrorist attack, the blood will be on our hands for not doing the right thing. This bill should be passed.

Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. HOEKSTRA) and ask unani-

mous consent that he be allowed to yield portions of that time.

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

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, there shouldn't be a controversy about the fact that there are threats to our national security today and that they continue to be more diverse and more complex than ever before.

The Intelligence Committee has worked throughout this Congress to identify and better understand these threats and what steps are necessary to provide the best possible capabilities to our intelligence community, the men and women of our intelligence community, to keep America safe.

The committee recently issued a detailed report on the threats posed by al Qaeda, a hostile regime in Iran. I encourage all members to review them. But you don't need to read the reports to understand the scope, the urgency, and the viciousness of the threats that we face today. The threats are relentless. They are omnipresent.

In the last 2 months alone, a treasonous American appeared in a video prepared by al Qaeda terrorists who have sworn to destroy America and said, "Either repent of your misguided ways and enter into the light of truth, or keep your poison to yourself and suffer the consequences in this world and the next."

Jihadists called for the Pope to be "hunted down and killed," merely for reading from a medieval text.

A 66-year-old Italian nun was ruthlessly shot four times in the back and killed while trying to train nurses in Somalia.

Our British allies discovered a horrific and brutal plot, close to fruition, to blow up multiple passenger airliners flying between the United States and the United Kingdom. That likely would have been a more devastating terrorist attack than 9/11. The British Home Secretary has said that they are following at least 20 additional plots.

Press reports have indicated the possibility that the Stalinist regime in North Korea is accelerating its plans to test nuclear weapons, and the rogue president of Iran has reiterated his rights to nuclear technology.

If anyone in the House believes that these threats are not real or they are not serious, I would welcome any information and discussion to the contrary.

□ 2045

But even if a small portion of these threats have the possibility of coming to fruition, it should not be a serious matter of debate that our country needs to rapidly and effectively bring every intelligence tool to bear to find our enemies, detect and understand their intentions, and thwart their hostile and terrorist acts against our country and our people.

The opponents of this bill say it is “not necessary.” I suppose the bill is “not necessary” if you do not believe that the threats we face are very real, and very serious. But I believe in the face of such intense and relentless threats this House would be derelict in its duty not to pass this bill that gives us the necessary intelligence tools to defend ourselves.

This bill is intended to modernize one of our primary weapons against terrorists and hostile foreign powers, the Foreign Intelligence Surveillance Act. FISA was passed in 1978. There are some who say it has been updated since, the law has become dangerously obsolete and hopeless as a tool against terrorism. We cannot fight a 21st-century intelligence war against sophisticated terrorist and state enemies with laws designed around the 1970s, around the former Soviet Union and around the bureaucracy associated with the former Soviet Union.

This bill will update the law to allow more flexible and agile intelligence collection against modern communication technologies and streamline the process. We must focus our resources on finding and detecting terrorists, not on having to fill out repetitive, inch-thick paperwork to justify what should be an obviously appropriate need to listen to two foreign terrorists communicating in a foreign country.

The outdated law doesn't serve our intelligence interests. It doesn't serve our civil liberties interests. It serves only lawyers and bureaucracy.

This bill will focus the resources of the FISA process where they belong: on effective intelligence collection and protecting civil liberties where Americans have a reasonable expectation of privacy.

There is no ambiguity. This law continues to protect the average American going about their daily business, but does provide for needed surveillance against specifically identified terrorist organizations and spies. This bill would also provide clear authority for our Nation to act in times of armed attack, terrorist attack, or imminent threat.

It will also substantially increase congressional oversight not only of FISA but of all intelligence activities to address important concerns about the separation of powers that have been expressed in this Congress.

I appreciate the strong, close support on this matter by Chairman SENSENBRENNER and the Committee on the Judiciary. I would also like to recognize the hard work and the leadership of the distinguished Chair of the Intelligence Subcommittee on Technical and Tactical Intelligence, HEATHER WILSON, who took on the assignment to address the difficult and complicated issues in this bill. This has not been an easy task. She has worked diligently to address a number of complex, substantive issues and a range of interests within the House.

Mr. Speaker, I believe that this bill is not only necessary but vital to protect

our Nation and the American people. The Nation demands that the Congress pass laws to protect our national security. This is what this bill does. I urge all Members to support it.

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

Ms. HARMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, 5 years after 9/11, much remains to do. We still must learn the whereabouts of Osama bin Laden and Zawahiri so we can capture or kill them, achieve intelligence dominance in Iraq so we can protect our forces, penetrate global terror cells to prevent them from attacking us, plug gaps in our homeland security and prevent nuclear material from being acquired by hostile forces bent on using it against America and our allies.

But instead of working on these critical problems, tonight this House is voting to fix something that is not broken, the Foreign Intelligence Surveillance Act. And we are doing this although we know that the other body will not take up this legislation before the recess.

Mr. Speaker, I worked in the White House when FISA was passed. I understand its bipartisan history and the abuses it corrected.

FISA has been modernized 51 times since then. It is now a modern, flexible statute which includes 12 amendments since 9/11 made at the administration's request. It is a vital tool for the FBI, the CIA and the NSA in their investigations of terrorism and espionage.

All of us support strong tools to intercept the communications of terrorists, track their whereabouts and disrupt their plots. All of us. But there is no evidence that FISA must be totally rewritten in favor of a new regime promoting broad, warrantless surveillance of Americans. None. Yet the White House/Wilson bill does just that.

Mr. CONYERS mentioned that a bipartisan group of former government officials issued a statement opposing the Wilson approach. They wrote: “This legislation would return a complex subject to the murky waters from which FISA emerged by making . . . the FISA court, or applying FISA in any way, optional rather than mandatory . . . FISA provides . . . clarity and should not be abandoned or amended in ways that render it irrelevant.”

Judge William Sessions, who served as FBI director under Presidents Reagan and Bush, and Judge William Webster, who also served Presidents Reagan and Bush as Director of the FBI and CIA, signed that letter, and they are right.

The White House/Wilson bill muddies the water in two major ways. First, the bill rewrites the definition of electronic surveillance so it applies only when the government intentionally targets a person inside the U.S.

This means that if an American citizen in Los Angeles talks to her sister in Mexico, NSA can listen to their phone calls simply by claiming the tar-

get is the sister in Mexico. Nearly all international calls and e-mails of Americans can be intercepted under this bill without a warrant using this new definition of electronic surveillance.

The next loophole is even larger. The White House/Wilson bill authorizes the President to conduct warrantless eavesdropping on the communications of American citizens after an armed attack or a terrorist attack or an anticipation of an imminent threat. This includes domestic-to-domestic phone calls and e-mails. But these terms are not defined. Talk about murky waters.

Imminent threat includes acts that are likely to cause substantial economic damage. Is the threat of a trade war an imminent threat?

To allow 60- to 90-day renewable periods for the President to engage in warrantless surveillance is to gut the careful bipartisanship protections in FISA and grant the President unchecked power.

As the Supreme Court has said: “A state of war is not a blank check for the President.” Not for this President, or any future President.

Mr. Speaker, we can do better, and we will have time after this election to do better. The bipartisan substitute which I strongly support is better and would extend from 3 to 7 days the amount of time the NSA has to obtain a warrant in an emergency after surveillance begins, make clear that foreign-to-foreign communications do not require a warrant, even if they are intercepted in the United States, increase the number of FISA judges, and put more resources into expediting the warrant application process, and reaffirm that FISA is the exclusive way to conduct electronic surveillance on Americans.

It includes key provisions of the LIS-TEN Act, which Mr. CONYERS and I produced in May and which has the support of all nine minority members of the Intelligence Committee.

Mr. Speaker, protecting America from terrorism is our constitutional duty. We all know that it is an election season and a debate on surveillance brings political benefits to some. But that is a terrible reason to legislate. I, for one, do not want to suspend our 217-year-old Constitution tonight for political reasons or no reason at all. Vote “no.”

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

Mr. HOEKSTRA. Mr. Speaker, I would like to at this time yield 4 minutes to the gentlewoman from New Mexico, HEATHER WILSON, the chairman of the subcommittee, the author of this House legislation.

Mrs. WILSON of New Mexico. Mr. Speaker, I would like to start out this evening by correcting a few misstatements.

First, the letter that has been referred to a couple of times here by Mr. SESSIONS and Mr. Webster refers to a bill introduced by Senator SPECTER in

the Senate which is quite different than the legislation that we are considering here in the House tonight.

Secondly, my colleagues should know that the White House does not approve of this legislation. In fact, they had not even seen the legislation before I introduced it in the House, and my colleagues on both sides of the aisle had that legislation before the administration ever did. This is a House bill and a House product.

I wanted to thank the chairman of the Intelligence Committee and Chairman SENSENBRENNER of the Judiciary Committee, and my colleagues DAN LUNGREN and NANCY JOHNSON for their work and help in crafting this legislation that we are here to consider tonight. I think it is important for all of my colleagues to understand why it is important to move forward with the legislation.

All of us in America remember where we were on the morning of September 11. Most of us remember it in fine detail. But none of us remember where we were when the Canadian Mounties arrested 17 people who had amassed the material for two Oklahoma City-size bombs across the river from Detroit. And very few of us remember where we were when 16 people were arrested in London who intended within days to walk onto American airlines aircraft leaving Heathrow and blow them up over the Atlantic. We don't remember because it didn't happen. It didn't happen because of exceptional intelligence.

This bill strengthens oversight of all intelligence activities and reestablishes that the Congress is a separate coequal branch of government with responsibilities to oversee our intelligence agencies.

It modernizes and simplifies the Foreign Intelligence Surveillance Act that is well overdue. It takes into account 21st-century communications and 21st-century threats that are using those communications against us.

And it sets clear rules for how we should act in the wake of a terrorist attack. There is no broad surveillance authorized by this program; but if a known terrorist calls America, we are going to say you should listen now. Listen now, not after the FBI develops a portfolio, not after legions of lawyers come up with petitions, not after you wake the AG or deputy AG in the middle of the night. Not after we have gotten all of the paperwork done. Listen now. Protect us now because it is reasonable to protect us now.

Some people have said there is a 72-hour emergency provision in FISA, and there is. There is a 72-hour emergency provision, but it requires the AG to have all of the information that would go into a FISA application, and we don't often have that in this war on terrorism.

If we have a number on a cell phone from an al Qaeda agent picked up in Pakistan, we want to be up on that number if the number is in the United States. We don't want to wait for the

paperwork to get to the Justice Department. We want the terrorists hiding in their caves wondering if they can use a cell phone rather than Americans using their cell phones to call home one last time.

That is why I would urge my colleagues to support this legislation in front of us this evening.

Ms. HARMAN. Mr. Speaker, we are all for listening now under the law.

It is now my pleasure to yield 2 minutes to the gentleman from Texas (Mr. REYES), a member of the Subcommittee on Oversight.

Mr. REYES. Mr. Speaker, I rise in opposition to the White House/Wilson bill. I want to detect and intercept terrorists before they reach the United States as much as anyone, but I don't want to give the President the ability to trample our Constitution in that process.

I have devoted my entire career to defending our Constitution, first in the military, then in the Border Patrol, and now in Congress. I am not willing to give the President unnecessary unchecked authorities just because it makes good election-year politics.

□ 2100

As a member of both the Intelligence Committee and the Armed Services Committee, I would like to address the failure of this bill to deal with a very specific problem: the President's assertions that the authorization for use of military force gave him the authority to conduct warrantless surveillance of innocent Americans.

I offered an amendment in committee that would have inserted additional language into the White House-Wilson bill to make clear that Congress did not, did not, Mr. Speaker, in passing that authorization, empower the President to engage in warrantless surveillance. Like every amendment offered in the Intelligence Committee, it was voted down in a party line vote. Anything that doesn't square with the President's wish list was unacceptable to the sponsor of this bill. That is disappointing, and that is not bipartisanship.

I take very seriously our obligation to provide the President with the tools that he needs to provide for national security, but I also reject the notion that the authorization for use of military force allows the President to ignore the fourth amendment and conduct warrantless surveillance on American citizens.

To this day, even the Intelligence Committee cannot be sure whether there are other secret programs that the President believes Congress has implicitly authorized. But we can at least make sure that this position, our position, is clear, that he must respect this one.

I still don't think that the authorization for use of military force authorized those things, and I continue to be amazed that the White House, with a straight face, thinks that it did. I am

not afraid to stand up for our Constitution. I am not afraid to take a stand and provide the tools to the President either. But this is not the right vehicle. It should be a bipartisan effort.

The White House-Wilson bill is a terrible affront to our constitutional system, and I urge a "no" vote.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to my colleague, Mr. DENT.

Mr. DENT. Mr. Speaker, I rise tonight to speak in strong support of H.R. 5825, the Electronic Surveillance Modernization Act, for four reasons:

First, the act applies only to foreign agents operating in this country. It cannot be used to spy on ordinary Americans. It cannot be used in run-of-the-mill criminal prosecutions. It allows only short-term, let me repeat, short-term warrantless surveillance.

Second, the act makes it easier to conduct surveillance on those foreign agents. Up to now, their communications within this country could not be monitored without FISA approval if it was likely that U.S. citizens were involved in those communications.

Third, and most importantly, the Act makes it easier for us to respond to attack or to the threat of attack. Under current law, warrantless surveillance of foreign agents is permitted only after the U.S. has declared war. Waiting to monitor the activities of foreign terrorists until a formal declaration of war has been declared may be too late. Under H.R. 5825, we can begin such surveillance after an armed or terrorist attack has occurred or, even more significantly, when there is an imminent threat that is likely to cause death or widespread harm.

Finally, the Act gives intelligence authorities the flexibility needed to respond to emergency situations. Under current law, intelligence authorities may conduct surveillance in an emergency for up to 3 days before that agency must go to a FISA court for a warrant. Under H.R. 5825, that period is extended to 7 days, giving authorities more time to respond to that emergency and to gain valuable information that might save people's lives.

For all these reasons, I urge strong support for the Electronic Surveillance Modernization Act.

And, finally, I would like to say maybe, maybe, had this technology been employed before 9/11, maybe those two terrorists out in San Diego who were on the phones to Yemen into a switchboard, a switchboard apparently that bin Laden himself had called into one time, maybe had we been doing this type of surveillance, maybe we could have prevented at least one of those attacks that occurred at the Pentagon on September 11.

For all these reasons, I strongly support the legislation.

Ms. HARMAN. Mr. Speaker, we all wish we had connected the dots prior to 9/11.

Mr. Speaker, I now yield 2 minutes to Representative ESHOO of California, the ranking member on our Subcommittee on Technical and Tactical Intelligence.

Ms. ESHOO. Mr. Speaker, I thank our distinguished ranking member for yielding.

I wish we were debating final passage on a much better bill. Sadly, this bill gives the administration what it wants: a blank check to conduct domestic surveillance without a warrant.

Mrs. WILSON said earlier that this is not a White House bill. Well, if it is not a White House bill, it is a White House dream, because it is a blank check to the President.

Instead of addressing specific problems in the law with tailored solutions, this bill eviscerates the Foreign Intelligence Surveillance Act. Now, that Act is only almost 30 years old. It is not an antique. It hasn't collected dust. It has been revised. It has been amended. It has been brought up to date. But that is not good enough. This bill eviscerates it.

One of the arguments advanced during the debate was that FISA needs to be technology neutral. I agree. We agreed. We went out to NSA. They told us that. We agreed. We offered a tailored solution. Rejected. The whole bill has to be scrapped in order to make changes.

That is not a prudent course. This bill heads us down a dangerous path. The radical changes this bill makes to FISA definitions and standards represent a wholesale rewrite of the law. They nullify FISA by exempting large categories of U.S. person communications from the warrant requirement, and it rubber-stamps all forms of data mining.

The American people want us to protect them, but they don't want us to throw the Constitution overboard. May I remind everyone, with the obligation that we have to the American people when we come here, the oath we take says that we will uphold the Constitution of the United States. This bill does not live up to our Constitution. It gives away the fourth amendment. Members of the House should reject it.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 2 minutes to one of the newer members of the committee, Mr. ISSA from California.

Mr. ISSA. Mr. Speaker, as the chairman said, I am one of the newer members to the Select Intelligence Committee. But I am not any longer one of the newer Members to Congress, because I was here on September 11. I saw as we evacuated the Capitol. I saw as the Pentagon burned. I saw as America rallied, asking us to make sure this didn't happen again.

Today, we are considering some commonsense, limited reforms that are necessary. They are necessary because, on both sides of the aisle, we want to make sure that we codify in law what will be done, that we minimize executive order but maximize the ability of the executive branch to meet its obligations to the people.

H.R. 5825, if it weren't the eve of election, would clearly be just another commonsense reform done on a bipar-

tisan basis. But we are in the midst of an election.

I have been on the Judiciary Committee since I came as a freshman 6 years ago. I am very concerned about civil rights, about protecting Americans' civil rights. And if I could just take a minute to get beyond the partisanism for a moment, I am also an Arab American. I am exactly the group that is likely to have to think about is my call to Yemen or to Lebanon or to Jordan or any of the other expanded places that I have family and friends, is that going to be potentially monitored? I have thought about that. I have soul searched it for myself and for many millions of people like myself in the United States who are Americans born and raised but, in fact, have friends and family abroad.

I am comfortable with this bill. I am comfortable with the parts that are unclassified, and I am comfortable with what I have learned on a classified basis. That doesn't come easy, but I have made the effort to do so. I am supporting this bill because it is the right thing to do to make all Americans safe, and it is the right thing to do to make sure that we never again have to apologize to the American people for September 11.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 2 minutes to Representative HOLT of New Jersey, ranking member on our Subcommittee on Oversight.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman from California for yielding.

Mr. Speaker, this is not a debate about whether we should be wire-tapping al Qaeda. This is a debate about whether intelligence agencies should be guided so that their efforts are most effective in protecting Americans from terrorism.

The President has been sending intelligence agencies on fishing expeditions. Now, of course, when al Qaeda calls, we should be listening. And under FISA we can and we do. But the President wants to turn a vacuum cleaner on the communications of innocent Americans, with no checks and balances, trampling the rights of many in the search for a few. We need to bring some discipline to our electronic surveillance with checks and balances, checks so that we don't make dreadful mistakes.

Our history is replete with mistakes, when we were sure, absolutely certain, that we knew who the enemies were: Martin Luther King, Jr.; Paul Robeson; Brandon Mayfield, an innocent lawyer in Portland; and on and on. The White House-Wilson bill, in the name of modernization, is extending the President's vacuum cleaner.

The President under FISA has the power he needs within the legislative framework that will focus his power on terrorists, not on innocent Americans. Our government is strongest when all three branches of government work together, and we are weak when the President tries to act alone and in se-

cret. This President has been acting alone and in secret, and that is why the fight against terrorists has been going so badly.

This President, any President, needs the supervision of Congress and the courts.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to a gentleman from the committee, Mr. TIAHRT.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, Americans live under the U.S. Constitution. As Members of Congress, we swear an oath to uphold the United States Constitution. It means something to be an American because we believe in our country, we believe in our people, and we believe in our constitution.

In the New Testament, Paul, the Apostle, once was taken captive and held for the crime of spreading the Gospel of Jesus Christ. He responded by saying, "I am a citizen of Rome." And, as a citizen of Rome, he was granted certain privileges because it meant something to be a Roman citizen.

Well, today, we are in the struggle brought on to us by the terrorists of Islam. It is a war that we did not choose. It was a war that was declared against us as Americans, against our people, against our Constitution.

Today, we are now deciding how do we treat those who are choosing to carry out a war against us, non-U.S. citizens who are choosing to take us to task for what we believe and who we are. In this conflict, we have to decide how we are going to try to find these terrorists.

If in a conflict a certain laptop is captured in the fleeing from a conflict, when a member of the al Qaeda leaves and on that laptop we happen to find some information, including phone numbers, should we check those phone numbers to see if they are calling from Pakistan or Afghanistan or Iraq or elsewhere on the globe into the United States? Should we check to see if there is a terrorist plot being formulated against the citizens of the United States? Should we give them the same rights as we have as American citizens?

Well, we have gone over and above the way we treat our prisoners. How do the members of al Qaeda treat us as prisoners? How do they treat our soldiers? They have no prisoners because, when they capture one of our troops, they are executed. They are either beheaded or they get shot in the back of the head.

In our attempts to keep this country safe, we need to remember who it is that we are dealing with. And when they do call in, what type of process should we go through to keep this country safe? It is my belief that this legislation has the checks and balances that protects the Constitution. It has the same safeguards that we all hold dear for the citizens of this country, and yet it gives us the tools necessary to keep this country safe, the same

tools we use to capture people who push drugs on our kids, the same tools we use to keep child pornographers from taking advantage of our children.

□ 2115

The same tools we need to use to keep this country safe by bringing terrorists to justice, because I guarantee you, if they have the opportunity and the means, they will take American lives.

So we must use this tool, as laid out in this legislation, to make sure that we can keep this country safe, to make sure that we can, yes, uphold the Constitution, but use all tools necessary to make sure that we bring these criminals, these terrorists, these people who want to harm us to justice.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from California has 3¾ minutes, and the gentleman from Michigan has 4½ minutes.

Ms. HARMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from California, and I associate myself with the remarks that she made at the beginning of this proceeding here this evening.

Mr. Speaker, the President's warrantless wiretapping program should have been conducted under the Foreign Intelligence Surveillance Act provisions. The threat of terrorism demands careful response.

The government has to have strong powers, including the authority to carry out various forms of electronic surveillance. FISA, as was amended over 20 times, updated, provides those powers. People want to be protected, but they do not want their legislators in an election year to just start handing away their constitutional rights and privileges.

I agree with the assessment of one of the witnesses before our committee: such a complex and proven statute as FISA should be amended only with great caution and only on the basis of a public showing of need.

This administration's concerns about FISA were narrow and they were few and could have been resolved with clarifications. But we proposed bipartisan legislation that would take care of it. This majority chose not to take that legislation up.

Instead, they have proposed this broad and sweeping and over-reaching bill that, regardless of what my colleagues may say on the other side, is a dream of the White House, and Mr. CHENEY and Mr. Bush.

To protect the constitutional rights and to ensure the effective application of government powers, government surveillance should be focused. That focus can best be achieved through a system of checks and balances that are imple-

mented through executive but also legislative and judicial review.

The bill before us effectively eliminates review. The bill before us simply gives the executive carte blanche to intercept communications of United States citizens without making adequate attention to preserving the liberties and civil rights that are embedded in our Constitution.

It is unnecessarily broad and it is harmful for the interests of Americans. In making sure that the government has all of the powers that it needs, we have to have a law that ensures citizens their rights will be adequately protected even as their safety is secure.

Therefore, this bill fails because it does not allow for essential protections. Except in emergencies, there must be prior judicial approval. Congress should be fully informed of all surveillance activity and carefully oversee it.

Any repeal of FISA's exclusivity provision is wrong, Mr. Speaker. It would turn back the clock 30 years. There is a reason FISA was passed into law, and those reasons exist today.

It is clear, after having listened at classified and open hearings, that the President's program of warrantless wire tapping should have proceeded to intercept communications only under the Foreign Intelligence Surveillance Act's, FISA's, provisions. The Threat of Terrorism demands a careful response.

The Government must have strong powers, including the authority to carry out various forms of electronic surveillance. Still, to protect Constitutional rights and to ensure effective application of those powers, government surveillance must be focused. That focus can best be achieved through a system of checks and balances implemented through executive, legislative and judicial review.

I agree with the assessment of one of our witnesses with a Policy and Technology background: Such a complex and proven statute as FISA should be amended only with great caution and only on the basis of a public showing of need.

After all this time since the 12/05 disclosure of the program the Administration has made public only limited, quite narrow arguments that FISA is in need of further amendment:

(1) The Attorney General's explanation of problems involving the timely invocation of FISA emergency exception. In other words, in some cases the process was making it difficult to get a warrant application processed within the 72 hours allowed by the statute after interception commenced . . .

Those problems, evidence shows, are due in part to the paperwork burdens created by the Executive Branch and perpetuated by this Administration.

That problem it is largely self-inflicted and is not due to any delay by the Foreign Intelligence Surveillance Court.

The remedy—direct the President to report to Congress on the need for more resources, Asst. AG's, etc., and make any legislative and procedural changes that are necessary (i.e. if more than 72 hours post-emergency intercept needed for warrant).

The Harman-Conyers bill addresses these matters, though it is not even actually necessary to pass an amendment or a law to meet these goals.

(2) A concern was put forth that a court order is necessary for the interception of foreign-to-foreign communications of non-U.S. persons that happen to pass through the U.S., where they can be more readily accessed by U.S. government agencies.

In other words, some in the agency were interpreting the law to require a warrant even if U.S. persons weren't involved but the communication passed through the U.S. Many experts believe that to be the wrong interpretation. Still,

The remedy—presumably a narrow clarification could be crafted. Clearly, any updating of FISA can be done in a way that is Constitutional and responsive to the Executive branch's needs.

Measures before this body purporting to simply give the Executive carte blanche to intercept communications of U.S. citizens without making adequate attention to preserving the liberties and civil rights imbedded in our Constitution are unnecessarily broad and harmful to the interests of Americans.

In ensuring that the government has all the powers it needs, we must have a law that assures citizens their rights will be adequately protected even as their safety is secured.

Therefore, any amendment or bill must provide that: Except in emergencies—there must be prior judicial approval;

Congress must be fully informed of all surveillance activity and carefully oversee it; Interceptions of contents of communications of U.S. persons must be focused on particular individuals suspected of being terrorists or particular physical or virtual addresses used by terrorists; The threshold should require that there is probable cause to believe the target is a terrorist and that the intercept will yield intelligence; and

FISA must be the exclusive means to carry out intelligence surveillance within the U.S. Any repeal of FISA's exclusivity provision is wrong. It would turn the clock back 30 years and do away with legislative oversight and judicial review. There were valid reasons that FISA was passed. Those reasons still exist.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I appreciate the gentleman yielding to me. It is quite stunning that my colleagues on the other side of the aisle describe this as a broad, sweeping authority, and that under the NSA program, somehow the President can go on fishing expeditions.

The NSA program applies only to international calls and only when those calls involve the telephone number of a known al Qaeda operative. So if it is someone from Hezbollah or some other group, you cannot do it. It has to be al Qaeda.

Well, I will tell you, if a call is going from a known terrorist al Qaeda operative in Iraq or Afghanistan or Pakistan to America, I want to know. I want to know what they are saying. If there is anything London taught us, it is that we need to know. And we need to know to be able to stop actions from happening that threaten and endanger our people.

The second thing is, the persistent, repeated claim on the other side of the

aisle that somehow a FISA court application is a snap of the fingers. Brian Cunningham, former CIA official and Clinton-appointed Federal prosecutor: NSA cannot lawfully under FISA listen to a single syllable until it can prove to the Attorney General, usually in writing, that it can jump through each and every one of FISA's procedural and substantive hoops.

And those procedural and substantive hoops mean that the operative at the National Security Agency has to decide there is an issue, has to put it in writing. The lawyers of NSA have to agree. They have to provide paperwork that goes to the lawyers of the Department of Justice.

I mean, there are lots of steps to this process. And to imagine that this can be done rapidly, it often takes weeks from what I have heard in briefings. It can take longer than that. To believe that this can be done in 72 hours and protect our people is to close your eyes to the reality of the terrible danger that terrorism possess to people in America and throughout the world.

Ms. HARMAN. Mr. Speaker, I yield myself 30 seconds to respond to the prior speaker, and then I will yield the remainder of our time to the minority leader.

Mr. Speaker, I am glad that Mrs. JOHNSON brought up this question of procedural and substantive hoops. This is a claim that she has made before. And I just want to point out to my friend that those procedural and substantive hoops, relating to emergency FISAs, are imposed by the Justice Department and the NSA, not by the law.

No one here wants there to be procedural and substantive hoops involved in getting emergency warrants. All of us want to listen if there is an emergency and get the warrant later.

Mr. Speaker, I yield the balance of our time to the gentlewoman from California (Ms. PELOSI), my predecessor as ranking member on the Intelligence Committee and the leader of the minority.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding. I thank her for her leadership and her clarity on this very important issue. And clarity indeed is needed here.

Mr. Speaker, each of us wants the President to have all of the intelligence necessary to protect our country and to protect the American people. We spend billions of dollars every year to make sure that the most reliable intelligence possible is available in a timely fashion to the President and our military commanders.

We know that intelligence collection can involve highly intrusive methods. That is the reality of intelligence gathering. But when those methods are employed against people within the United States, it is imperative that they comply with the Constitution and they be subjected to regular and thorough congressional and judicial oversight.

For 28 years, the statutory basis for electronic surveillance for intelligence

purposes has been FISA, the Foreign Intelligence Surveillance Act. The reason FISA exists was because in 1975 the Church Committee found numerous instances of warrantless electronic surveillance and physical searches of United States citizens who were not spies, but who advocated unpopular political views.

FISA was a compromise designed to prevent overreaches unrelated to our national security while clarifying when warrantless surveillance could be used for domestic security purposes. The FISA process has worked well for nearly three decades, and that success is due in part to the fact that we have been able to modify it as the needs and technologies change. In fact, FISA has been modified 51 times since 1978.

FISA can be changed. It can be updated. It can be broadened or amended, but it should not be circumvented. And that is what this bill does tonight. It tries to circumvent FISA law and our Constitution.

Last December, President Bush confirmed press reports that he had permitted warrantless surveillance to occur outside the FISA process, and that he had both inherent and statutory authority to do so. FISA is and must remain the exclusive means for authorizing warrantless surveillance of people in the United States for intelligence purposes.

This exclusivity provision is what allows for judicial and congressional oversight and protects all of us from abuse. Unfortunately, the bill now under consideration eliminates that protection. Instead, it accepts the President's argument that there are circumstances in which he needs to be able to order surveillance without using the FISA process and then provides him with the authority to do so.

If this bill passes, rather than being the exclusive means for authorizing surveillance, FISA would be just one option. The result would be less oversight and fewer checks and balances and more abuses of executive power.

I heard our colleagues on the other side say things as ridiculous as this, and they know better. In fact they know what they are saying could not possibly be true. They are saying that if we pick up the phone and we hear a terrorist on the line, Democrats want us to hang up.

You have to really be very kind not to attribute some very sinister motivation to anyone who would say such a thing. Of course, that is not the case. And that is what is so important about the FISA, because it does allow our collectors to listen in on those conversations while they get a FISA, while they can be brought under the law through FISA.

That is the beauty of the motion to recommit that Mr. SCHIFF, Mr. FLAKE, Ms. HARMAN, and others will be putting forth later this evening. It simply says that the vote to go into Afghanistan did not give the President the authority to avoid the law, and undermines the Constitution.

It says that FISA can be updated. It provides funds, more funding for the implementation of FISA. It extends the number of days under which collection may be done without a FISA warrant. It, in fact, modernizes FISA in a way that is appropriate, but maintains the exclusivity which is central, central to the President operating under the law.

The combination of the military commission bill passed yesterday and this bill would be an unprecedented expansion of executive authority into some of the most fundamental liberties enshrined in our Constitution: the right to privacy and the right to due process of law.

These are not merely academic, legal, or technical matters. These are rights. These rights are at the heart of what makes us unique as a Nation, and I believe they will be diminished by the passage of these bills.

The President claims that inherent in his office is all of the authority needed to conduct warrantless electronic surveillance. Rather than enshrine in law powers the President claims he already holds, we should await the conclusion of judicial review of the President's domestic surveillance program.

At that point, we can determine if additional adjustments to FISA are necessary. We do not need to pass this diminishment of privacy in our country tonight.

Of course, that would require something that the administration has thus far been unwilling to allow, congressional hearings on the domestic surveillance program.

Congress needs answers to questions that remain unresolved to the unsatisfactory and sterile briefings provided thus far by the administration. Until that happens, we should be reaffirming the exclusivity of FISA and our commitment to providing whatever additional resources and procedural enhancements might be necessary to facilitate its operation.

That is exactly what the bipartisan Schiff, Flake, Harman, Inglis amendment would do. The Republican leadership should have ensured that the House had a chance to consider the amendment today. That would have been the fair thing to do. Instead, we have had to force the issue through a motion to recommit. That motion is the only, only initiative that stands between us and a vote on a bad bill.

I urge the adoption of that motion in the spirit of protecting the American people, of expanding the time allowed to collect without a FISA warrant, and to do so with exclusivity and under the law to honor our oath of office that we take to uphold the Constitution.

□ 2130

Anyone who says that we want to hang up on Osama bin Laden demeans the debate, cannot possibly be serious and owes the American people better.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we are a Nation at war. All we need to do is take a look at what the leaders of radical Islam are saying. Bin Laden has said that if by the grace of God he would be able to have access to nuclear weapons, he would use them.

All you need to do is take a look at what radical Islam is doing. Just five short weeks ago, they once again had a plan to attack America in a horrific way, multiple planes crashing into the Atlantic Ocean at the same time.

This is a global war. The attack that had its home in the U.K. is directed out of Pakistan. It is targeted at America. There are operatives throughout the Middle East, north Africa, Europe, the Netherlands, Canada, Australia. It is a global and dangerous enemy. It is a decentralized, entrepreneurial organization that is very, very dangerous.

We are on the offense. We are taking the fight to the radical Islamists wherever they may be.

This bill is about making sure that the men and women in our intelligence community have the tools to fight this kind of an enemy. It is time to update FISA. It is time to give the men and women in the intelligence community the tools for them to fulfill the job that we have asked them to do, which is to protect America, to keep us safe.

Vote for this bill. Vote for a modernization.

Mr. MACK. Mr. Speaker, I rise today to express my thoughts and concerns regarding the Electronic Surveillance Modernization Act (H.R. 5825). As a strong conservative, I believe in national security, independent courts that follow the law, strong legislative oversight, and individual responsibility.

While this legislation is an important and effective tool for combating and winning the war on terrorism, I believe it is the duty of this body to err on the side of freedom and the constitutional protections the American people cherish and deserve.

The history of a government with unchecked power is a history of tyrannical governments. Unchecked power caused civilized people to write the Magna Carta, the Declaration of Independence, the United States Constitution, and the Bill of Rights. At its crux, the Constitution ensures the separation of powers and confirms the Founding Fathers' belief that power corrupts, and absolute power corrupts absolutely.

Five years ago, this Nation suffered the deadliest terrorist attack in our Nation's history. This attack was an act of war and Congress came together to provide law enforcement and intelligence officials with sweeping powers to increase intelligence-gathering abilities and information sharing in the name of fighting terrorism. This was a wise and prudent choice. However, due to the legitimate concerns raised about the powers we put into the hands of government and the need to be mindful of the liberty we are sworn to uphold, Congress remained vigilant in maintaining appropriate checks and balances.

Under this Electronic Surveillance Modernization Act, the Terrorist Surveillance Program (TSP) will continue to exist alongside the wiretapping regime established by this Act. You will have two programs—one on the

books and the other not. While I strongly support the War on Terror and our president, this legislation would allow any American president to turn to the TSP if this Act unduly constrains their efforts. This is not checks and balances, but rather, an end-run around the basic principles of the rule of law.

This legislation allows any president virtually unlimited power to intercept the communications of every American on his word alone. For example, the bill eliminates FISA's warrant requirement for electronic surveillance whenever the president certifies that the United States has been the subject of a terrorist attack and identifies the terrorist organizations or their affiliates believed to be responsible. But, as we all know, for the indefinite future, the United States will be targeted by terrorists and the enemies of freedom. Further, the bill allows for the surveillance and physical searches of any American homes or businesses for 90 days if there is an "armed attack", a term undefined in the bill, against the United States territory.

Some have characterized the TSP as an irresponsible reaction. While I support intercepting terrorists' communications, Congress must ensure that checks and balances are included and proper oversight is maintained. But this legislation will prevent Congress from exercising that critical oversight.

History tells us that in times of war or conflict, government is all too willing to ask its citizens to sacrifice liberty in the name of security. America witnessed it during World War II with the immoral internment of Japanese Americans. But our children and grandchildren deserve a future that cherishes both their security and their liberty, not one at the expense of the other. It is our duty to protect that balance and I can only hope that when this legislation emerges from conference and is enacted into law that we will have fulfilled that responsibility.

President Reagan once said, "Freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation. . . ."

Mr. Speaker, the War on Terror must be fought and it will be won. But, as we prosecute this war, we must understand that it is our generation's time and responsibility to defend freedom. While our brave young men and women in the military are fighting for liberty around the globe, this Congress must honor their sacrifice and the cornerstone of the United States by defending freedom here at home.

Mr. BLUMENAUER. Mr. Speaker, the Electronic Surveillance Modernization Act, H.R. 5825, seeks to expand the administration's power by giving the President greater flexibility over a program that he has already abused. If our experience with this administration proves anything, it is that reducing congressional oversight would be a mistake.

Less than a year ago the American public learned how the president had blatantly disregarded the Foreign Intelligence Surveillance Act (FISA) by authorizing a warrantless eavesdropping program on American citizens. After this program was uncovered, we discovered that the administration had authorized the National Security Agency to build a massive phone records database. Now the President asks that we pass legislation to legitimize illegal activities that have already occurred and

the current Republican leadership is all too willing to comply.

This legislation does not solve any problems or make our country more secure, it simply grants the administration the authority to implement more programs that violate the civil rights and liberties of American citizens.

We must hold this administration accountable for its actions and not retroactively approve an illegal program. Surveillance activities must be done consistent with our Constitution and our laws, and should protect both the American people and our freedoms.

Mr. ETHERIDGE. Mr. Speaker, as a member of the Committee on Homeland Security, I rise in opposition to H.R. 5825, the Electronic Surveillance Modernization Act. I strongly support aggressive action to protect America from the threat of terrorism. We must do whatever it takes to defeat our terrorist enemies and defend our core principles. But this bill is unnecessary and goes too far and empowers unaccountable bureaucrats to violate the rights of law-abiding Americans.

Since the terrorist attacks on our nation on September 11, 2001, I have consistently supported the modernization of the Foreign Intelligence Surveillance Act (FISA) through my votes in favor of the USA PATRIOT Act and its reauthorization (P.L. 107-56, P.L. 109-177), the Intelligence Authorization Act for Fiscal Year 2002 (P.L. 107-108), the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273), and the Department of Homeland Security Act (P.S. 107-296).

FISA is a modern, flexible statute that is a vital tool for the FBI, CIA and the NSA in their investigations of terrorism and espionage. This law provides intelligence and law enforcement officials the authority to monitor the communications of those who would do us harm while protecting the privacy and civil liberties of U.S. persons as guaranteed by the Constitution.

H.R. 5825 is an ill-conceived, election-year ploy that would expand executive wiretap authority to unprecedented levels and expose the daily, innocent communications of American citizens to review by faceless bureaucrats.

Mr. Speaker, we must provide our law enforcement officials with the tools and resources they need to plug gaps in our homeland security and to penetrate global terror cells, but the House Republican leadership attempts to weaken the U.S. Constitution by lowering the standard of the Fourth Amendment to score political points. I support the bipartisan Harman-Flake alternative that represents a balanced approach to defeat the terrorists while safeguarding our rights.

Mr. SMITH of Texas. Mr. Speaker, I support this legislation.

Those who oppose the Terrorist Surveillance Program say that it violates civil rights, that it sends the wrong message to U.S. citizens and foreign nations, and that it should be stopped.

To the contrary, the Terrorist Surveillance Program protects Americans' lives and sends terrorists the message that we will use every legal means possible to defend ourselves. It should be continued, not eliminated.

Before 9/11, information sharing between law enforcement and intelligence officials was almost non-existent.

The hands of our criminal investigators and intelligence investigators were tied and they

were unable to alert each other to terrorist threats.

After 9/11, that was changed.

Now some want to halt government programs that help intelligence officials figure out who wants to harm us.

We cannot afford to return to a pre-9/11 status. We cannot dismiss the possibility of a terrorist attack. We cannot throw away the tools we need to protect us.

And the Terrorist Surveillance Program is one of those tools.

The "Electronic Surveillance Modernization Act" allows the President to continue the Terrorist Surveillance Program.

Let's keep our guard up and our defenses strong, and support this legislation.

Mr. CANNON. Mr. Speaker, the debate before us centers on what the legitimate roles of Congress and the Executive Branch are in terms of foreign policy and intelligence gathering matters.

It is an issue that strikes at the heart of the Constitution.

I The Constitution leaves little doubt that the President is expected to have the primary role of conducting foreign policy, but Congress has a role and the debate today indulges us in defining that role.

The language that I offered at the Judiciary Committee and is included in the Substitute Amendment does not delve into the Constitutional relationship between the Congress and the Executive.

The language deals with an issue of fairness.

It deals with the issue of whether individuals or companies that comply with government orders are liable to third parties for following these orders.

The purpose of this language is to eliminate the 60 plus lawsuits that have been filed because companies complied with government orders.

Absent an effective immunity provision that allows a company to avoid these legal quagmires, an individual or company will be reluctant to cooperate with any authorized government surveillance program and that will severely undercut this country's terror-fighting capabilities and the safety of our constituents.

Should these claims proceed to judgment, the financial liabilities could add up to hundreds of billions of dollars—enough to destroy any industry.

Although I do not believe the suits will succeed the defense costs alone will be considerable.

But what is worse is the chilling effect on compliance for future requests.

We can argue what the law *is* but we all agree that we should encourage compliance with our laws.

The language in the Substitute amendment will separate questionable litigation from a national security imperative and focus our attention where it should be, which is what is Constitutionally allowed.

If the overall program is illegal or unconstitutional that is for us and the Courts to decide.

Judges, who are sought out in a forum shopping frenzy, should not issue decisions that could undermine our protection from a future terrorist attack and reveal classified sources or methods.

If you oppose the program administered by this Administration; if you don't believe in the Constitutional theories regarding the Execu-

tive's authority—that is an issue for discussion; that is our right as Members of Congress to debate.

But it is irrelevant to Section 10 which will merely provide liability protections for compliance with a certification from the Attorney General.

I urge support of this legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 5825, the Electronic Surveillance Modernization Act.

The bill before us today allows this Administration to continue its program of unwarranted surveillance of Americans, in direct violation of the rights guaranteed to us by the Constitution and by statute. Mr. Speaker, proponents of this legislation claim that there is no violation or question about the program's legality. If that is, in fact, the case, then why are we considering legislation with the sole purpose of legalizing the President's, and the NSA's, actions?

Last December, we learned that President Bush authorized the National Security Agency to spy domestically, without obtaining any warrants. Since that time, we have learned very little about the program, largely due to the Administration's unwillingness to properly inform Congress about the program's components, scope, or its budget. The little we do know, however, is that through this program, hundreds, and possibly thousands, of Americans have had their telephone conversations and emails monitored without any judicial supervision. The Majority has failed in its oversight responsibilities. Nevertheless, we are preparing to pass legislation that legitimizes this little understood, but still extremely troubling program.

H.R. 5825 allows the President to authorize warrantless surveillance of communications of ordinary Americans without first obtaining approval from the FISA court. They say they need this because our laws are out of date. This is false and untrue.

Current law (FISA) allows the President to act in emergencies and when there is a declaration of war by Congress. The proponents have not come forward with evidence that the current law is not working or failing to protect us.

Congress must use the checks and balances placed in our Constitution to curb the Administration's actions. Congress needs to assert its oversight responsibility and fully evaluate this NSA program. And the Administration needs to stop its attempts to extend its power and authority, at every available opportunity, by circumventing our nation's laws. Despite what this Administration would have us believe, securing our nation from all enemies both foreign and domestic can be achieved without violations of our civil liberties and right to privacy. I urge my colleagues to vote no on this misguided and ill-advised legislation.

Mr. STARK. Mr. Speaker, I rise against the Electronic Surveillance Modernization Act (H.R. 5825) because I swore to uphold the Constitution and I will not vote to provide exceptions to it. The Fourth Amendment to the Constitution reads: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." In other words, you have to get a

warrant any time you spy on an American. That is the entire text of the Amendment. It doesn't say "unless President Bush thinks the person is a terrorist," "except in cases where it's inconvenient to file the paperwork," or even "with limitations as defined by Congress."

Realizing the urgent nature of some national security investigations, federal law permits wiretaps without warrants in emergencies as long as court approval is obtained within three days. If the surveillance involves only communications of agents of foreign powers, the government can conduct warrantless surveillance for up to a year. These warrants are not difficult to obtain. Since 1978, when the law was enacted, the Foreign Intelligence Surveillance Act Court has approved more than 18,000 national security warrants. Only five have been turned down. But current law isn't good enough for the President. He wants to do what he wants, when he wants, without telling anyone.

This President violated the Constitution. Rather than hold him accountable, we are going to approve of his despotic behavior. Under this legislation, the President can conduct warrantless surveillance of Americans any time he declares there is an "imminent threat" likely to cause death or widespread harm. Good luck finding a time when this President, or any President for that matter, doesn't claim there's an imminent threat.

Mr. Speaker, in this Congress alone, you have attempted to close the halls of justice to detainees, gun victims, religious minorities, fast food consumers, asylum-seekers, injured patients, and now, anyone spied on by their own government. We've gone from a nation of laws to a nation of exceptions. Unless my colleagues want a nation of, by, and for the Protestant, thin, suspicionless white male, I urge them to join me in voting no.

Mr. PAUL. Mr. Speaker, Congress is once again rushing to abandon its constitutional duty to protect the constitutional balance between the executive, legislative, and judicial branches of government by expanding the executive's authority to conduct warrantless wiretaps without approval from either a regular federal court or the Foreign Intelligence Surveillance Act (FISA) court. Congress's refusal to provide any effective checks on the warrantless wiretapping program is a blatant violation of the Fourth Amendment and is not necessary to protect the safety of the American people. In fact, this broad grant of power to conduct unchecked surveillance may undermine the government's ability to identify threats to American security.

Instead of creating standards for warrantless wiretapping, H.R. 5825 leaves it to the President to determine when "imminent" threat requiring warrantless wiretapping exists. The legislation does not even define what constitutes an imminent threat; it requires the executive branch to determine when a threat is "imminent." By passing this bill, Congress is thus abdicating its constitutional role while making it impossible for the judiciary to perform its constitutional function.

According to former Congressman Bob Barr, thanks to Congress' failure to establish clear standards for wiretapping, under H.R. 5825 ". . . simply making an international call or sending an e-mail to another country, even to a relative (or a constituent) who is an American citizen, will be fair game for the government to

listen in on or read. Moreover, this legislation allows the government to conduct secret, warrantless searches of American citizens' homes in a broad range of circumstances that are essentially undefined in the legislation."

Mr. Speaker, I do not deny that there may be certain circumstances justifying warrantless wiretapping. However, my colleagues should consider that current law allows for warrantless wiretapping in emergency situations as long as a "retroactive" warrant is sought within 72 hours of commencing the surveillance or the warrantless surveillance commences within 15 days after Congress declares war. If there are legitimate reasons why the current authorization for warrantless wiretapping is inadequate, then perhaps Congress should extend the time allowed to wiretap before applying to the FISA court for a "retroactive" warrant. This step could enhance security without posing the dangers to liberty and republican government contained in H.R. 5825.

The requirement that, except in extraordinary circumstances, a warrant be obtained from the FISA court does not obstruct legitimate surveillance efforts. It is my understanding that FISA judges act very quickly to consider applications for search warrants, even if the applications are faxed to their houses at three in the morning. Applications for FISA warrants are rarely rejected. In 2005, the administration applied for 2,074 warrants from the FISA court. Of those 2 where voluntarily withdrawn and 63 where approved with modifications; the rest were approved. The FISA court only rejected four applications for warrants in the past four years; and one of those rejected warrants was subsequently partially approved.

Warrantless wiretapping may hinder the ability to identify true threats to safety. This is because experience has shown that, when Congress makes it easier for the federal government to monitor the activities of Americans, there is a tendency to collect so much information that it becomes impossible to weed out the true threats. My colleagues should consider how the over-filing of "suspicious transaction reports" regarding financial transactions hampers effective anti-terrorism efforts. According to investigative journalist James Bovard, writing in the *Baltimore Sun* on June 28, "[a] U.N. report on terrorist financing released in May 2002 noted that a 'suspicious transaction report' had been filed with the U.S. government over a \$69,985 wire transfer that Mohamed Atta, leader of the hijackers, received from the United Arab Emirates. The report noted that 'this particular transaction was not noticed quickly enough because the report was just one of a very large number and was not distinguishable from those related to other financial crimes.'" Congress should be skeptical, to say the least, regarding the assertion that allowing federal bureaucrats to accumulate even more data without having to demonstrate a link between the data sought and national security will make the American people safer.

In conclusion Mr. Speaker, because H.R. 5825 sacrifices liberty for the illusion of security, I must oppose this bill. I urge my colleagues to do the same.

Ms. WOOLSEY. Mr. Speaker, I rise tonight in great sadness. It's the run-up to the fall elections, and what has the Republican Majority pushed through the Congress?

Torture, a subversion of the Geneva Conventions, and domestic spying. The Administration claims to be spreading democracy throughout the world. How about some democracy and freedom here at home?

Shame on this Congress for trampling civil rights at home and abroad. We are supposed to stand up for freedom and liberty and the rights of the most vulnerable. Instead we are spying on Americans?

Mr. Speaker, this is not the country our Founding Fathers dreamt of. And it certainly is not the country I want to hand down to my grandchildren.

This bill is not making us safer—it is making us less free.

I urge my colleagues to stand up for freedom. I urge my colleagues to vote no!

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

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

Pursuant to House Resolution 1052, the bill is considered read and the previous question is ordered.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. SCHIFF. Yes, in its current form.

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

The Clerk read as follows:

Mr. Schiff of California moves to recommit the bill H.R. 5825 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "NSA Oversight Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) On September 11, 2001, acts of treacherous violence were committed against the United States and its citizens.

(2) Such acts render it both necessary and appropriate that the United States exercise its right to self-defense by protecting United States citizens both at home and abroad.

(3) The Federal Government has a duty to pursue al Qaeda and other enemies of the United States with all available tools, including the use of electronic surveillance, to thwart future attacks on the United States and to destroy the enemy.

(4) The President of the United States possesses the inherent authority to engage in electronic surveillance of the enemy outside of the United States consistent with his authority as Commander-in-Chief under Article II of the Constitution.

(5) Congress possesses the authority to regulate electronic surveillance within the United States.

(6) The Fourth Amendment to the Constitution guarantees to the American people the right "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures" and provides that courts shall issue "warrants" to authorize searches and seizures, based upon probable cause.

(7) The Supreme Court has consistently held for nearly 40 years that the monitoring and recording of private conversations constitutes a "search and seizure" within the meaning of the Fourth Amendment.

(8) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) was enacted to provide the legal authority for the Federal Government to engage in searches of Americans in connection with intelligence gathering and counterintelligence.

(9) The Foreign Intelligence Surveillance Act of 1978 was enacted with the express purpose of being the exclusive means by which the Federal Government conducts electronic surveillance for the purpose of gathering foreign intelligence information.

(10) Warrantless electronic surveillance of Americans inside the United States conducted without congressional authorization may have a serious impact on the civil liberties of citizens of the United States.

(11) United States citizens, such as journalists, academics, and researchers studying global terrorism, who have made international phone calls subsequent to the terrorist attacks of September 11, 2001, and are law-abiding citizens, may have the reasonable fear of being the subject of such surveillance.

(12) Since the nature and criteria of the National Security Agency (NSA) program is highly classified and unknown to the public, many other Americans who make frequent international calls, such as Americans engaged in international business, Americans with family overseas, and others, have a legitimate concern they may be the inadvertent targets of eavesdropping.

(13) The President has sought and signed legislation including the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56), and the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458), that have expanded authorities under the Foreign Intelligence Surveillance Act of 1978.

(14) It may be necessary and desirable to amend the Foreign Intelligence Surveillance Act of 1978 to address new challenges in the Global War on Terrorism. The President should submit a request for legislation to Congress to amend the Foreign Intelligence Surveillance Act of 1978 if the President desires that the electronic surveillance authority provided by such Act be further modified.

(15) The Authorization for Use of Military Force (Public Law 107-40), passed by Congress on September 14, 2001, authorized military action against those responsible for the attacks on September 11, 2001, but did not contain legal authorization nor approve of domestic electronic surveillance for the purpose of gathering foreign intelligence information except as provided by the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

**SEC. 3. REITERATION THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS THE EXCLUSIVE MEANS BY WHICH DOMESTIC ELECTRONIC SURVEILLANCE MAY BE CONDUCTED TO GATHER FOREIGN INTELLIGENCE INFORMATION.**

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance for the purpose of gathering foreign intelligence information may be conducted.

(b) FUTURE CONGRESSIONAL ACTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance for the purpose of gathering foreign intelligence information, other than as an

amendment the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

**SEC. 4. DISCLOSURE REQUIREMENTS.**

(a) **REPORT.**—As soon as practicable after the date of the enactment of this Act, but not later than 14 days after such date, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report—

(1) on the Terrorist Surveillance Program of the National Security Agency;

(2) on any program which involves the electronic surveillance of United States persons in the United States for foreign intelligence purposes, and which is conducted by any department, agency, or other element of the Federal Government, or by any entity at the direction of a department, agency, or other element of the Federal Government, without fully complying with the procedures set forth in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(3) including a description of each United States person who has been the subject of such electronic surveillance not authorized to be conducted under the Foreign Intelligence Surveillance Act of 1978 and the basis for the selection of each person for such electronic surveillance.

(b) **FORM.**—The report submitted under subsection (a) may be submitted in classified form.

(c) **ACCESS.**—The Chair of the Permanent Select Committee on Intelligence of the House of Representatives and the Chair of the Select Committee on Intelligence of the Senate shall provide each member of the Committees on the Judiciary of the House of Representatives and the Senate, respectively, access to the report submitted under subsection (a). Such access shall be provided in accordance with security procedures required for the review of classified information.

**SEC. 5. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.**

(a) **AUTHORITY FOR ADDITIONAL JUDGES.**—The first sentence of section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by striking “judicial circuits” and inserting “judicial circuits, and any additional district court judges that the Chief Justice considers necessary for the prompt and timely consideration of applications under section 104.”;

(b) **CONSIDERATION OF EMERGENCY APPLICATIONS.**—Section 105(f) of such Act (50 U.S.C. 1805(f)) is amended by adding at the end the following new sentence: “The judge receiving an application under this subsection shall review such application within 24 hours of the application being submitted.”

**SEC. 6. STREAMLINING FISA APPLICATION PROCESS.**

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

(1) in subsection (a)—

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

(B) in paragraph (7)—

(i) in subparagraph (C), by striking “techniques;” and inserting “techniques; and”;

(ii) by striking subparagraph (D); and

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

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

(2) in subsection (e)(1)(A), by striking “or the Director of National Intelligence” and inserting “the Director of National Intelligence, or the Director of the Central Intelligence Agency”.

(a) **CONFORMING AMENDMENT.**—Section 105(a)(5) of such Act (50 U.S.C. 1805(a)(5)) is amended by striking “104(a)(7)(E)” and inserting “104(a)(7)(D)”.

**SEC. 7. INTERNATIONAL MOVEMENT OF TARGETS.**

Section 105(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)), as redesignated by section 7(4), is amended by adding at the end the following new paragraph:

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

**SEC. 8. EXTENSION OF PERIOD FOR APPLICATIONS FOR ORDERS FOR EMERGENCY ELECTRONIC SURVEILLANCE.**

Section 105(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)) is further amended by striking “72 hours” each place it appears and inserting “168 hours”.

**SEC. 9. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME.**

Section 111 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811) is amended by striking “the Congress” and inserting “the Congress or an authorization for the use of military force described in section 2(c)(2) of the War Powers Resolution (50 U.S.C. 1541(c)(2)) if such authorization contains a specific authorization for electronic surveillance under this section.”.

**SEC. 10. ACQUISITION OF COMMUNICATIONS BETWEEN PARTIES NOT IN THE UNITED STATES.**

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

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

“ACQUISITION OF COMMUNICATIONS BETWEEN PARTIES NOT IN THE UNITED STATES

“SEC. 112. (a) **IN GENERAL.**—Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not located within the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

“(b) **TREATMENT OF INTERCEPTED COMMUNICATIONS INVOLVING A DOMESTIC PARTY.**—If an acquisition described in subsection (a) inadvertently collects a communication in which at least one party to the communication is within the United States—

“(1) in the case of a communication acquired inside the United States, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 168 hours unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person; and

“(2) in the case of a communication acquired outside the United States, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General.”;

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

“112. Acquisition of communications between parties not in the United States.”.

**SEC. 11. ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.**

(a) **OFFICE OF INTELLIGENCE POLICY AND REVIEW.**—

(1) **IN GENERAL.**—The Attorney General may hire and assign personnel to the Office of Intelligence Policy and Review as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders approving electronic surveillance for foreign intelligence purposes under section 105 of such Act (50 U.S.C. 1805).

(2) **ASSIGNMENT.**—The Attorney General shall assign personnel hired and assigned pursuant to paragraph (1) to and among appropriate offices of the National Security Agency in order that such personnel may directly assist personnel of the National Security Agency in preparing applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804).

(b) **NATIONAL SECURITY BRANCH OF THE FBI.**—

(1) **IN GENERAL.**—The Director of the Federal Bureau of Investigation may hire and assign personnel to the National Security Branch as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders approving electronic surveillance for foreign intelligence purposes under section 105 of such Act (50 U.S.C. 1805).

(2) **ASSIGNMENT.**—The Director of the Federal Bureau of Investigation shall assign personnel hired and assigned pursuant to paragraph (1) to and among the field offices of the Federal Bureau of Investigation in order that such personnel may directly assist personnel of the Federal Bureau of Investigation in such field offices in preparing applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804).

(c) **NATIONAL SECURITY AGENCY.**—The Director of the National Security Agency may hire and assign personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders approving electronic surveillance for foreign intelligence purposes under section 105 of such Act (50 U.S.C. 1805).

(d) **FOREIGN INTELLIGENCE SURVEILLANCE COURT.**—The presiding judge designated under section 103(b) of such Act may hire and assign personnel as may be necessary to carry out the prompt and timely consideration of applications under section 104 of such Act (50 U.S.C. 1804) for orders approving electronic surveillance for foreign intelligence purposes under section 105 of that Act (50 U.S.C. 1805).

**SEC. 12. DEFINITIONS.**

In this Act:

(1) The term “electronic surveillance” has the meaning given the term in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

(2) The term “foreign intelligence information” has the meaning given the term in section 101(e) of such Act (50 U.S.C. 1801(e)).

Mr. SCHIFF (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in support of his motion to recommit.

Mr. SCHIFF. Mr. Speaker, it is a regrettable fact that at the beginning of the 21st century there are a great many people in the world whose primary motive in life is to seek to harm or kill Americans. Our country faces a real threat, and it must be addressed.

As we fight this threat, Americans need to know two things. First, that we will use every tool we have necessary to stop the people that would hurt this country, that we will do everything possible to find them, to capture them, to kill them, if necessary. We will surveil them, we will listen to their calls and their e-mails, and we will do everything in our power to protect this country.

Second, Americans need to know that if you are a law-abiding citizen and you are not a terrorist or supporting terrorists that we will respect your privacy. We will not listen to your calls when we do not have a business to, and we will not read your e-mails when we have no business to.

Under the Schiff-Flake motion to recommit, we modernize FISA. We give the government the time, the flexibility it needs. We fix the problem of foreigners talking to foreigners in calls that go through the United States. In short, we do everything that the NSA and the Justice Department has asked us to do.

The base bill, by contrast, excludes whole categories of surveillance, including the surveillance of Americans on American soil from court review. The base bill can be summarized as follows: Trust us. We are from the government. We may listen to you, but trust us. We know what we are doing.

But our Constitution was drafted on a very different premise, a premise that said we operate from a system of checks and balances, that no one branch of government should be trusted implicitly, without review and oversight by another.

Today, we have a choice between two alternatives, both of which modernize FISA, one which gives a blank check sought by the administration, the other that protects Americans on American soil.

One of the leaders in this debate that I have been privileged to work with is my colleague from the great State of Arizona, and I yield to the gentleman from Arizona (Mr. FLAKE).

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

Mr. Speaker, I am not comfortable in this position, standing up to argue in favor of a Democrat motion to recommit. Just a year ago, I stood at that very podium and argued on behalf of the majority in favor of reauthorization of the PATRIOT Act and against the Democrat motion to recommit that was favored by many of my colleagues.

But during that process, we had more than a dozen hearings, a long markup, a spirited debate on the floor under a

rule that allowed for a series of amendments, including four of my own. We did not have that process this time.

This was a closed rule that did not allow for a vote, a clean vote, on a bipartisan substitute except as a Democrat motion to recommit. I wish that this were not the case because, as I said, I try not to make a habit of voting for Democrat motions to recommit.

But for those of us who believe we should exercise our congressional prerogative to regulate the President's authority to conduct surveillance, this is our only option. For those of us who believe that FISA should be the exclusive vehicle for conducting surveillance related to foreign intelligence, this is our only option. And for those of us who believe that we should give the administration all the tools they need to conduct surveillance but retain the ability to regulate and provide oversight for such surveillance, this is our only option.

If the underlying bill is enacted into law, we will have two surveillance programs, one under FISA and on the books, and one outside of FISA and off the books. If we do this, we will not give due deference to our congressional responsibility.

Make no mistake, if we vote for the underlying bill and against the motion to recommit, we will walk out of these doors a lot less relevant than when we walked in this morning.

With that, Mr. Speaker, I urge a vote for the Democrat motion to recommit and against the underlying bill.

Mr. SCHIFF. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding.

You know, we want to listen to the terrorists. We want to know who they are talking to. If they are talking foreign to foreign, we clearly have the right to listen in. If they are talking foreign to domestic, we want to listen, but we want a judge to review that.

The idea is to have in this separation of powers between the judicial and the executive branch the oversight that the Framers had in mind for our constitutional system.

At the end of this war on terror, it is really about whether we have preserved the constitutional system that is going to win the hearts and minds of the world to our point of view. It is crucial that we do that here tonight by voting to see that we have judicial oversight. I thank the gentleman for yielding.

Mr. HOEKSTRA. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. HOEKSTRA. Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON), the chairwoman of the Tactical and Technical Subcommittee.

Mrs. WILSON of New Mexico. Mr. Speaker, there are two technical reasons to oppose this motion to recom-

mit, and I do not think that the authors of the motion to recommit were entirely aware of what they would do, but I think the House needs to understand it.

First, in the motion to recommit, there is no change to the definition of electronic surveillance. That means it is not technology neutral, and we would continue to have the odd situation when al Qaeda calls in to the United States over a radio we could intercept that communication completely outside of FISA, but if they call in on a wire, we still could not listen. This is why we need to update the Electronic Surveillance Act, as the base bill does.

And, secondly, the exclusivity provision written into the motion to recommit says that the only way to collect foreign intelligence in the United States is through FISA. That is not current law. Under current law, under title XVIII, foreign intelligence information collected through criminal proceedings can be shared with the intelligence community.

What this motion to recommit effectively does is rebuild the walls we have torn down between law enforcement and foreign intelligence.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentlewoman for her comments.

The arguments this evening on the other side have been along the lines of FISA does work. The President acted alone and in secret. FISA is the only tool that is necessary.

But we know that that is not true. It does not work. The President did not act in secret, and FISA's insufficient.

It is September 11, 2001, shortly after the attacks. The President calls in his National Security Advisor, calls in folks from the intelligence community, and says, how do we get a better handle on who is attacking us? What other tools do we need to put in place to make sure that we can fight and win this war on terrorism?

They developed their ideas. They identified the strategies and the new tactics that they need to fight this war against terrorism effectively.

October 25, 2001, the President convenes and meets with congressional leaders and outlines this program to them and with them, or the executive branch does, and the group in there recognizes that against this enemy FISA does not work and that collaboratively, working with the executive branch and Congress, we need to implement new tools to keep America safe.

The terrorist surveillance program that has been used for the last 4 years is not only the President's terrorist surveillance program, it is the terrorist surveillance program of the President, Minority Leader PELOSI, Ranking Member HARMAN, former Majority Leader Daschle, all who had the opportunity regularly to review this program, to see how it worked, why it needed to be done in the way that it was being done, and the benefits that

America was receiving from the program and the impact it was having in keeping America safe and enabling us to move forward.

It is because these individuals, working with the President, recognize that FISA was insufficient that they agreed to move forward with the terrorist surveillance program for almost 4 years, until this very valuable tool was leaked by the New York Times. We are a country that is less safe because of that. It is why we are now having this debate, because now al Qaeda and radical Islamists know more about our tools and fighting them than what they did before.

It is time to update this law, to pass this bill to make sure that we can continue providing our intelligence community with tools they need.

Build on the work of the President, of Minority Leader PELOSI, Ranking Member HARMAN, Majority Leader Daschle, all who agreed that FISA did not work and that the President and the executive branch needed the authorities and the capabilities that are now outlined in its many ways and are brought under more congressional oversight under the Wilson bill, and allow for more congressional oversight in a defined way through the Wilson bill.

This is the way we need to go, the direction we need to take because we are a Nation at war, under threat, and this is the appropriate updating of an old law that the White House but also congressional leaders in a bipartisan way agreed did not work.

Vote against the motion to recommit. Vote for final passage.

□ 2145

The SPEAKER pro tempore. All time has expired.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5825, if ordered; and the motion to suspend the rules on H.R. 6143.

The vote was taken by electronic device, and there were—yeas 202, nays 221, not voting 9, as follows:

[Roll No. 501]

YEAS—202

Abercrombie	Bean	Blumenauer
Ackerman	Becerra	Boren
Allen	Berkley	Boswell
Andrews	Berman	Boucher
Baca	Berry	Boyd
Baird	Bishop (GA)	Brady (PA)
Baldwin	Bishop (NY)	Brown (OH)

Brown, Corrine	Inglis (SC)
Butterfield	Israel
Capps	Jackson (IL)
Capuano	Jackson-Lee (TX)
Cardin	Jefferson
Cardoza	Johnson (IL)
Carmanhan	Johnson, E. B.
Carson	Jones (NC)
Case	Jones (OH)
Chandler	Kanjorski
Clay	Kaptur
Cleaver	Kennedy (RI)
Clyburn	Kildee
Conyers	Kilpatrick (MI)
Cooper	Kind
Costa	Kolbe
Costello	Kucinich
Cramer	Langevin
Crowley	Lantos
Cuellar	Larsen (WA)
Cummings	Larson (CT)
Davis (AL)	Lee
Davis (CA)	Levin
Davis (FL)	Lipinski
Davis (IL)	Lofgren, Zoe
Davis (TN)	Lowe
DeFazio	Lynch
DeGette	Mack
Delahunt	Maloney
DeLauro	Markey
Dicks	Matheson
Dingell	Matsui
Doggett	McCarthy
Doyle	McCollum (MN)
Duncan	McDermott
Emanuel	McGovern
Engel	McIntyre
Eshoo	McKinney
Etheridge	McNulty
Farr	Meek (FL)
Fattah	Meeks (NY)
Filner	Michaud
Flake	Millender-McDonald
Ford	Miller (NC)
Frank (MA)	Miller, George
Gonzalez	Mollohan
Gordon	Moore (KS)
Green, Al	Moore (WI)
Green, Gene	Moran (VA)
Grijalva	Murtha
Gutierrez	Nadler
Harman	Napolitano
Hastings (FL)	Neal (MA)
Herseth	Oberstar
Higgins	Obey
Hinchev	Olver
Hinojosa	Ortiz
Holden	Otter
Holt	Owens
Honda	Pallone
Hooley	
Hoyer	

NAYS—221

Aderholt	Cannon
Akin	Cantor
Alexander	Capito
Bachus	Carter
Baker	Chocola
Barrett (SC)	Coble
Barrow	Cole (OK)
Bartlett (MD)	Conaway
Barton (TX)	Crenshaw
Bass	Cubin
Beauprez	Culberson
Biggart	Davis (KY)
Bilbray	Davis, Jo Ann
Bilirakis	Davis, Tom
Bishop (UT)	Deal (GA)
Blackburn	Dent
Blunt	Diaz-Balart, L.
Boehlert	Diaz-Balart, M.
Boehner	Doolittle
Bonilla	Drake
Bonner	Dreier
Bono	Edwards
Boozman	Ehlers
Boustany	Emerson
Bradley (NH)	English (PA)
Brady (TX)	Everett
Brown (SC)	Feeney
Brown-Waite,	Ferguson
Ginny	Fitzpatrick (PA)
Burgess	Foley
Burton (IN)	Forbes
Buyer	Fortenberry
Calvert	Fossella
Camp (MI)	Foxx
Campbell (CA)	Franks (AZ)

Pascrell	Johnson, Sam
Pastor	Keller
Paul	Kelly
Payne	Kennedy (MN)
Pelosi	King (IA)
Peterson (MN)	King (NY)
Poe	Kingston
Pomeroy	Kirk
Price (NC)	Kline
Rahall	Knollenberg
Rangel	Kuhl (NY)
Reyes	LaHood
Ross	Latham
Rothman	LaTourette
Roybal-Allard	Leach
Ruppersberger	Lewis (CA)
Rush	Lewis (KY)
Ryan (OH)	Linder
Sabo	LoBiondo
Salazar	Lucas
Sánchez, Linda T.	Lungren, Daniel E.
Sanchez, Loretta	Manzullo
Sanders	Marchant
Schakowsky	Marshall
Schiff	McCaul (TX)
Schwartz (PA)	McCotter
Scott (GA)	McCrery
Scott (VA)	McHenry
Serrano	McHugh
Sherman	McKeon
Skelton	McMorris
Slaughter	Rodgers
Smith (WA)	Melancon
Snyder	Mica
Solis	Miller (FL)
Spratt	Miller (MI)
Stark	Miller, Gary
Tanner	Moran (KS)
Tauscher	Murphy
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	

Castle	Inslee
Chabot	Lewis (GA)
Evans	Meehan

NOT VOTING—9

Ney
Strickland
Stupak

□ 2210

Mrs. KELLY and Ms. HART and Messrs. SHUSTER, BILBRAY, BURGESS, GOODE, LEACH and SHAYS changed their vote from “yea” to “nay.”

Mr. DOGGETT changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

Mr. HOEKSTRA. 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 232, nays 191, not voting 9, as follows:

[Roll No. 502]

YEAS—232

Aderholt	Blunt	Calvert
Akin	Boehlert	Camp (MI)
Alexander	Boehner	Campbell (CA)
Bachus	Bonilla	Cannon
Baker	Bonner	Cantor
Barrett (SC)	Bono	Capito
Barrow	Boozman	Carter
Bartlett (MD)	Boren	Chocola
Barton (TX)	Boswell	Coble
Bass	Boustany	Cole (OK)
Bean	Bradley (NH)	Conaway
Beauprez	Brady (TX)	Cramer
Berry	Brown (SC)	Crenshaw
Biggart	Brown-Waite,	Cubin
Bilbray	Ginny	Cuellar
Bilirakis	Burgess	Culberson
Bishop (UT)	Burton (IN)	Davis (KY)
Blackburn	Buyer	Davis (TN)

Davis, Jo Ann	Keller	Putnam	McDermott	Pastor	Skelton	Bishop (UT)	Gordon	Murphy
Davis, Tom	Kelly	Radanovich	McGovern	Paul	Slaughter	Blackburn	Granger	Murtha
Deal (GA)	Kennedy (MN)	Ramstad	McIntyre	Payne	Smith (WA)	Blumenauer	Graves	Musgrave
Dent	King (IA)	Regula	McKinney	Pelosi	Snyder	Blunt	Green (WI)	Myrick
Diaz-Balart, L.	King (NY)	Rehberg	McNulty	Pomeroy	Solis	Boehkert	Green, Al	Neal (MA)
Diaz-Balart, M.	Kingston	Reichert	Meek (FL)	Price (NC)	Stark	Boehner	Green, Gene	Neugebauer
Doolittle	Kirk	Renzi	Meeks (NY)	Rahall	Tanner	Bonilla	Grijalva	Northup
Drake	Kline	Reynolds	Michaud	Rangel	Tauscher	Bonner	Gutierrez	Norwood
Dreier	Knollenberg	Rogers (AL)	Millender	Reyes	Thompson (CA)	Bono	Gutknecht	Nunes
Duncan	Lewis (CA)	Rogers (KY)	McDonald	Ross	Thompson (MS)	Boozman	Hall	Nussle
Edwards	Kuhl (NY)	Rogers (MI)	Miller (NC)	Rothman	Tierney	Boren	Harman	Oberstar
Ehlers	LaHood	Rohrabacher	Miller, George	Roybal-Allard	Towns	Boswell	Harris	Obey
Emerson	Latham	Ros-Lehtinen	Mollohan	Ruppersberger	Udall (CO)	Boucher	Hart	Ortiz
English (PA)	LaTourette	Royce	Moore (KS)	Rush	Udall (NM)	Boustany	Hastings (WA)	Osborne
Everett	Lewis (CA)	Ryan (WI)	Moore (WI)	Ryan (OH)	Van Hollen	Bradley (NH)	Hayes	Otter
Feeney	Lewis (KY)	Ryun (KS)	Moran (KS)	Sabo	Velázquez	Brady (TX)	Hayworth	Pastor
Ferguson	Linder	Saxton	Moran (VA)	Salazar	Visclosky	Brown (OH)	Hefley	Pearce
Fitzpatrick (PA)	LoBiondo	Schmidt	Murtha	Sánchez, Linda	Wasserman	Brown (SC)	Hensarling	Pence
Foley	Lucas	Schwarz (MI)	Nadler	T. Schultz	Waters	Brown-Waite,	Herger	Peterson (MN)
Forbes	Lungren, Daniel	Sensenbrenner	Napolitano	Sanchez, Loretta	Watson	Ginny	Herseth	Peterson (PA)
Ford	E.	Sessions	Neal (MA)	Sanders	Watt	Burgess	Hinojosa	Petri
Fortenberry	Manzullo	Shadegg	Oberstar	Schakowsky	Watt	Burton (IN)	Hobson	Pickering
Fossella	Marchant	Shaw	Obey	Schiff	Waxman	Butterfield	Hoekstra	Pitts
Fox	Marshall	Sherwood	Oliver	Schwartz (PA)	Weiner	Buyer	Holden	Platts
Franks (AZ)	Matheson	Shimkus	Ortiz	Scott (GA)	Wexler	Calvert	Hoolley	Pombo
Frelinghuysen	McCaul (TX)	Shuster	Otter	Scott (VA)	Woolsey	Camp (MI)	Hoyer	Pomeroy
Gallely	McCotter	Simmons	Owens	Serrano	Wu	Campbell (CA)	Hulshof	Porter
Gerlach	McCrery	Simpson	Pallone	Shays	Wynn	Cannon	Hunter	Price (GA)
Gibbons	McHenry	Smith (NJ)	Pascarell	Sherman	Young (AK)	Cantor	Hyde	Price (NC)
Gilchrest	McHugh	Smith (TX)	Castle	Gutierrez	Ney	Caputo	Inglis (SC)	Pryce (OH)
Gillmor	McKeon	Sodrel	Chabot	Lewis (GA)	Strickland	Cardin	Inslee	Putnam
Gingrey	McMorris	Souder	Evans	Meehan	Stupak	Carnahan	Issa	Radanovich
Gohmert	Rodgers	Spratt				Carson	Jackson (IL)	Rahall
Goode	Melancon	Stearns				Carter	Jackson-Lee	Ramstad
Goodlatte	Mica	Sullivan				Chandler	(TX)	Regula
Gordon	Miller (FL)	Sweeney				Choccola	Jefferson	Rehberg
Granger	Miller (MI)	Tancredo				Clay	Jenkins	Reichert
Graves	Miller, Gary	Taylor (MS)				Cleaver	Jindal	Renzi
Green (WI)	Murphy	Taylor (NC)				Clyburn	Johnson (CT)	Reyes
Gutknecht	Musgrave	Terry				Coble	Johnson (IL)	Rogers (AL)
Hall	Myrick	Thomas				Cole (OK)	Johnson, Sam	Rogers (KY)
Harris	Neugebauer	Thornberry				Conaway	Jones (NC)	Rogers (MI)
Hart	Northup	Tiahrt				Cooper	Jones (OH)	Rohrabacher
Hastings (WA)	Norwood	Tiberi				Costello	Kanjorski	Ros-Lehtinen
Hayes	Nunes	Turner				Cramer	Kaptur	Ross
Hayworth	Nussle	Upton				Crenshaw	Keller	Royce
Hefley	Osborne	Walden (OR)				Cubin	Kennedy (MN)	Ruppersberger
Hensarling	Pearce	Walsh				Cuellar	Kennedy (RI)	Rush
Herger	Pence	Wamp				Culberson	Kildee	Ryan (OH)
Herseth	Peterson (MN)	Weldon (FL)				Cummings	Kilpatrick (MI)	Ryan (WI)
Hobson	Peterson (PA)	Weldon (PA)				Davis (AL)	Kind	Ryun (KS)
Hoekstra	Petri	Weller				Davis (IL)	King (IA)	Sabo
Hulshof	Pickering	Westmoreland				Davis (KY)	Kingston	Salazar
Hunter	Pitts	Whitfield				Davis (TN)	Kirk	Sanchez, Loretta
Hyde	Platts	Wicker				Davis, Jo Ann	Kline	Sanders
Issa	Poe	Wilson (NM)				Davis, Tom	Knollenberg	Schakowsky
Istook	Pombo	Wilson (SC)				Deal (GA)	Kolbe	Schmidt
Jenkins	Porter	Wolf				DeFazio	Kucinich	Schwarz (MI)
Jindal	Price (GA)	Young (FL)				DeGette	LaHood	Scott (GA)
Johnson (CT)	Pryce (OH)					DeLahunt	Langevin	Scott (VA)
Johnson, Sam						DeLauro	Larsen (WA)	Sensenbrenner
						Dent	Larson (CT)	Sessions
						Diaz-Balart, L.	Latham	Shadegg
						Diaz-Balart, M.	LaTourette	Shaw
						Dicks	Leach	Shays
						Dingell	Levin	Sherwood
						Doggett	Lewis (CA)	Shimkus
						Doolittle	Lewis (KY)	Shuster
						Doyle	Linder	Simmons
						Drake	Lipinski	Simpson
						Dreier	Lucas	Skelton
						Edwards	Lungren, Daniel	Smith (TX)
						Ehlers	E.	Smith (WA)
						Emanuel	Lynch	Snyder
						Emerson	Mack	Sodrel
						English (PA)	Manzullo	Souder
						Etheridge	Marchant	Spratt
						Everett	Marshall	Sullivan
						Fitzpatrick (PA)	Matheson	Tancredo
						Flake	Feeney	Tanner
						Ford	McCaul (TX)	Taylor (MS)
						Fortenberry	McCotter (MN)	Taylor (NC)
						Fox	McCotter	Taylor (NY)
						Frank (MA)	McCrery	Thomas
						Franks (AZ)	McHenry	Thompson (MS)
						Gallely	McIntyre	Thornberry
						Gerlach	McKeon	Tiahrt
						Gibbons	McMorris	Tiberi
						Gilchrest	McMorris	Tierney
						Gillmor	Rodgers	Turner
						Gingrey	Melancon	Udall (CO)
						Gohmert	Mica	Udall (NM)
						Gonzalez	Miller (FL)	Upton
						Goode	Miller (MI)	Van Hollen
						Goodlatte	Miller (NC)	Visclosky
							Miller, Gary	Walden (OR)
							Mollohan	Wamp
							Moore (KS)	Watt
							Moore (WI)	Weldon (FL)
							Moran (KS)	Weldon (PA)
							Moran (VA)	

## NOT VOTING—9

□ 2219

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERMISSION TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5825, ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that staff be permitted to make technical and conforming changes to the bill just adopted.

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

There was no objection.

## RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 6143, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 6143, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 98, not voting 9, as follows:

[Roll No. 503]

YEAS—325

Abercrombie	Davis (AL)	Hoyer
Ackerman	Davis (CA)	Inglis (SC)
Allen	Davis (FL)	Inslee
Andrews	Davis (IL)	Israel
Baca	DeFazio	Jackson (IL)
Baird	DeGette	Jackson-Lee
Baldwin	DeLahunt	(TX)
Becerra	DeLauro	Jefferson
Berkley	Dicks	Johnson (IL)
Berman	Dingell	Johnson, E. B.
Bishop (GA)	Doggett	Jones (NC)
Bishop (NY)	Doyle	Jones (OH)
Blumenauer	Emanuel	Kanjorski
Boucher	Engel	Kaptur
Boyd	Eshoo	Kennedy (RI)
Brady (PA)	Etheridge	Kildee
Brown (OH)	Farr	Kilpatrick (MI)
Brown, Corrine	Fattah	Kind
Butterfield	Filner	Kucinich
Capps	Flake	Langevin
Capuano	Frank (MA)	Lantos
Cardin	Garrett (NJ)	Larsen (WA)
Cardoza	Gonzalez	Larson (CT)
Carnahan	Green, Al	Leach
Carson	Green, Gene	Lee
Case	Grijalva	Levin
Chandler	Harman	Lipinski
Clay	Hastings (FL)	Lofgren, Zoe
Cleaver	Higgins	Lowe
Clyburn	Hinchee	Lynch
Conyers	Hinojosa	Mack
Cooper	Holroyd	Maloney
Costa	Holt	Markey
Costello	Honda	Matsui
Crowley	Hoolley	McCarthy
Cummings	Hostettler	McCotter (MN)

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

□ 2230

PERSONAL EXPLANATION

Mr. INSLEE. Mr. Speaker, I would like the RECORD to reflect on rollcall 501 on the motion to recommit on H.R. 5825, I was unavoidably detained and had I been present I would have voted "aye" on that motion.

NAYS—98

Abercrombie	Israel	Pelosi
Ackerman	Johnson, E. B.	Poe
Andrews	Kelly	Rangel
Baca	King (NY)	Reynolds
Becerra	Kuhl (NY)	Rothman
Berman	Lantos	Roybal-Allard
Bishop (NY)	Lee	Sánchez, Linda
Boyd	LoBiondo	T.
Brady (PA)	Lofgren, Zoe	Saxton
Brown, Corrine	Lowe	Schiff
Capps	Maloney	Schwartz (PA)
Cardoza	Markey	Serrano
Case	Matsui	Sherman
Conyers	McCarthy	Slaughter
Costa	McDermott	Smith (NJ)
Crowley	McGovern	Smith
Davis (CA)	McHugh	Solis
Davis (FL)	McKinney	Stark
Duncan	McNulty	Stearns
Engel	Meek (FL)	Sweeney
Eshoo	Meeks (NY)	Tauscher
Farr	Michaud	Terry
Fattah	Millender-	Thompson (CA)
Ferguson	McDonald	Towns
Filner	Miller, George	Velázquez
Fossella	Nadler	Walsh
Frelinghuysen	Napolitano	Wasserman
Garrett (NJ)	Olver	Schultz
Hastings (FL)	Owens	Waters
Higgins	Oxley	Watson
Hinches	Pallone	Waxman
Holt	Pascrell	Weiner
Honda	Paul	Wexler
Hostettler	Payne	Woolsey

NOT VOTING—9

Castle	Istook	Ney
Chabot	Lewis (GA)	Strickland
Evans	Meehan	Stupak

□ 2228

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), the order of the House of December 18, 2005, and upon the recommendation of the minority leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 2006:

Mr. Robert Shireman, Oakland, California.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

COAST GUARD AUTHORIZATION ACT OF 2006

Mr. LOBIONDO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5681) to authorize appropriations for the Coast Guard for fiscal year 2007, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5681

*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 "Coast Guard Authorization Act of 2006".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

- Sec. 201. Appointment of civilian Coast Guard judges.
- Sec. 202. Industrial activities.
- Sec. 203. Reimbursement for medical-related travel expenses.
- Sec. 204. Commissioned officers.
- Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
- Sec. 206. Grants to international maritime organizations.
- Sec. 207. Emergency leave retention authority.
- Sec. 208. Enforcement authority.
- Sec. 209. Notification.
- Sec. 210. Repeal.
- Sec. 211. Maritime safety for nuclear power facilities located adjacent to navigable waters.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Vessel size limits.
- Sec. 302. Goods and services.
- Sec. 303. Maritime activities.
- Sec. 304. Seaward extension of anchorage grounds jurisdiction.
- Sec. 305. Maritime Drug Law Enforcement Act amendment—simple possession.
- Sec. 306. Technical amendments to tonnage measurement law.
- Sec. 307. Seamen's shoreside access.
- Sec. 308. Limitation on maritime liens on fishing permits.
- Sec. 309. Extension of exemption.
- Sec. 310. Documentation of certain fishing vessels.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Secure communications program.
- Sec. 402. Certificate of documentation for GALLANT LADY.
- Sec. 403. Waiver.
- Sec. 404. Data.
- Sec. 405. Great Lakes Maritime Research Institute.
- Sec. 406. Inspection and certification of permanently moored vessels.

- Sec. 407. Competitive contracting for patrol boat replacement.
- Sec. 408. Patrol boat report.
- Sec. 409. Actions to address sexual harassment and violence at Coast Guard Academy.
- Sec. 410. Cruise ship demonstration project.
- Sec. 411. Crew wages on passenger vessels.
- Sec. 412. Technical corrections.

TITLE V—MARPOL ANNEX VI IMPLEMENTATION

- Sec. 501. Short title.
- Sec. 502. References.
- Sec. 503. Definitions.
- Sec. 504. Applicability.
- Sec. 505. Administration and enforcement.
- Sec. 506. Certificates.
- Sec. 507. Reception facilities.
- Sec. 508. Inspections.
- Sec. 509. Amendments to the protocol.
- Sec. 510. Effect on other laws.
- Sec. 511. MARPOL technical corrections.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2007 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$5,680,000,000, of which—

(A) \$24,255,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5));

(B) \$629,000,000 shall be available only for paying for search and rescue programs; and

(C) \$502,000,000 shall be available only for paying for marine safety programs.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$2,095,861,000, of which—

(A) \$19,800,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) \$1,419,223,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater System; and

(C) \$316,638,000 is authorized for conversion and sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,000,000, to remain available until expended, of which \$2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,063,323,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$17,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), \$12,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, \$124,000,000.

**SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the fiscal year ending on September 30, 2007.

(b) **MILITARY TRAINING STUDENT LOADS.**—For fiscal year 2007, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

**TITLE II—COAST GUARD**

**SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.**

(a) **IN GENERAL.**—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

**“§ 153. Appointment of judges**

“The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.”

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“153. Appointment of judges.”

**SEC. 202. INDUSTRIAL ACTIVITIES.**

Section 151 of title 14, United States Code is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “All orders”; and

(2) by adding at the end the following:

“(b) **ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.**—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.”

**SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.**

(a) **IN GENERAL.**—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

**“§ 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States**

“In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompanied by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary’s family who is at least 21 years of age.”

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”

**SEC. 204. COMMISSIONED OFFICERS.**

(a) **ACTIVE DUTY PROMOTION LIST.**—Section 42 of title 14, United States Code, is amended to read as follows:

**“§ 42. Number and distribution of commissioned officers on active duty promotion list**

“(a) **MAXIMUM TOTAL NUMBER.**—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase such number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

“(b) **DISTRIBUTION PERCENTAGES BY GRADE.**—

“(1) **REQUIRED.**—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

“(2) **DISCRETIONARY.**—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

“(3) **AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.**—The Secretary—

“(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

“(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

“(c) **COMPUTATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

“(2) **ROUNDING FRACTIONS.**—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

“(3) **TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.**—The number of commissioned officers on the active duty promotion list serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

“(d) **USE OF NUMBERS; TEMPORARY INCREASES.**—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

“(e) **OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.**—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on active duty promotion list.”

**SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.**

(a) **IN GENERAL.**—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by inserting at the end the following:

“(E) the Assistant Commandant of the Coast Guard for Human Resources.”; and

(3) by adding at the end of paragraph (6) the following:

“(E) The Master Chief Petty Officer of the Coast Guard.”

(b) **CONFORMING AMENDMENTS.**—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting “or, in the case of the Coast Guard, the Commandant” after “concerned”; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting “or, in the case of the Coast Guard, the Commandant” after “Secretary of Defense”; and

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

**SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.**

Section 149 of title 14, United States Code, is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “The President”; and

(2) by adding at the end the following:

“(b) **GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.**—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.”

**SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.**

(a) **IN GENERAL.**—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

**“§ 426. Emergency leave retention authority**

“With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.”

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by inserting after the item relating to section 425 the following new item:

“426. Emergency leave retention authority.”

**SEC. 208. ENFORCEMENT AUTHORITY.**

(a) **IN GENERAL.**—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

**“§ 99. Enforcement authority**

“Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

“(1) carry a firearm; and

“(2) while at a facility (as defined in section 70101 of title 46)—

“(A) make an arrest without warrant for any offense against the United States; and

“(B) seize property as otherwise provided by law.”.

(b) **CONFORMING REPEAL.**—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, are repealed.

(c) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“99. Enforcement authority.”.

**SEC. 209. NOTIFICATION.**

The Secretary of the department in which the Coast Guard is operating may not transfer the permanent headquarters of the United States Coast Guard Band until at least 180 days after the date on which a plan for such transfer is submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**SEC. 210. REPEAL.**

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

**SEC. 211. MARITIME SAFETY FOR NUCLEAR POWER FACILITIES LOCATED ADJACENT TO NAVIGABLE WATERS.**

(a) **RESPONSIBILITY.**—Section 2 of title 14, United States Code, is amended by inserting before “and shall maintain a state of readiness” the following: “shall administer laws and promulgate and enforce regulations to assure the maritime safety of nuclear power facilities located adjacent to navigable waters of the United States not specifically delegated by law to some other executive department;”.

(b) **COOPERATION WITH NRC.**—Chapter 7 of such title is amended by inserting after section 147a the following:

**“§ 147b. Nuclear regulatory commission**

“(a) **IN GENERAL.**—The Commandant may enter into an agreement with the Chairman of the Nuclear Regulatory Commission to enhance the maritime safety of the navigable waters of the United States that are located adjacent to a nuclear power plant. Such agreement shall provide for—

“(1) the exchange of certain information with the Chairman relating to the maritime safety of a nuclear power plant located adjacent to the navigable waters of the United States;

“(2) the assignment of officers of the Coast Guard to serve as liaisons to the Nuclear Regulatory Commission; and

“(3) the provisions of equipment and support to, or accept the same from, the Nuclear Regulatory Commission.

“(b) **PAYMENT OR REIMBURSEMENT.**—With regard to any agreement entered into under subsection (a), the Commandant may prescribe conditions, including advance payment or reimbursement, under which such resources may be provided.”.

(c) **CLERICAL AMENDMENT.**—The analysis for chapter 7 of such title is amended by adding at the end the following:

“147b. Nuclear Regulatory Commission.”.

**TITLE III—SHIPPING AND NAVIGATION**

**SEC. 301. VESSEL SIZE LIMITS.**

(a) **LENGTH, TONNAGE, AND HORSEPOWER.**—Section 12102 (c)(5) of title 46, United States Code, is amended—

(1) by inserting “and” after the semicolon at the end of subparagraph (A)(i);

(2) by striking “and” at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(5) by inserting at the end the following:

“(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) and is eligible for a fishery endorsement under section 12108 of this title.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **VESSEL REBUILDING AND REPLACEMENT.**—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627) is amended to read as follows:

“(g) **VESSEL REBUILDING AND REPLACEMENT.**—

“(1) **IN GENERAL.**—

“(A) **REBUILD OR REPLACE.**—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2006 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (2)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12108 of title 46, United States Code.

“(B) **SAME REQUIREMENTS.**—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

“(C) **TRANSFER OF PERMITS AND LICENSES.**—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

“(2) **RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.**—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

“(3) **SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.**—

“(A) **IN GENERAL.**—Notwithstanding the requirements of paragraphs (1), (2), and (3) of section 12102(c) of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (2)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12108 of title 46, United States Code.

“(B) **APPLICABILITY.**—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

“(4) **SPECIAL RULES FOR CERTAIN CATCHER VESSELS.**—

“(A) **IN GENERAL.**—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fish-

ery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

“(B) **COVERED VESSELS.**—A covered vessel referred to in subparagraph (A) is—

“(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

“(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

“(5) **LIMITATION ON FISHERY ENDORSEMENTS.**—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12108 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

“(6) **GULF OF ALASKA LIMITATION.**—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2006.

“(7) **AUTHORITY OF PACIFIC COUNCIL.**—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.”.

(2) **EXEMPTION OF CERTAIN VESSELS.**—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-620) is amended—

(A) by inserting “and” after “(United States official number 651041)”;

(B) by striking “, NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act”;

(C) by striking “, in the case of the NORTHERN” and all that follows through “PHOENIX.”.

(3) **FISHERY COOPERATIVE EXIT PROVISIONS.**—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-629) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 ems to the right;

(B) by adding at the end the following:

“(7) **FISHERY COOPERATIVE EXIT PROVISIONS.**—

“(A) **FISHING ALLOWANCE DETERMINATION.**—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act 2006; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year

after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NOR-DIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.”

(c) VESSEL SAFETY STANDARDS.—

(1) LOADLINES.—Section 5102(b)(3) of title 46, United States Code, is amended by striking “a fishing vessel.” and inserting “a fishing vessel unless the vessel is—

“(A) a rebuilt vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627); or

“(B) a replacement vessel under such section and the replacement vessel did not harvest fish under section 208(a), 208(b), 208(c), or 208(e) of that Act before June 1, 2006.”

(2) CLASSING.—Section 4503 of title 46, United States Code, is amended—

(A) in subsection (a) by inserting after “A” the following: “fishing or”;

(B) by adding at the end the following:

“(c) APPLICABILITY TO FISHING VESSELS.—This section applies to a fishing vessel to which this chapter applies that is—

“(1) a rebuilt vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-627); or

“(2) a replacement vessel under such section and the replacement vessel did not harvest fish under section 208(a), 208(b), 208(c), or 208(e) of that Act before June 1, 2006.”; and

(C) in the heading for such section by striking “Fish” and inserting “Fishing and fish”.

(d) CONVERSION TO CATCHER/PROCESSOR SHARES.—

(1) IN GENERAL.—

(A) AMENDMENT OF PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall amend the fishery management plan for Bering Sea/Aleutian Islands King and Tanner Crabs (in this section referred to as the “Plan”) for the Northern Region (as that term is used in the Plan) to authorize entities affiliated through common ownership to elect on an annual basis to work together to combine any of their catcher vessel owner quota shares for the Northern Region with any of their processor quota shares and to exchange

them for newly created catcher/processor owner quota shares for the Northern Region.

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

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

(2) FEES.—

(A) LOCAL FEES.—The holder of the newly created catcher/processor owner quota shares under paragraph (1) shall pay a fee of 5.0 percent of the ex-vessel value of the crab harvested pursuant to those shares to any local governmental entities in the Northern Region, that would otherwise have received tax revenues from local raw fish taxes had the exchange authorized by paragraph (1) not occurred.

(B) STATE FEE.—The State of Alaska may collect from the holder of the newly created catcher/processor owner quota shares under paragraph (1) a fee of 1.0 percent of the ex-vessel value of the crab harvested pursuant to those shares.

(3) LANDING REQUIREMENT.—Crab harvested pursuant to catcher/processor owner quota shares created under this subsection shall be landed in those communities receiving the local governmental entities fee revenue set forth in paragraph (2)(A).

(4) PERIODIC COUNCIL REVIEW.—As part of its periodic review of the Plan referred to in paragraph (1), the North Pacific Fishery Management Council may review the effect, if any, of this subsection upon communities in the Northern Region. If the Council determines that this section adversely affects the communities, the Council may recommend to the Secretary of Commerce, and the Secretary may approve, such changes to the Plan as are necessary to mitigate those adverse effects.

(5) LIMITATION ON APPLICATIONS.—Paragraph (1) shall apply only with respect to entities that—

(A) were initially awarded catcher/processor owner quota shares under the Plan; and

(B) either were initially awarded processor quota shares under the Plan or received such shares under section 417(a) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 546).

**SEC. 302. GOODS AND SERVICES.**

Section 4(b) of the Act of July 5, 1884, commonly known as the Rivers and Harbors Appropriation Act of 1884 (33 U.S.C. 5(b)), is amended—

(1) by striking “or” at the end of paragraph (2)(C);

(2) by striking the period at the end of paragraph (3) and inserting “; or”;

(3) by adding at the end the following:

“(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).”

**SEC. 303. MARITIME ACTIVITIES.**

Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall prepare and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the use of funds provided to the Alaska Sealife Center from the Oil Spill Liability Trust Fund.

**SEC. 304. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.**

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(1) by inserting before “The” the following: “(a) IN GENERAL.—”

(2) in subsection (a) (as designated by paragraph (1)) by striking “\$100; and the” and inserting “up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The”;

(3) by adding at the end the following:

“(b) DEFINITION.—As used in this section ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”

**SEC. 305. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT—SIMPLE POSSESSION.**

The Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901-1904) is amended by adding at the end the following:

**“SEC. 1905. SIMPLE POSSESSION.**

“(a) IN GENERAL.—Any individual at a facility (as defined under section 70101 of title 46, United States Code) or on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

“(b) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

“(c) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this section shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.”

**SEC. 306. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.**

(a) APPLICATION.—Section 14301(b)(3) of title 46, United States Code, is amended by inserting “of United States or Canadian registry” after “vessel”.

(b) MEASUREMENT.—Section 14302(b) of such title is amended to read as follows:

“(b) MEASUREMENT.—A vessel measured under this chapter may not be required to be measured under any other law.”

(c) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of such title is amended by adding at the end the following:

**“§ 14514. Reciprocity for foreign vessels**

“For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”

(d) DUAL TONNAGE MEASUREMENT.—Section 14513(c) of such title is amended—

(1) in paragraph (1)—

(A) by striking “vessel’s tonnage mark is below the uppermost part of the load line marks,” and inserting “vessel is assigned 2 sets of gross and net tonnages under this section.”; and

(B) by striking “the mark” and inserting “the vessel’s tonnage mark”;

(2) in paragraph (2) by striking the period at the end and inserting “as assigned under this section.”

(e) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

“14514. Reciprocity for foreign vessels.”.

**SEC. 307. SEAMEN'S SHORESIDE ACCESS.**

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

**SEC. 308. LIMITATION ON MARITIME LIENS ON FISHING PERMITS.**

(a) IN GENERAL.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

**“§ 31310. Limitation on maritime liens on fishing permits**

“(a) IN GENERAL.—A maritime lien shall not attach to a permit that—

“(1) authorizes use of a vessel to engage in fishing; and

“(2) is issued under State or Federal law.

“(b) LIMITATION ON ENFORCEMENT.—No civil action may be brought to enforce a maritime lien on a permit described in subsection (a).

“(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31309 the following:

“31310. Limitation on maritime liens on fishing permits.”.

**SEC. 309. EXTENSION OF EXEMPTION.**

Section 3503(a) of title 46, United States Code, is amended by striking “2008” and inserting “2018”.

**SEC. 310. DOCUMENTATION OF CERTAIN FISHING VESSELS.**

Section 12102(c)(5) of title 46, United States Code, as amended by section 301(a) of this Act, is amended by adding at the end the following:

“(D) the vessel has been issued a permit pursuant to part 648.6(a)(2) of title 50, Code of Federal Regulations, and the owner of the vessel—

“(i) demonstrates to the Secretary the recommendation and approval referred to in subparagraph (B);

“(ii) is required under the endorsement to land all harvested fish and processed fish products at a United States port; and

“(iii) demonstrates to the Secretary that the vessel is in compliance with—

“(I) requirements that otherwise apply under section 403 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881b) that the vessel carry one or more Federal observers; and

“(II) recordkeeping and reporting requirements that otherwise apply under part 648.7 of title 50, Code of Federal Regulations.”.

**TITLE IV—MISCELLANEOUS PROVISIONS**

**SEC. 401. SECURE COMMUNICATIONS PROGRAM.**

There is authorized to be appropriated to the Commandant of the Coast Guard \$3,000,000 to improve boarding team communications through the use of a cryptographic mesh overlay protocol.

**SEC. 402. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.**

Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking “of Transportation” and inserting “of the department in which the Coast Guard is operating”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).”;

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(3) in paragraph (3) (as so redesignated) by striking all after “shall expire” and inserting “on the date of the sale of the vessel by the owner.”.

**SEC. 403. WAIVER.**

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289; 24 Stat. 81), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the OCEAN VERITAS (IMO Number 7366805).

**SEC. 404. DATA.**

In each of fiscal years 2007 and 2008, there is authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration \$7,000,000 to acquire through the use of unmanned aerial vehicles data to improve the management of natural disasters, and the safety of marine and aviation transportation.

**SEC. 405. GREAT LAKES MARITIME RESEARCH INSTITUTE.**

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking “The Secretary of Transportation shall conduct a study that” and inserting “The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that”;

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking “evaluates” and inserting “evaluate”;

(C) in subparagraphs (D) and (G) by striking “analyzes” and inserting “analyze”;

(D) by striking “and” at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following: “(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

“(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

“(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

“(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

“(O) establish and maintain a model Great Lakes marine transportation system database; and

“(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.”; and

(2) by striking subsection (b)(4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

“(A) \$2,100,000 for fiscal year 2007;

“(B) \$2,200,000 for fiscal year 2008;

“(C) \$2,300,000 for fiscal year 2009;

“(D) \$2,400,000 for fiscal year 2010; and

“(E) \$2,500,000 for fiscal year 2011.”.

**SEC. 406. INSPECTION AND CERTIFICATION OF PERMANENTLY MOORED VESSELS.**

Any vessel which has a valid certificate of inspection in effect on the date of enactment of this Act and which is subsequently classified by the Coast Guard as a permanently moored vessel shall remain eligible for a certificate of inspection for an additional 5 years from the expiration date of the certificate of inspection in effect on the date of the reclassification.

**SEC. 407. COMPETITIVE CONTRACTING FOR PATROL BOAT REPLACEMENT.**

The Coast Guard may only buy or operate a patrol boat replacement (fast response cutter) if the contract to build the cutter is awarded using a competitive contracting procedure among shipyards in the United States and the management of the competitive contracting procedure is done by the Coast Guard or the primary contractor for the Deepwater Program of the Coast Guard.

**SEC. 408. PATROL BOAT REPORT.**

Not later than 90 days after the date of enactment of this Act the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2007 through fiscal year 2013. The report shall include—

(1) an identification of assets that may be used to alleviate the annual readiness gap of lost time for such patrol boats;

(2) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;

(3) a description of how extending through fiscal year 2013 the transfer agreement between the Coast Guard and the United States Navy for 5 Cyclone class 179-foot patrol coastal ships would effect the annual readiness gap of lost time for 110-foot patrol boats; and

(4) an estimate of the cost to extend the operational lifespan of the 110-foot patrol boat fleet for each of fiscal years 2007 through 2013.

**SEC. 409. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT COAST GUARD ACADEMY.**

(a) POLICY ON SEXUAL HARASSMENT.—

(1) IN GENERAL.—Under guidance prescribed by the Secretary of the department in which the Coast Guard is operating, the Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and violence applicable to the personnel of the Coast Guard Academy.

(2) SPECIFIED PROGRAMS AND PROCEDURES.—The policy on sexual harassment and violence prescribed for the Academy under paragraph (1) shall specify the following:

(A) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve academy personnel.

(B) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or violence, including—

(i) a specification of the person or persons to whom the alleged offense should be reported;

(ii) a specification of any other person whom the victim should contact; and

(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(C) Procedures for disciplinary action in cases of alleged criminal sexual assault involving academy personnel.

(D) Any other sanction authorized to be imposed in a substantiated case of harassment or violence involving academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(E) Required training on the policy for all academy personnel, including the specific training required for personnel who process allegations of sexual harassment or violence involving academy personnel.

(3) FACTORS TO CONSIDER.—In prescribing the policy on sexual harassment and violence for the Academy under paragraph (1), the Superintendent shall take into consideration—

(A) the findings, conclusions, and recommendations of the panel established pursuant to title V of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 609) to review sexual misconduct allegations at the United States Air Force Academy; and

(B) the findings, conclusions, and recommendations of other previous reviews and investigations of sexual harassment and violence conducted with respect to the Coast Guard Academy and one or more of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy.

(4) DEADLINE.—The policy required by paragraph (1) shall be prescribed not later than June 1, 2007.

(b) ANNUAL ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall direct the Superintendent to conduct at the Coast Guard Academy an assessment during the Academy's program year to determine the effectiveness of the Academy's policies, training, and procedures on sexual harassment and violence to prevent criminal sexual harassment and violence involving academy personnel.

(2) SURVEY OF PERSONNEL.—For the assessment for each academy program year, the Superintendent shall conduct a survey of all academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and violence events, on or off the academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, in that program year, of sexual harassment and violence events, on or off the academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of academy personnel on—

(i) the policies, training, and procedures on sexual harassment and violence involving academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and violence involving academy personnel in such program year; and

(iv) any other issues relating to sexual harassment and violence involving academy personnel.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Secretary a report on sexual harassment and violence involving academy personnel for each academy program year.

(2) SPECIFIED MATTERS TO BE COVERED.—The annual report for the Academy under paragraph (1) shall contain, for the academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving academy personnel that have been reported to academy officials during the program year and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and violence involving academy personnel during the program year.

(C) In the report for the 2008 academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the results of the survey and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following academy program year regarding prevention of and response to sexual harassment and violence involving academy personnel.

(3) TRANSMITTAL TO SECRETARY.—The Commandant shall transmit the annual report on an academy under this subsection, together with the Commandant's comments on the report, to the Secretary and the Board of Visitors of the Academy.

(4) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit the annual report on the Academy under this subsection, together with the Secretary's comments on the report to, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) DEADLINE FOR 2008 REPORT.—The report for the 2008 academy program year shall be submitted to the Commandant not later than June 1, 2009.

(6) DEFINITION.—In this subsection, the term "academy program year" with respect to a year, means the academy program year that ends in that year.

#### SEC. 410. CRUISE SHIP DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Commandant of the Coast Guard, in cooperation the regional trade association representing the major cruise lines that operate in the Alaska cruise trade, shall conduct a demonstration project on the methods and best practices of the use of smokestack scrubbers on cruise ships that operate in that region.

(b) AGREEMENT.—The Commandant of the Coast Guard may enter into an agreement with the regional trade association referred to in subsection (a), or one or more of its members, to assist in conducting the demonstration project under subsection (a).

(c) REPORT.—Upon completion of the project described in subsection (a), the Commandant of the Coast Guard shall submit a report on the results of the project to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

#### SEC. 411. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

(A) by striking "When" and inserting "(1) Subject to paragraph (2), when"; and

(B) by adding at the end the following:

"(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

"(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

"(A) the date of the end of the last voyage for which the wages are claimed; or

"(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment."

(2) DEPOSITS.—Section 10315 of such title is amended by adding at the end the following:

"(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, by written request signed by the seaman, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

"(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

"(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

"(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

"(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited."

(b) COASTWISE VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking "When" and inserting "(1) Subject to subsection (d), and except as provided in paragraph (2), when"; and

(B) by inserting at the end the following:

"(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

"(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

"(A) the date of the end of the last voyage for which the wages are claimed; or

"(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment."

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

"(f) DEPOSITS IN SEAMAN ACCOUNT.—A seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, by written request signed by the seaman, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

"(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

"(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

"(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

"(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited."

**SEC. 412. TECHNICAL CORRECTIONS.**

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting “paragraphs (1) and (2) of” before “section 8104(o)”;

(2) in section 603(a)(2) (120 Stat. 554) by striking “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C. 2704(a)(2)”;

(3) in section 901(r)(2) (120 Stat. 566) by striking “the” the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting “of the United States” after “Revised Statutes”;

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting “and” after the semicolon at the end of paragraph (1);

(B) by striking “and” at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(7) in section 902(e)(2)(D) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking “Bisti/De-Na-Zin” and all that follows through “Protection” and inserting “Omnibus Parks and Public Lands Management”; and

(B) by inserting a period after “Commandant of the Coast Guard”;

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting “the Act of March 23, 1906, commonly known as” before “the General Bridge”;

(B) by striking “491” and inserting “494.”;

(C) by inserting “each place it appears” before “and inserting”; and

(10) in section 902(o) (120 Stat. 569) by striking the period after “Homeland Security”.

(b) TITLE 14.—(1) The analysis for chapter 7 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 149.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(c) TITLE 46.—(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking “National Intelligence Director” and inserting “Director of National Intelligence”.

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—(1) Section 1104(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2794(a)(2)) is amended by striking the first comma following “\$800,000”.

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103

by striking “reports” and inserting “report”.

**TITLE V—MARPOL ANNEX VI IMPLEMENTATION****SEC. 501. SHORT TITLE.**

This title may be cited as the “MARPOL Annex VI Implementation Act of 2006”.

**SEC. 502. REFERENCES.**

Wherever in this title an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

**SEC. 503. DEFINITIONS.**

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) ‘Administrator’ means the Administrator of the Environmental Protection Agency.”;

(3) in paragraph (5) (as so redesignated) by striking “and V” and inserting “V, and VI”;

(4) in paragraph (6) (as so redesignated) by striking “‘discharge’ and ‘garbage’ and ‘harmful substance’ and ‘incident’” and inserting “‘discharge’, ‘emission’, ‘garbage’, ‘harmful substance’, and ‘incident’”.

**SEC. 504. APPLICABILITY.**

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”;

(C) by adding at the end the following:

“(5) with respect to Annex VI to the Convention, and to the extent consistent with international law, to a ship (other than a ship referred to in paragraph (1)), that—

“(A) is in a port, shipyard, offshore terminal, or the internal waters of the United States;

“(B) is in the territorial sea of the United States as defined in Presidential Proclamation 5928 of December 27, 1988;

“(C) is in an emission control area designated pursuant to section 4; or

“(D)(i) is bound for or departing a port, shipyard, offshore terminal, or the internal waters of the United States; and

“(ii) is in any other area that the Administrator, in consultation with the Secretary, has designated by regulation and based on the best available scientific data as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.”;

(2) in subsection (b)(1) by inserting “or (3)” after “paragraph (2)”;

(3) in subsection (b) by adding at the end the following:

“(3) With respect to Annex VI to the Convention, the head of a Federal department or agency may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels operated under the authority of such department or agency.”; and

(4) in subsection (d)—

(A) by inserting “, or the Administrator as authorized by section 4,” after “Secretary”;

(B) by inserting “(or an applicable Annex)” after “MARPOL Protocol” the first place it appears; and

(C) by inserting “and Annex VI” after “Annex V”.

**SEC. 505. ADMINISTRATION AND ENFORCEMENT.**

Section 4(b) (33 U.S.C. 1903(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

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

“(2) In prescribing regulations under this section to carry out the provisions of Annex VI to the Convention, the Secretary shall consult with the Administrator with respect to Regulations 12 and 16 of such Annex and with the Administrator and the Secretary of the Interior with respect to Regulation 19 of such Annex.

“(3) In addition to the authority the Secretary has to prescribe regulations under this section to carry out Annex VI to the Convention, the Administrator, in consultation with the Secretary, shall prescribe any necessary or desired regulations to carry out Regulations 13, 14, 15, and 18 of such Annex.”; and

(3) by adding at the end the following:

“(5) No standard issued by any person or Federal agency regarding emissions from tank vessels that are subject to Regulation 15 of Annex VI to the Convention shall be effective until six months after the date on which the Secretary submits a notification to the International Maritime Organization that such standard has been established.”.

**SEC. 506. CERTIFICATES.**

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a)—

(A) by striking “The” and inserting “(1) Except as provided in paragraph (2), the”; and

(B) by adding at the end the following new paragraph:

“(2) The Administrator shall, and no other person may, issue an Engine International Air Pollution Prevention Certificate in accordance with Annex VI to the Convention and the International Maritime Organization’s Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States. The issuance of such certificates shall be consistent with any applicable requirements under the Clean Air Act (42 U.S.C. 7401 et seq.) and regulations promulgated thereunder.”;

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

“(b) A certificate issued by a country that is a party to the MARPOL Protocol has the same validity as a certificate issued by the Secretary under this Act or by the Administrator under subsection (a)(2).”; and

(3) in subsection (e) by inserting “or the public health or welfare” after “marine environment”.

**SEC. 507. RECEPTION FACILITIES.**

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

“(3) The Secretary, after consulting with appropriate Federal agencies, shall establish regulations to require that ports and terminals provide reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues or ensure that such facilities are available. The regulations shall establish criteria for determining the adequacy of reception facilities for receiving such substances, equipment, or residues at a port or terminal and such additional measures and requirements as are appropriate to ensure such adequacy.

“(4) The Secretary may establish regulations to certify, and may issue certificates to the effect, that a port’s or terminal’s facilities for receiving such substances, equipment, and residues from ships are adequate.”;

(2) in subsection (c)(2)(A) by inserting “or (a)(3)” after “subsection (a)(2)”;

(3) by striking subsection (e)(2) and inserting the following:

“(2) The Secretary may deny the entry of a ship to a port or terminal required by regulations issued under this section to provide

adequate reception facilities for garbage, ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues if the port of terminal is not in compliance with such regulations.”; and

(4) in subsection (f)(1) by striking “MARPOL Protocol or the Antarctic Protocol” and inserting “MARPOL Protocol, the Antarctic Protocol, or this Act”.

#### SEC. 508. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

“(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

“(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary may undertake enforcement action under this section.”.

#### SEC. 509. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended by striking “Annex I, II, or V” and by inserting “Annex I, II, V, or VI”.

#### SEC. 510. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

#### “SEC. 15. EFFECT ON OTHER LAWS.

“Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.”.

#### SEC. 511. MARPOL TECHNICAL CORRECTIONS.

Subsections (a), (b), and (d) of section 9 (33 U.S.C. 1908(a), (b), and (d)) are amended by striking the second comma after “MARPOL Protocol” each place it appears.

The SPEAKER pro tempore (Ms. FOXX). Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5681, as amended.

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

There was no objection.

Mr. LOBIONDO. Madam Speaker, I yield such time as he may consume to the Chair of the full committee, the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, I urge my colleagues to support this legislation.

The Coast Guard has a great deal of authority, but they need the money and they need further authorization to do the missions we have charged them as the United States Congress. I hope and ask all of my colleagues to see the movie “The Guardian.” It explains a

great deal what the Coast Guard does and why this bill should be supported.

I compliment Mr. LOBIONDO, the chairman of the subcommittee, and those who work on the minority side to make sure that this legislation is good. This legislation is well-thought out, and as it is presented tonight, I urge my colleagues to pass this legislation.

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

The Coast Guard Authorization Act of 2006 authorizes nearly \$9 billion in funding for the Coast Guard for fiscal year 2007. This authorization includes funding to support each of the Coast Guard’s vitally important missions.

The men and women of the Coast Guard work hard to carry out the service’s missions. Each day, they protect the public and help to ensure the safety and security of our great Nation. They are our Nation’s maritime first responders.

Consequently, this body must provide these men and women with the assets and resources that they so desperately need. H.R. 5681 will authorize the funding levels required to do just that. For example, the bill authorizes over \$1.7 billion for the Coast Guard’s integrated Deepwater System, the amount necessary to accelerate the replacement of the Coast Guard’s legacy assets from a 25- to 15-year schedule. As the Coast Guard’s legacy assets continue to rapidly deteriorate, servicemembers work with the risk that the aircraft or boat they use may fail to operate. This is totally unacceptable. Further, it puts the safety and security of our citizens at risk. We must accelerate the Deepwater Program and make replacement assets available as soon as possible. I strongly urge my colleagues to support the funding levels in this bill.

In addition, H.R. 5681 specifically provides that at least \$629 million must be used for search and rescue and at least \$502 million must be used for marine safety. While homeland security missions require more resources and personnel than ever, the Coast Guard’s other traditional missions are no less important than they have been in the past. Therefore, the bill sets a floor for spending in these critical areas.

The bill also requires the Coast Guard to report to Congress on how they intend to deal with the nearly 20,000-hour annual readiness gap that has developed in the 110-foot patrol boats. This is something that is very disturbing and troubling and must be addressed.

Additionally, the bill includes a provision establishing a civil penalty for individuals who possess personal use quantities of narcotics at maritime facilities or on a vessel. Drug use on vessels can have deadly consequences, and this provision will give the Coast Guard another tool to help keep our waterways safe.

I thank Chairman YOUNG and the ranking members, Mr. OBERSTAR and Mr. FILNER, for working with us so

closely to develop this bill. I think it takes a balanced approach to meet the Coast Guard’s requirements.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in very strong support of the Coast Guard Authorization Act of 2006. The bill provides authorization of \$8 billion for Coast Guard programs for the coming fiscal year, 2007, including \$5.6 billion for Coast Guard operations; \$2 billion for Coast Guard acquisition and construction, of which amount \$1.4 billion is for the Integrated Deepwater System; \$24 billion for research and development; \$1 billion for retired pay; \$17 million for the Truman Hobbs Bridge Alteration Program; and \$12 million for environmental compliance at Coast Guard facilities.

For the past 3 years, Chairman YOUNG and the very dedicated subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO), and I and the gentleman from California (Mr. FILNER) have been concerned about the diversion of Coast Guard resources from their historic missions, search and rescue, marine safety, being diverted to homeland security missions.

Those are important, but no more important than those historic missions of the Coast Guard about which we were concerned when the Department of Homeland Security was created and the Coast Guard was moved into it.

The maritime safety laws of this country were written in understanding and appreciation of the peril which mariners face when they get on a ship, go out to sea, whether on the saltwater or the fourth coastline of this country, the Great Lakes.

Americans put their trust every day in the Coast Guard to regulate safety on ferry boats and other types of vessels conveying passengers, or on liquefied natural gas tankers that come into our ports. We have to ensure that the Coast Guard will get their full funding needed to carry out those responsibilities. So in this legislation for the first time we set a floor on the amount of funding available for Coast Guard search and rescue and maritime safety programs.

We restore the funding for those programs that was cut in the President’s proposed budget. We also restore funding for the Truman Hobbs Bridge Alteration Program to remove bridges that are obstructions to navigation.

We ensure funding for the Coast Guard’s research and development program will go directly to the Coast Guard and will not be filtered through the Department of Homeland Security. As I warned when we brought that homeland security bill to the House floor that you put the Coast Guard in there, those dollars will be siphoned off to other functions within homeland security. Now we found a way to protect that that will not happen; the money will go directly to the Coast Guard.

In addition, we make a number of changes that will help the men and women of the Coast Guard of whom Chairman LOBIONDO and Chairman YOUNG and I and others have so frequently spoken with great admiration for their service.

First, we help pay for Coast Guard travel expenses for medical costs, if they are assigned to an isolated place that has no public access roads to the mainland, for example, allowing Coast Guard enlisted personnel to participate in the Armed Forces Retirement Home System; requiring that newly built fishing vessels built as replacement vessels under the American Fisheries Act be classed by the American Bureau of Shipping and have loadlines assigned if they are over 79 feet in length; and increasing the civil penalties for vessels that violate the anchorage regulations.

We also require that each facility security plan provide a method for seamen and representatives of seamen's welfare and labor organizations be able to board and depart the vessel through the facility in a timely fashion at no cost to the individual.

Those are just some of the highlights of this very, very important, comprehensive bill. It achieves that extraordinary goal that we on this committee in a bipartisan manner have had of setting a floor on the Coast Guard funding for search and rescue and for maritime safety programs.

This is a great accomplishment. We ought to pass this bill.

Mr. FLAKE. Madam Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Arizona.

Mr. FLAKE. We passed recently the earmark reform rule that applies simply to House rules. I had a concern that it might not apply to suspension bills, bills which are brought under suspension of the rules which would include suspending the earmark rule that we adopted.

I find in the report specific language referring to the Great Lakes Maritime Research Institute and specific moneys that are allocated in 2007, 2008, 2009 and 2010. That would seem to fit the definition of an earmark for the purposes of the rule that we passed, and the rule that we passed requires that a Member who requested that earmark identify their names with that earmark.

I would ask the gentleman if that is the earmark you requested?

Mr. OBERSTAR. I appreciate the gentleman's concern. He has been a vigorous advocate for openness about designation and earmarking in appropriation bills and has been vigorous in his pursuit in that objective.

I would point out, this is not an earmark for a project. For example, when the Food and Drug Administration was established, it was established to be located at the place of the designation of the Secretary of Health and Human Services. Similarly with the National Institutes of Health. The legislation

didn't say that they should be in Maryland; they just happened to be located in Maryland.

This is not a project that fits a particular Member's district. This is an institute that was authorized in the Coast Guard bill of 2004 that became Public Law in August of that year with this language: "The Secretary of Transportation may designate a National Maritime Enhancement Institute for the Great Lakes region."

It didn't say where. It didn't direct the Secretary to put it in any Members' district, just the Great Lakes.

I know the gentleman represents a water-challenged State. We have one-fifth of all of the fresh water on the face of the Earth in the five Great Lakes that cover eight States and two provinces of Canada.

The purpose of this institute is to develop marketing opportunities, shipping opportunities, and to look at the corrosive effects of water that are happening in the Great Lakes on our port facilities. Steel suddenly in the last 5 years has begun to corrode. Something is happening in those waters. It was our purpose, the Great Lakes States members, to create an institute that would bring together a wide range of academic and Federal Government agencies. I will just list for the gentleman, the Coast Guard, the Lake Carriers Association, Association of Great Lakes Port Authorities, U.S. Maritime Administration, Army Corps of Engineers, Great Lakes Commission, St. Lawrence Seaway Development Corporation, Society of Naval Architects and Marine Engineers, and various universities are all participants in this Great Lakes Maritime Institute.

What we do in this bill is continue the authorization for this program with specific dollar amounts, but we do not designate where it shall be located.

Mr. FLAKE. If the gentleman would continue to yield, I am reading now from I believe it is a press release of December 2005.

□ 2245

"Congressman DAVID OBEY, D-Wisconsin, announced December 12 that the Great Lakes Maritime Institute, the joint effort of the University of Wisconsin-Superior and the University of Minnesota-Duluth, will receive \$2 million in Federal funding." I believe that that is now the identified home of the Institute and, therefore, receiving money year after year would, I believe, be defined as an earmark for that purpose.

Mr. OBERSTAR. Madam Speaker, the gentleman refers to a press release. We don't legislate by press releases here.

Secondly, that statement was issued after the Secretary made a designation. After the Secretary made a designation. And participating in the Institute are the University of Toledo; the University of Wisconsin at Madison; the Great Lakes Maritime Academy, which is in Michigan; the Univer-

sity of Michigan; Michigan Tech University; and University of Minnesota-Duluth. This is a consortium of universities. But the legislation didn't designate where it should be located. That designation was left to the Secretary.

Mr. FLAKE. I thank the gentleman. We do not legislate by press release. Unfortunately, for those of us who are trying to bring some accountability or transparency, sometimes the only way we can find out who requested an earmark or specific funding is to go to press releases because the agency won't tell us and the committees won't tell us.

Mr. OBERSTAR. Reclaiming my time, I just want to say that the law directed the Secretary of Transportation to designate. The press release didn't. The legislation didn't. Appropriations didn't. If you are looking for transparency, it is very transparent what we have here in this bill. Additional years of authorization, the specific dollar amounts in an authorization, not an appropriation bill and not directed to a specific place.

Mr. FLAKE. I thank the gentleman. My concern is that when we did the earmark reform rule we didn't specifically cover suspension bills, and we want to make sure that all avenues are covered, whether it is authorizing on suspension bills or whatever else we do. So I appreciate the gentleman's explaining this particular source of funding and how it is arrived at.

The chairman of the Rules Committee said during the debate on that earmark rule, he said, "By adopting this new rule, we as a body are not only making the commitment to live under its provision, but every Member must make a commitment to adhere to the spirit of this new rule. It is more than just adding a new rule. It is making a commitment to change the culture of the institution."

And what I want to make sure is that under rules of suspension that we don't bring to the floor any earmarks that have not been identified according to the rule.

Mr. OBERSTAR. Madam Speaker, I thank the gentleman's integrity and his pursuit of a personal and institutional objective. However, this is not an earmark for a project. It is not a designation of a specific venue for an activity. It is an authorization for the Department to make a decision which was done pursuant to the 2004 law, and in this legislation we simply extend what is already in existence as designated by the Secretary.

Now, we are very careful in this committee. I will not stand for, in any aviation authorization bill, any specific designations or earmarks. People always want to have an air traffic control tower or center or something else designated in that bill. We keep it out. And we do not have any of those designations in this bill for specific districts for specific Members.

Mr. FLAKE. Madam Speaker, I thank the gentleman. I also thank the leadership for their continued commitment

to work and to ensure that suspension bills are covered under the new earmark rule.

Mr. OBERSTAR. Madam Speaker, that is an issue the gentleman I suggest should take up with his leadership. I do not have much of a say in that matter.

Madam Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield 2 minutes to Congresswoman KELLY from New York.

Mrs. KELLY. Madam Speaker, I rise today in support of the Coast Guard reauthorization. I am pleased to see that the section that Mr. BARROW of Georgia and I authored in a bipartisan fashion is included in the measure before us.

Our provision would clarify the role of the Coast Guard in protecting our Nation's nuclear power plants along navigable waterways. This language will allow the Coast Guard to work with the Nuclear Regulatory Commission to better safeguard nuclear facilities like the Indian Point facility along the Hudson River in my district and provide vessels and weaponry capable of thwarting waterborne attacks.

I want to thank Chairman YOUNG and Coast Guard Subcommittee Chairman LOBIONDO for their great work in support of the U.S. Coast Guard and for working so cooperatively with Congressman BARROW and me to have this provision included. This provision will go a long way towards protecting a segment of our Nation's energy infrastructure that still remains vulnerable of attack.

Mr. OBERSTAR. Madam Speaker, I think we have essentially resolved the issue of the gentleman from Arizona.

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

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

I would like to thank all my colleagues again, thank Mr. YOUNG, Mr. OBERSTAR, and Mr. FILNER on the subcommittee for working so closely for such an excellent product.

I would like to remind all of the Members of the sacrifices that the men and women of the Coast Guard make every day on our behalf. Unsung heroes, underrecognized, underappreciated men and women who are putting their lives on the line for our country with extraordinary dedication. This bill will help give them the tools and the equipment necessary for them to carry out their jobs.

It is, I guess, somewhat fitting that within a very short period of time all of America will have an opportunity to have a much better understanding of what the Coast Guard does because of a film that is being released, I believe, tomorrow, that will paint an extraordinary picture, realistic picture, of Coast Guard rescue swimmers and the danger that the men and women put themselves in every day on our behalf.

So I once again would urge all of my colleagues to please vote "yes."

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 New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 5681, as amended.

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

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109-700) on the resolution (H. Res. 1053) 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 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007; PROVIDING FOR CONSIDERATION OF S. 3930, MILITARY COMMISSIONS ACT OF 2006; PROVIDING FOR CONSIDERATION OF H.R. 4772, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109-701) on the resolution (H. Res. 1054) waiving points of order against the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes and providing for consideration of the bill (S. 3930) to authorize trial by military commission for violations of the law of war, and for other purposes and consideration of the bill (H.R. 4772) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### ROBERT J. THOMPSON POST OFFICE BUILDING

Mr. MARCHANT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6075) to designate the facility of the United States Postal Service lo-

cated at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building".

The Clerk read as follows:

H.R. 6075

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

#### SECTION 1. ROBERT J. THOMPSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, shall be known and designated as the "Robert J. Thompson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Robert J. Thompson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 6075, offered by the gentleman from Pennsylvania (Mr. PITTS), would designate the facility of the Post Office in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building."

Born on November 30, 1937, Senator Thompson graduated from Penn State University in 1959 and was known to be a loyal and devoted fan of the Nittany Lions.

He was a native of West Chester, Pennsylvania, and began his career in public service in 1970 as a member of the West Goshen Township Board of Supervisors. He began serving as a member of the Pennsylvania State Senate in 1995, representing the 19th District, which includes parts of Chester and Montgomery Counties. During his distinguished career as Senator, Thompson also served as chairman of the Appropriations Committee and vice chairman of the State Government Committee.

But his contributions were not limited to just the public arena. He and his wife, Nancy, were very dedicated to the community in which they lived. Senator Thompson's list of involvements was impressive. He was the founding Executive Director of the Chester County Chamber of Commerce, a member of the Chester County Hospital Board, a member of the Immaculata College President's Council, and was an elder at the First Presbyterian Church of West Chester.

He passed away in January of 2006 and will be greatly missed by friends, family, and the community.

I urge all Members to come together and vote in favor of H.R. 6075.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6075, legislation sponsored by Representative JOSEPH PITTS, was unanimously passed by the Government Reform Committee on September 21, 2006. The bill designates the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the "Robert J. Thompson Post Office Building."

Robert Thompson, a member of the Pennsylvania State Senate since 1995 and Chair of the Senate Appropriations Committee, passed away in January of 2006.

Madam Speaker, Robert Thompson was a distinguished citizen who gave much of himself and much of his life to public service, and one way of recognizing and remembering the contribution that he made is to name this postal facility in his honor.

Mr. PITTS. Madam Speaker, today, I ask my colleagues to join me in honor of Robert J. Thompson and I rise in support of H.R. 6075, the Senator Bob Thompson Post Office Designation Act.

I've introduced this bill with my fellow colleagues from Pennsylvania and I thank them for their support.

It's a great privilege to be able to commemorate the life and public service of the late Senator Robert Thompson—Bob, as he was known to his friends.

Senator Thompson was a distinguished legislator and respected public servant. He served the people of southern Pennsylvania for more than 30 years as an elected official.

Bob got his start in public life in 1970 as a member of the West Goshen Township Board of Supervisors.

In 1995, Bob was elected to the State Senate where he represented the good people of Chester and Montgomery counties and served as Majority Chairman of the Senate Appropriations Committee.

I had the great privilege of serving with him in the Pennsylvania State legislature before coming to Congress—an honor I will always cherish.

Throughout his tenure in Harrisburg, Bob earned a solid reputation as an honest and sincere representative who always made his constituents his first priority.

Despite his health challenges that required him to be in the hospital frequently, his friends and colleagues fondly recall the encouraging and humorous e-mails he would send on his Blackberry from his hospital room.

Those who knew Bob loved his gentle demeanor, cheerful spirit, and great sense of humor.

His kindness and generosity were evidenced by his dedication to community service and civic participation.

He served on the board of numerous civic associations and community groups, including the Chester County Historical Society, the

Westtown-Goshen Rotary Club, Chester County Library, and the West Chester Area Day Care Association.

Despite his many accomplishments as a respected public servant, I believe Bob would most like to be remembered as a devoted husband to Nancy and a loving father and grandfather.

Although Pennsylvania lost a great public leader, his kind and gentle countenance will not be forgotten by the many men and women who have served alongside him.

The Bob Thompson Post Office will be a fitting tribute to his life and work for many years to come.

Mr. GERLACH. Madam Speaker, I rise today to honor a great public servant and friend, the late Pennsylvania State Senator Robert J. Thompson. Today, the House of Representatives has the unique opportunity to designate the United States Postal Service facility located at 101 East Gay Street in West Chester, Pennsylvania, the "Robert J. Thompson Post Office Building".

Bob, a native of Chester County, Pennsylvania, gave his life to public service as a township supervisor, county commissioner, member of the Southeastern Pennsylvania Transportation Authority, and finally as State Senator representing the 19th District of Pennsylvania. In all of these endeavors, he represented his constituents with honor, dignity, and professionalism. He was also known throughout the community as a loving father and grandfather with a tremendous sense of humor and love of life. So, it is an honor for me to take this time to remember a man I worked closely with and who I greatly respected as a mentor and a friend.

Bob and his wife Nancy made community service, civic participation, and faith-based activities paramount in their lives. When not serving on countless commissions, committees, and caucuses, Bob made sure he was there for his family as well. In short, Bob was a "legislator's legislator," a highly honored servant and a loving family man.

Madam Speaker, it is a privilege to stand before this House today to help remember State Senator Robert Thompson. He is sorely missed by his family, his constituents, and myself, and I know that by naming the post office in West Chester after him, his legacy of public service will live on.

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

Mr. MARCHANT. 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 Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 6075.

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

A motion to reconsider was laid on the table.

#### CHUCK FORTENBERRY POST OFFICE BUILDING

Mr. MARCHANT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6078) to designate the facility

of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building".

The Clerk read as follows:

H.R. 6078

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

#### SECTION 1. CHUCK FORTENBERRY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, shall be known and designated as the "Chuck Fortenberry Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Chuck Fortenberry Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 2300

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 6078 as introduced by the gentleman from Texas (Mr. BRADY) would designate the post office in Woodville, Texas, as the "Chuck Fortenberry Post Office."

Chief Warrant Officer Fortenberry was a 19½-year Army veteran who was serving with the 1st Battalion, 227th Aviation Regiment, 1st Cavalry Division, out of Fort Hood, Texas. During the course of his distinguished career, he also served in the 82nd Airborne Division, became an Army Ranger, and worked in Alaska before joining the warrant officer program to fly helicopters.

Officer Fortenberry was killed on Easter Sunday, April 11, 2004, when his AH-64 Apache helicopter was shot down over Baghdad. On that Sunday, a convoy traveling through Baghdad en route to Fallujah came under enemy fire. Someone on the ground called for air support, and Fortenberry and his partner, Chief Warrant Officer Lawrence "Shane" Colton, responded within moments. The convoy was saved, but their helicopter was shot down. Officer Fortenberry and his crewman paid the ultimate price for their country and their comrades, and I hope all members will join me in supporting this bill to honor such bravery and sacrifice.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I appreciate Congressman

MARCHANT for his leadership on this issue.

On Easter Sunday, 2004, Apache helicopter pilot, Army Chief Warrant Officer Wesley Lee Charles Fortenberry and his gunner answered a desperate call for help from a convoy of 29 Reservists trapped in an ambush with an estimated 300 Muslim extremists, pinned down in a mile-long kill zone in Baghdad, literally down to their last rounds of ammunition.

Pilot Chuck Fortenberry and his gunner fought to save the lives of 29 soldiers, repeatedly silencing enemy guns and drawing fire to themselves. As one Reservist said, everywhere the Apache flew, the fire stopped. And when I heard the Apaches all I could think of was thank God, I am going to live.

Well, an enemy rocket eventually silenced the 30 millimeter cannons and the life of Chuck Fortenberry. On that Easter Sunday, Chuck Fortenberry willingly gave his life to save the lives of many of his countrymen knowing he may never hold his loving wife again or see his three sons grow into men.

He represents a new generation of hero, fighting for our security, and he is the latest in a long line of Tyler County veterans who answered the call to our Nation's defense. I want to make sure that future generations understand the freedoms they enjoy are paid for by the blood, sweat and tears of the families in Tyler County who raise their sons and their daughters to love and serve their country at any price.

I am proud to author this legislation. I urge its support.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 6078, legislation introduced by Representative KEVIN BRADY of Texas was unanimously reported by the Government Reform Committee on September 21, 2006.

The bill designates the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the "Chuck Fortenberry Post Office Building."

Chief Warrant Officer Chuck Fortenberry and his gunner, Chief Warrant Officer Shane Colton were killed in action in Iraq on April 11, 2004, when they responded to an urgent call for help from an Army field convoy pinned down by enemy fire near Fallujah.

Madam Speaker, two individuals who have given their life in such a manner as to demonstrate not only courage but also commitment, I can think no better way of honoring Mr. FORTENBERRY than to name this postal service in his honor in his hometown.

Mr. MORAN of Kansas. Madam Speaker, on Easter Sunday, 2004, Apache helicopter pilot Army Chief Warrant Officer 3 Wesley Charles Fortenberry and his gunner answered a desperate call for help from a convoy of 29 reservists trapped in an ambush with an estimated 300 Muslim extremists—pinned down in a mile-long kill zone in Baghdad, down to their last rounds of ammunition.

Pilot Chuck Fortenberry and his gunner fought to save the lives of 29 soldiers, repeatedly silencing enemy guns and drawing fire to themselves. As one reservist said "everywhere the Apache flew, the fire stopped. When I heard the Apaches, all I could think of was 'Thank God', I am going to live."

To make sure that future generations understand the sacrifices that ensure their freedoms I am proud to announce I have introduced legislation to name the Woodville Post Office in honor of Chuck Fortenberry.

This is a lasting tribute to an American hero. It is also a tribute to the people of Tyler County, whose sons and daughters have defended America's

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

Mr. MARCHANT. Madam Speaker, I urge all Members to support the passage of H.R. 6078, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 6078.

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

A motion to reconsider was laid on the table.

#### BEVERLY J. WILSON POST OFFICE BUILDING

Mr. MARCHANT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4720) to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building".

The Clerk read as follows:

H.R. 4720

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

#### SECTION 1. BEVERLY J. WILSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, shall be known and designated as the "Beverly J. Wilson Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Beverly J. Wilson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, in the town of Lincoln, California, Beverly Wilson was known not just a postal carrier but also as a dear friend and a community fixture. She lived in Lincoln for 50 years and worked for the postal service for nearly 30 of those years.

She went out of her way to get to know her customers personally, and she always took new employees under her wing. She was known throughout Lincoln for her famous pomegranate jelly and baked pies, but above all else her community remembers her kind spirit, generosity and warmth.

Beverly Wilson will be deeply missed by all of the people whose lives she touched.

I urge all Members to join me in naming this post office in her honor.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, H.R. 4720, legislation introduced by Representative JOHN DOOLITTLE designates the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the Beverly J. Wilson Post Office Building.

Beverly Wilson, 65, and a resident of Lincoln, California, was a rural letter carrier for the United States Postal Service. Mrs. Wilson was delivering mail in her postal Jeep when she was rear-ended and killed, ending a 26-year career with the United States Postal Service.

Ms. Wilson was 4 weeks away from retirement. Madam Speaker, I can imagine that oftentimes individuals who do the work that Ms. Wilson did do not have monuments erected or buildings named for them. But delivering the mail is a very important function. People wait to receive it. They need it. They want it. And one of the ways that we honor her, as well as the other thousands of letter carriers throughout the country is by naming this facility after Ms. Beverly J. Wilson.

I urge its passage.

Ms. MATSUI. Mr. Speaker, Beverly Wilson, "Bev" as she was known, was many things: a mother of five, a grandmother of 15, and a dedicated Postal Carrier for nearly thirty years. The naming of the Lincoln Post Office at which she worked is fitting for such a tremendous woman.

On January 6, 2005, just one month before retiring from the U.S. Postal Service, longtime Lincoln, California resident Beverly Joyce Wilson, 65, was involved in a fatal car accident while on the job.

The public sentiment after her death left one of her son's to remark, "How can one little old woman touch the lives of so many people?" It is quite clear from the heartfelt comments from her relatives, friends, coworkers and residents of Lincoln that she truly has made a lasting impression on Lincoln.

But the circle of admiration didn't stop in Lincoln. According to Ralph Petty at the Sacramento Metropolitan Area U.S. Postal Service, "She was a model employee, very dedicated to her work. Her rural carrier job was her life. She loved the people that she serviced every day."

It is undeniable from all of the accounts, that she loved her life and valued and respected others, and in turn they have asked for the new Post Office to be dedicated in her memory. This Post Office naming bill represents all postal employees, and everything that the USPS stands for. Her legacy will forever be remembered.

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

Mr. MARCHANT. Madam Speaker, I urge all Members to support the passage of H.R. 4720, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 4720.

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

A motion to reconsider was laid on the table.

#### HAMILTON H. JUDSON POST OFFICE

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6151) to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the "Hamilton H. Judson Post Office".

The Clerk read as follows:

H.R. 6151

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

#### SECTION 1. HAMILTON H. JUDSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, shall be known and designated as the "Hamilton H. Judson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Hamilton H. Judson Post Office".

The SPEAKER pro tempore (Mr. GOHMERT). Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MARCHANT. 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 Texas?

There was no objection.

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

Mr. Speaker, Hamilton H. Judson was appointed postmaster of Farmington, MN in 1884. He worked diligently to give the town free rural delivery, making it the second town in the U.S. to receive this service. Just a few months after Judson established the system, local newspapers deemed it a success.

Judson was also known for working tireless hours. He was at work by 7 every morning, and waited on the mail train to arrive at 9 every night. And during the harvest season, he kept the Post Office open late so the farmers could collect their mail.

After almost 30 years of service, he retired, leaving behind a rural mail system as well as city post roads upon which the community of Farmington depended. I urge all members to join me in supporting H.R. 6151, honoring Hamilton Judson's ingenuity and his dedication to serving his town.

I yield to the gentleman from Minnesota.

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

Mr. Speaker, I rise today to say the people from the community of Farmington, Minnesota, have spoken and they have been heard. Earlier this year, as part of the Farmington post office's 150th anniversary, the community of Farmington conducted an election to name their post office.

The overwhelming majority of citizens voted to name their post office after Hamilton Harris Judson, a well-liked mercantile businessman who the Dakota County Tribune once described as: "The greatest of all citizens."

Hamilton H. Judson proved to the Federal Government that the possibility of a rural free delivery system of conveying mail to farmers who lived far from the post office outside of a town or village boundary could be a reality.

Hamilton Judson was appointed postmaster in 1884 and served his community and the Federal Government for the next 29 years. Mr. Judson worked seven days a week from seven in the morning until 10 o'clock at night to ensure that the citizens received their mail in a timely fashion.

Before rural free delivery, Mr. Judson kept the post office open late into the evening to accommodate the areas farmers during the harvest season. In 1896, Minnesota Congressman Joel Heatwole convinced Congress to have Farmington attempt the rural free delivery experiment.

A year later, Farmington became the second city in the United States to offer rural free service. Hamilton H. Judson's system became a model for post offices around the Nation.

I urge all Members to support H.R. 6151.

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

Mr. Speaker, H.R. 6151, designates the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the Hamilton H. Judson Post Office.

Hamilton H. Judson was appointed postmaster of the Farmington post office on August 11, 1884, by Postmaster General Walter Q. Gresham. He retired in 1914.

I understand, Mr. Speaker, that this was a unique undertaking in terms of how this became the Hamilton H. Judson Post Office. It is my understanding that a contest sort of took place in town, and that the citizens voted. And after the voting was done, and all of the votes had been counted, Hamilton H. Judson was the name.

That is a unique way of people participating in a public decision. I commend the gentleman from Minnesota for using this approach and urge passage of this resolution.

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

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of H.R. 6151, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 6151.

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

A motion to reconsider was laid on the table.

#### VINCENT J. WHIBBS, SR. POST OFFICE BUILDING

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5736) to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building".

The Clerk read as follows:

H.R. 5736

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

#### SECTION 1. VINCENT J. WHIBBS, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, shall be known and designated as the "Vincent J. Whibbs, Sr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Vincent J. Whibbs, Sr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MARCHANT. 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 Texas?

There was no objection.

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

Mr. Speaker, H.R. 5736, offered by the gentleman from Florida (Mr. MILLER), would designate the facility of the United States Post Office in Pensacola, Florida, as the Vincent Whibbs, Sr. Post Office Building.

Mayor Emeritus Vince J. Whibbs passed away on May 30, 2006, having left a long legacy of public service in his country, and to the hometown of Pensacola, Florida.

During World War II, Mr. Whibbs left his job at the Pontiac Motor Division of General Motors to join the Army's Air Corps, serving as a fighter pilot and then a fighter flight trainer. After the war, he returned to his job at Pontiac and rose quickly through the ranks until he decided to take over a Pontiac dealership in Pensacola. It was there that he came to love the city that would become his permanent home.

Mr. Whibbs was very giving of his time to the community. He was elected to the city council, and served in many organizations such as the Navy League, the United Way, and the Rotary Club.

In 1978 he was appointed to a 2-year term as mayor of Pensacola. He did such a good job, that he was asked to serve through June of 1991, making him the longest serving mayor in Pensacola history.

In honor of his distinguished service, the city bestowed the title of Mayor Emeritus upon Mr. Whibbs.

I support H.R. 5736 in recognition of the many contributions he made to the community. And I hope all Members will join me.

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

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 5736, legislation introduced by Representative JEFF MILLER, designates the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building."

Vincent Whibbs was a member of the Pensacola City Council and former mayor of the city from 1977 to 1991. He passed away this year after having a distinguished career as a public servant. He did indeed serve for a long time as mayor of the city, and I can think of no better way for the city to honor his work and his memory than to name this postal facility in his honor.

I urge its passage.

Mr. MILLER of Florida. Mr. Speaker, I rise today in support of renaming the Palafox Street Post Office in Pensacola, Florida, the Vincent J. Whibbs Post Office. This post office will honor a great man who gave his all to the betterment of Pensacola.

In 1978, Vince Whibbs was appointed to a 2-year term as mayor of Pensacola but did such a great job that he ended up serving through June of 1991. Mayor Whibbs was Pensacola's longest-serving mayor and even after he left the position in 1991 he maintained the title of mayor emeritus.

Friendly, outgoing, and charming, Vince had a love for Pensacola that was overshadowed only by his love of God, country, and family. He was constantly giving back to the community through his involvement in local organizations including the Chamber of Commerce, the Pensacola chapter of the Navy League, the Fiesta of Five Flags, the United Way, Rotary Club International, Junior Achievement and Project Alert.

Mayor Whibbs loved to personally welcome dignitaries to Pensacola and greeted all who came with a rapid-fire delivery: "On behalf of our elected City Council, those 10 masterful men who manage our magnificent municipality; and on behalf of the chairman of our county commission and his four commissioners who constantly deal with the changing, challenging conditions of our county; and on behalf of our wonderful people who populate the Northwest Florida area, it is my privilege and pleasure as mayor to welcome you to Pensacola, the western gate to the Sunshine State, where thousands live the way millions wish they could, where the warmth of our community comes not only from God's good sunshine, but from the hearts of the people who live here. Welcome to Pensacola, America's first place city and the place where America began."

Mr. Speaker, Mr. Whibbs was a friend of Pensacola, a friend of the military and a personal friend of mine. His enthusiasm was contagious, his integrity inspiring.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 5736.

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

A motion to reconsider was laid on the table.

#### KATHERINE DUNHAM POST OFFICE BUILDING

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5929) to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the "Katherine Dunham Post Office Building".

The Clerk read as follows:

H.R. 5929

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

#### SECTION 1. KATHERINE DUNHAM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, shall be known and designated as the "Katherine Dunham Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Katherine Dunham Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MARCHANT. 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 Texas?

There was no objection.

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

Katherine Dunham was born in Glen Ellyn, Illinois, in 1909, and from a very early age, she was passionate about the arts. She attended Chicago University and went on to earn a master's and doctoral degree in anthropology. In 1931, she opened her first dance school, and in 1948, she participated in a tour that was the first to bring African American dance to the European public.

Upon returning from Europe, Dunham directed a production on Broadway, and in 1963, she became the first African American to choreograph for the Metropolitan Opera. Perhaps one of the most defining moments of her career, however, was receiving the Albert Schweitzer Music Award for a life's work dedicated to music and devoted to humanity at New York's Carnegie Hall.

In recognition of her countless achievements and contributions to the arts, I urge all Members to join me in voting for H.R. 5929.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Illinois (Mr. COSTELLO), the sponsor of this resolution.

Mr. COSTELLO. Mr. Speaker, I thank my friend from Illinois for yielding the time and thank him for his co-sponsorship of this legislation.

Mr. Speaker, I rise tonight in support of H.R. 5929, the Katherine Dunham Post Office Designation Act. Katherine Dunham was a legendary dancer, choreographer, and social activist. Katherine Dunham always said she wanted a useful legacy, a legacy that was more than being a dancer. She truly achieved that goal.

Katherine Dunham was born on June 22, 1909, in the Chicago suburb of Glen Ellyn. She was one of the first African Americans to attend the University of Chicago, where she eventually earned

her bachelor's, master's and doctoral degrees in anthropology. She achieved broad critical acclaim both in the United States and abroad for her performances, borrowing movements and rhythms from the Caribbean and South America, while also adhering to classical ballet. Her technique is still taught and bears her name.

Ms. Dunham used her fame to focus the public's attention on social injustices around the world, including enduring a 47-day hunger strike at the age of 82 to help shift public awareness to the international relationship between America and Haiti. Further, she received many awards and recognition for her work such as the Presidential Medal of Arts, Southern Cross of Haiti, the Kennedy Center Honors, the French Legion Honor and the NCAAP Lifetime Achievement Award.

In 1967, Ms. Dunham moved to East St. Louis, Illinois, where she helped open a performing arts training center and established a dance anthropology program at Southern Illinois University in Edwardsville. The center in East St. Louis was eventually named the Katherine Dunham Center for the Arts and Humanities.

Honoring Katherine Dunham with this post office designation is fitting and appropriate, not only to Katherine and her family, but the residents of the city of East St. Louis and the congressional district that I am privileged to represent. East St. Louis is a community that has suffered hard times, but through it all, Katherine Dunham and her center served as a focal point for revitalization and hope for the city and its people.

Mr. Speaker, Katherine Dunham touched the world, not only through her artistic gifts, but with her conscience as well. Through her, we grew as a Nation. Just as she challenged the norms of dance, she challenged all of us to confront the important issues of our time. Renaming this post office for Katherine Dunham is a small gesture, but it is one way to say thank you for her continuing contributions to the people of East St. Louis, which she was proud to call home.

Mr. Speaker, I ask my colleagues to join me in supporting H.R. 5929, and I thank my friend from Illinois.

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

If I just might close, I am pleased to join with my colleague from Illinois in this legislation. Katherine Dunham was an academician, a scholar, an activist, an anthropologist, a great dancer, a choreographer, a culturess, I do not know of many things that she was not, a businesswoman, a person who brought life and spirit wherever she was, and she was fortunate to live to a ripe old age.

All of us who have studied her, had the opportunity to see her, to know about her, our lives have indeed been enriched, and I am pleased to join in the sponsorship and urge passage of this resolution.

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

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of H.R. 5929, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 5929.

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

A motion to reconsider was laid on the table.

#### TITO PUENTE POST OFFICE BUILDING

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1472) to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building".

The Clerk read as follows:

H.R. 1472

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

#### SECTION 1. TITO PUENTE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 167 East 124th Street in New York, New York, shall be known and designated as the "Tito Puente Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Tito Puente Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MARCHANT. 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 Texas?

There was no objection.

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

Mr. Speaker, a 5-time Grammy winner, Tito Puente was one of the most influential Latin jazz musicians of his time. He began playing the drums professionally as early as the age of 13 and went on to study composing, orchestration, and piano at Julliard and the New York School of Music.

Puente released 120 albums over the course of his 60-year career. His fans loved him for both his music and his showmanship. He will always be re-

membered for keeping his music fresh and current through the decades.

I support H.R. 1472 in recognition of the remarkable gift for music that Mr. Puente joyously shared with the world and hope all the Members will join with me.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

H.R. 1472, legislation introduced by Representative CHARLES RANGEL, was unanimously passed by the Government Reform Committee on September 21, 2006. H.R. 1472 designates the facility of the United States Postal Service located at 167 East 124th Street in New York as the Tito Puente Post Office Building.

Tito Puente, the great musician known as the "King of Latin Music," was born in 1923. He recorded over 100 albums and was a 4-time Grammy award winner, featured motion picture performer and internationally acclaimed musician. He died in May of 2000, and all of us who have heard the Latin sounds and relaxed as we listened are proud to know that a postal service is being named in honor of this great musician.

I urge its passage.

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

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of H.R. 1472, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 1472.

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

A motion to reconsider was laid on the table.

#### RECOGNIZING FINANCIAL PLANNING WEEK

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 973) recognizing Financial Planning Week, recognizing the significant impact of sound financial planning on achieving life's goals, and honoring families and the financial planning profession for their adherence and dedication to the financial planning process, as amended.

The Clerk read as follows:

H. RES. 973

Whereas the financial planning process can play a vital role in helping workers achieve financial independence by empowering them to identify and manage realistic financial objectives and meet the financial challenges that arise at every stage of life;

Whereas all individuals in the United States can improve their quality of life by securing competent, objective, and comprehensive financial advice to assist them in attaining their financial goals;

Whereas 2 surveys released in 2006 by the Consumer Federation of America and the Financial Planning Association revealed that

77 percent of financial planners think it is very important for Americans to understand what net personal wealth is, but only 49 percent of Americans know what constitutes this wealth—financial assets plus home equity and other tangible assets minus consumer debts;

Whereas, in the past year, proclamations have been issued in numerous States and the District of Columbia recognizing the importance of the financial planning process in meeting the goal of financial independence and other long-term financial objectives; and

Whereas the Financial Planning Association has designated the week beginning October 2, 2006, as “Financial Planning Week”: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) encourages Americans to observe “Financial Planning Week” with appropriate programs and activities;

(2) supports the goals and ideals of “Financial Planning Week”;

(3) recognizes the significant impact that sound financial planning can have on securing financial independence and achieving life’s goals and dreams; and

(4) acknowledges and commends the millions of families across the United States, as well as the financial planning profession, for their adherence and dedication to the financial planning process.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MARCHANT. 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 Texas?

There was no objection.

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

Mr. Speaker, there is no question that a sound financial foundation can provide people with more opportunities and a better quality of life. H. Res. 973, as amended, recognizes the importance of thorough planning to the achievement of financial aspirations, and it commends the millions of Americans who are already working and planning to achieve their personal goals.

In the past year, proclamations have been made in several States, as well as the District of Columbia, recognizing this fact, and I am pleased to support H. Res. 973 designating the week of October 2, 2006, as National Financial Planning Week.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, my father used to tell us that he or she who fails to plan, plans to fail. Of course, the same is true when it comes to money management and handling one’s finances. This

resolution makes all of us aware and reminds us that financial planning is essential to financial security.

I am pleased to join in support of this resolution setting aside and recognizing Financial Planning Week. I urge its passage.

Mrs. BIGGERT. Mr. Speaker, I rise today to urge my colleagues to support House Resolution 973, which supports the goals and ideals of designating the week of October 2–8, 2006 Financial Planning Week.

I want to thank my friend and colleague, the gentleman from Texas, Mr. HINOJOSA, for introducing this resolution. I want to commend him for his leadership on the important issue of financial education.

In addition to serving together on the Financial Services Committee, Congressman HINOJOSA and I co-chair the Financial and Economic Literacy Caucus, which now has 79 members. His commitment to improving financial literacy levels among all Americans is unwavering. I am honored to co-chair the caucus with him and to be the lead co-sponsor of this resolution.

I also want to thank the gentleman from Virginia, Chairman TOM DAVIS, for expeditiously moving this resolution through the Committee on Government Reform.

Mr. Speaker, House Resolution 973 calls on the Nation to observe the week of October 2–8, 2006, as “Financial Planning Week.” The Financial Planning Association, along with many states and municipalities across the country, have designated October 2–8, 2006, as “Financial Planning Week.” Our collective goal for the week is to make Americans aware of their financial planning needs, and encourage them to take the actions necessary to achieve financial security for their families.

Mr. Speaker, proper financial planning is an essential part of achieving one’s life goals. Whether saving for a child’s education, planning for retirement, or purchasing a first home, virtually every major decision that we make requires comprehensive financial planning.

Financial Planning Week will provide a good opportunity to talk to your kids about their personal finances, to remind your friends and loved ones of the need to plan for retirement, or to seek help with your own financial situation, if need be.

In the last quarter of 2005, the personal savings rate dropped to negative-point-two-percent—one of the lowest since the Great Depression. Studies show that as many as 10 million households in the United States are ‘un-banked.’ They don’t even have a bank or credit union account. In addition, 37 percent of workers are not currently saving for retirement. This has to change, and the best way for it to change is for us as Americans to get educated about properly managing our finances.

This October, during “Financial Planning Week,” I will join my colleagues, and financial literacy advocates nationwide, to encourage Americans to seek out information about the benefits of properly managing their personal finances.

I ask my colleagues to join me and support the goals and ideals of designating October 2–8, 2006, as Financial Planning Week.

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of H. Res. 973, recognizing “Financial Planning Week,” October 2nd through the 8th of this year. I was very pleased that my colleague and good friend from Illinois,

Congresswoman JUDY BIGGERT, joined me in introducing this important and timely resolution.

I want to take this opportunity to thank Congresswoman BIGGERT, Congressman KANJORSKI and his staff, Congresswoman MALONEY and her staff, Tania Shand with Government Reform, and Jerry Hartz and Catlin O’Neill with the Minority Leader’s office for the assistance they provided me in bringing this resolution to the floor today.

As Co-Founder and Co-Chair of the Financial and Economic Literacy Caucus, I decided to introduce this resolution to place the spotlight on yet another important piece of the financial and economic literacy puzzle that we must all put together during our lives: financial planning. Financial planning plays a key role in meeting the goal of the Caucus to improve financial literacy rates for individuals during all stages of their lives.

Mr. Speaker, at this point, I ask unanimous consent to insert into the record the following letters in support of H. Res. 973: letters from the Financial Planning Association, the Financial Services Roundtable, the U.S. Hispanic Chamber of Commerce, Cross Financial Services Corporation, MasterCard and Citigroup.

Despite daily challenges of balancing work, family, and personal matters, it’s important—now more than ever—that all Americans take time to increase their financial knowledge and plan for a secure future. Like most people, we all have hopes and dreams and life goals for ourselves and our families. These might include buying a home or business . . . saving for college education for our children . . . taking a dream vacation . . . reducing taxes . . . or retiring comfortably.

Managing your personal finances is ultimately your responsibility. However, you don’t have to do it alone.

There are community centers, non-profits, community-based organizations, financial counseling organizations as well as private sector financial groups and associations that can help you make decisions that make the most of your financial resources. Certified Financial Planners are among those groups. This advice is available in many languages.

All these entities can help you set realistic financial and personal goals. They can assess your current financial health by examining your assets, liabilities, income, insurance, taxes, investments and estate plan. These same groups can help you develop a realistic, comprehensive plan to meet your financial goals by addressing financial weaknesses and building on financial strengths. They can help you put your plan into action and monitor its progress.

Furthermore, they can help you stay on track to meet changing goals. . . changing personal circumstances. . . changing stages of your life. . . changing products, markets and tax laws.

Research has shown that people with a financial plan tend to save more money, feel better about their progress, and make more appropriate decisions—no matter what their income.

Moreover, a written financial plan is far more effective than a mental one. Seeing your plan in writing helps to remind you about what actions are necessary to reach your goals, and it helps you to check your progress more easily than relying on memory alone.

Following the financial plan is the biggest challenge for most people. The pay-off for

meeting this challenge will be increased family financial security and satisfaction.

Many people are amazed to see how much of their money is spent on take-out lunches, morning coffees, and other expenses that can add up over time. It is up to all of us to decide whether these "extras" are really worth the trade-off. Are these everyday "extras" worth giving up money for current expenses and future goals?

The reality is that your everyday spending decisions have a greater impact on your long-term financial well-being than all of your investment decisions combined.

Next week, I hope that all of you will focus on mapping out your financial future.

I would like to commend the financial planners who will be volunteering their services on October 4th, financial planning day in room 430 of Senate Dirksen Office Building from noon to 3pm. Over a dozen financial planners will be available to answer any financial questions from you or your staff. More than likely, just your staff will be able to attend the event, but I encourage them to do so.

Mr. Speaker, if there is one thing I would like my colleagues and the public to understand today is that it is never too late to take control of your finances.

Whether you are a youth learning the fundamentals of savings and checking or an older person concerned that you haven't planned for your golden years, it is never too late to start. So, why not start today!

Again, I rise in strong support of this resolution and urge my colleagues to vote in favor of it.

THE FINANCIAL PLANNING ASSOCIATION,  
Washington, DC, September 8, 2006.

Hon. RUBÉN HINOJOSA,  
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HINOJOSA: As the leading membership organization for the financial planning community, the Financial Planning Association (FPA) would like to thank you for introducing H.R. 973, in recognition of Financial Planning Week. This resolution will help expand our goal of increasing financial literacy and as a result, help the national savings rate.

In a few weeks, our efforts to promote the benefits of wise personal financial planning will be extended to Capitol Hill. We would like to personally invite you to attend our sixth annual Financial Planning Day on Capitol Hill on October 4, in the Senate Dirksen Building, room 430, from 12 p.m. to 3 p.m. Over a dozen financial planners will be available to answer any financial questions from you or your staff. I would also like to use that opportunity to personally express my gratitude for your efforts in support of sound financial planning for all Americans.

FPA connects those who need, support and deliver financial planning. Our 28,000 members work with a variety of clients, including individuals and small businesses, to support and deliver objective financial planning advice from a competent, ethical financial planner. Our members demonstrate and support a professional commitment to education and a client-centered financial planning process.

Sincerely,

DANIEL B. MOISAND,  
President, FPA.

THE FINANCIAL SERVICES  
ROUNDTABLE,

Washington, DC, September 25, 2006.

Hon. RUBÉN HINOJOSA,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: We write to applaud your leadership in introducing House Resolution 973, recognizing Financial Planning Week. The Roundtable believes the financial planning process allows Americans to achieve their dreams by empowering them to identify and manage realistic financial goals.

This resolution highlights the impact of sound financial planning on achieving life's goals, and honoring families and the financial planning profession for the adherence and dedication to the financial planning process. Everyone can benefit from knowing the value of financial planning and knowing where to turn for objective financial advice.

The Financial Services Roundtable represents 100 of the largest integrated financial services companies providing banking, insurance, and investment products and services to the American consumer. Member companies participate through the Chief Executive Officer and other senior executives nominated by the CEO.

Roundtable member companies provide fuel for America's economic engine, accounting directly for \$50.5 trillion in managed assets, \$1.1 trillion in revenue, and 2.4 million jobs.

We thank you for your leadership in recognizing Financial Planning Week through H. Res. 973. The Roundtable is proud to support this important resolution.

Best regards,

STEVE BARTLETT,  
President and CEO.

UNITED STATES HISPANIC  
CHAMBER OF COMMERCE,  
Washington, DC, September 7, 2006.

DEAR REPRESENTATIVE: On behalf of the U.S. Hispanic Chamber of Commerce, the largest and most influential advocate for the nation's 2 million Hispanic-owned businesses, I would like to express our support for H. Res. 973, a legislative effort to recognize October 2-8, 2006 as Financial Planning Week.

Indeed, all families, especially in the Latino community, must further their reliance on competent and ethical financial planners to help make smart financial decisions, open businesses, and plan for the future. Acknowledging the importance of sound financial planning can help inform consumers on how to maximize their and their family's potential to improve their quality of life. Latino families would benefit from planned Financial Planning Week activities that will include toll free hotlines in both English and Spanish for individuals to call a financial planner with questions about their finances.

All families and businesses are well served by using the services of financial planners to plan for college, prepare for retirement, invest in financial products and life insurance to help get through times of need and estate planning. In the past year, proclamations have been issued in numerous states and the District of Columbia recognizing the importance of the financial planning process in meeting long-term financial objectives and achieving the goal of financial independence.

We urge you to cosponsor H. Res. 973 so that we may help educate families on how to best prepare and improve their financial lives.

Please contact me or David Ferreira, Director of Government Affairs, at 202.842.1212

if we can be of further service in advancing this worthwhile goal.

Sincerely,

MICHAEL L. BARRERA,  
President and CEO.

CROSS FINANCIAL SERVICES  
CORPORATION,  
September 11, 2006.

Hon. RUBÉN HINOJOSA,  
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HINOJOSA: As a member of FPA®, I would like to thank you for introducing H.R. 973, in recognition of Financial Planning Week. I would also like to personally express my gratitude for your efforts for increasing financial literacy. On a daily basis, I see the need and importance for increasing financial literacy as a nation. Financial Planning Week serves as an opportunity to help the American public realize the importance of sound financial planning in their personal lives.

Many Americans seem to have not been taught the lessons their forefathers learned during the depression about debt and cash reserves nor have had the basic understanding of financial knowledge passed on to them from the previous generation. It is imperative that they receive that information. Today, financial planners, like myself, deliver objective advice to help individuals and families as they make their financial decisions. I work with a variety of clients, including individuals and small businesses, to support and deliver objective financial planning advice.

Thank you for your efforts to support sound financial planning for all Americans.

Sincerely,

KIRK W. FRANCIS,  
Government Relations  
Director, San Antonio-South Texas  
Chapter, The Financial  
Planning Association.

MASTERCARD INTERNATIONAL,  
LAW DEPARTMENT,  
Purchase, NY, September 27, 2006.

Hon. JUDY BIGGERT,  
Hon. RUBÉN HINOJOSA,  
Washington, DC.

DEAR REPRESENTATIVES BIGGERT AND HINOJOSA: I am writing to communicate MasterCard Worldwide's strong support for House Resolution 973, which recognizes October 2-8 as Financial Planning Week and honors financial planning professionals for their devotion and commitment to promoting the financial planning process.

MasterCard Worldwide shares your goal of increasing financial planning, illustrated by our various consumer education programs. Specifically, MasterCard has developed two programs called Debt Know How and Are You Credit Wise? which target consumers at different stages of their financial lives and aims to increase successful financial planning.

By working with community leaders to offer consumers easy-to-understand tips and resources to increase their financial planning efforts, MasterCard's Debt Know How program helps consumers successfully manage financial debt. The program was developed in conjunction with the University of Minnesota Extension Service and is available in both English and Spanish.

Are You Credit Wise? is MasterCard's consumer education program which aims to increase financial literacy rates among America's college students by teaching successful financial planning skills. The program employs a peer-to-peer teaching model to maximize its effectiveness, as college students are

more included to listen and act upon information coming from their peers than from parents, teachers or counselors.

We once again applaud your leadership and your tireless efforts to improve the lives of the American people through increased financial literacy and planning.

Sincerely,

JOSHUA PEIREZ.

Hon. JUDY BIGGERT,  
Hon. RUBÉN HINOJOSA,  
U.S. House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVES BIGGERT AND HINOJOSA: On behalf of Citigroup's Office of Financial Education, I am writing in support of H. Res. 973, which recognizes Financial Planning Week and encourages Americans to become engaged in the financial planning process in order to achieve their financial goals. Financial literacy is a critical skill that people need to master if they are to function in our global economy.

Citigroup is strongly committed to promoting financial education as evidenced by our ten-year, \$200 million dollar commitment and our multi-lingual curriculum designed for consumers of all ages.

We applaud the work of the Financial Literacy Caucus and thank you both for your continued efforts to improve the lives of Americans in this area.

Sincerely,

DARA DUGUAY,  
Director,  
Citigroup's Office of  
Financial Education.

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

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the adoption of H. Res. 973, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and agree to the resolution, H. Res. 973, as amended.

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

A motion to reconsider was laid on the table.

□ 2330

#### JOHN J. SINDE POST OFFICE BUILDING

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5989) to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the "John J. Sinde Post Office Building".

The Clerk read as follows:

H.R. 5989

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

#### SECTION 1. JOHN J. SINDE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, shall be known and designated as the "John J. Sinde Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John J. Sinde Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. MARCHANT).

#### GENERAL LEAVE

Mr. MARCHANT. 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 now under consideration.

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

There was no objection.

Mr. MARCHANT. Mr. Speaker, I yield myself such time as I may consume, and I am pleased to support H.R. 5989 introduced by the distinguished gentleman from Illinois (Mr. DAVIS).

John J. Sinde began his political career in 1949 when he joined the Material Service following 3½ years of service to the United States Navy. In 1973, he became the president of the Westchester Park District Board, where he remained until being appointed president of Westchester, a position he maintained for 24 years.

In addition to his political commitment, Mr. Sinde was also actively involved with the youth of his community. He found the time to manage the Pee Wee League, umpire the Westchester Girls Softball team, and served as a member of the Westchester Boys Baseball team. John Sinde passed away in November of 2005, and I am pleased to support a bill honoring him as a pillar of his community.

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

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

Mr. Speaker, I am indeed proud to sponsor this resolution honoring a man who was the epitome of not only excellence but Mayor Sinde was a businessman turned politician. After getting involved in politics, everything that he touched seemingly turned to gold. He ran the park district in his town for 24 years as a volunteer, he was the Little League coach, he was the Girls Softball coach, he was elected mayor five times, he solved the city's water problem, and he was simply an icon.

Everybody in the village knew him, and I was fortunate to have had a great relationship with him. He was a Republican and I was a Democrat, but that never stood in our way. We had some of the most wonderful times that I can imagine.

Mayor Sinde, just before he died, and he was a serious senior citizen by then, last worked as a volunteer crossing guard. After he had retired from being the mayor, and being everything else in the town that one could do, he vol-

unteered as a crossing guard. And so I and I am certain all of the residents of Westchester, Illinois, are very pleased to know that this postal facility will be named in honor of their great mayor and their great friend, and I urge its passage.

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

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of H.R. 5989, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 5989.

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

A motion to reconsider was laid on the table.

#### WALLACE W. SYKES POST OFFICE BUILDING

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5990) to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the "Wallace W. Sykes Post Office Building".

The Clerk read as follows:

H.R. 5990

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

#### SECTION 1. WALLACE W. SYKES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, shall be known and designated as the "Wallace W. Sykes Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Wallace W. Sykes Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. MARCHANT).

#### GENERAL LEAVE

Mr. MARCHANT. 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 now under consideration.

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

There was no objection.

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

I am pleased to support another bill introduced by my distinguished friend, the gentleman from Illinois (Mr. DAVIS). Pastor Wallace Wyatt Sykes is well known for his accomplishments

within, and devotion to, his community of Maywood, Illinois.

In addition to providing leadership to the Church of God since 1961, Pastor Sykes has played an active role in his church's day care center, music center, talent and tutoring center, as well as the community crisis center.

His contributions to Maywood have greatly been appreciated by its citizens, and I hope all Members will join me in honoring him.

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

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

Mr. Speaker, I am also very proud and very pleased to be the sponsor of this resolution honoring one of Maywood's proud citizens and one of its great leaders. In addition to the Second Baptist Church providing religious services, it also developed social programs, had a program to help those who were needy, developed housing programs, and, in addition, provided motivation.

Out of the Second Baptist Church, under the leadership of Reverend Sykes, has come two mayors of the village of Maywood and the recorder of deeds from the County of Cook, which is the second largest county in the United States of America. So Reverend Sykes is a great motivator, stimulator, activator, and seriously religious man.

I am very pleased to honor him by naming this postal facility in his honor.

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

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of H.R. 5990, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the bill, H.R. 5990.

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

A motion to reconsider was laid on the table.

#### MAJOR GEORGE QUAMO POST OFFICE BUILDING

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3613) to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building".

The Clerk read as follows:

S. 3613

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

#### SECTION 1. MAJOR GEORGE QUAMO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2951

New York Highway 43 in Averill Park, New York, shall be known and designated as the "Major George Quamo Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major George Quamo Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MARCHANT. 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 now under consideration.

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

There was no objection.

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

Mr. Speaker, Major George Quamo was the youngest member of the Special Forces Unit during the Vietnam War. He was the leader of three reconnaissance teams while serving in Vietnam and was responsible for the safe return of 14 men whose lives would have otherwise been lost.

Throughout his career, the major was awarded 26 medals, including the Distinguished Service Cross and two Silver Stars. He was killed at the very young age of 27 when the helicopter he was flying in went down.

I urge all Members to join me in honoring Major Quamo for his remarkable life and service to the United States. Without the courage, dedication, and talent of soldiers like him, our country would not be what it is today.

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

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

Mr. Speaker, Senate bill 3613, legislation introduced by Senator HILLARY RODHAM CLINTON, was unanimously approved by the Senate on August 2, 2006. The bill designates the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the Major George Quamo Post Office Building.

Major George Quamo was a highly dedicated and decorated member of the Special Forces Unit in the Vietnam War. He was killed in 1968 when the helicopter in which he was traveling crashed.

Mr. Speaker, we can see by the number of medals and honors and decorations that this soldier earned that he is indeed deserving of this honor. I urge its passage.

Mr. SWEENEY. Mr. Speaker, as the sponsor of the corresponding House legislation, I rise in strong support of S. 3613, a bill to designate the Post Office in Averill Park, NY, the Major George Quamo Post Office.

Major Quamo was a resident of my congressional district. He attended Averill Park High School, where he was the president of his class, and graduated with distinction in 1958. Less than 3 months later he enlisted in the U.S. Army.

After serving honorably in the Army for nearly 10 years, his life was cut tragically short in the Vietnam War, at the young age of 28.

Major Quamo commanded a team of the Army Special Forces, a group that led a number of covert missions during Vietnam Conflict. He was the youngest Major in Vietnam's Military Assistance Command.

When his helicopter crashed in the Vietnamese jungle, his remains were not discovered until 6 years later. He was returned to the U.S. and quietly buried in Arlington National Cemetery.

Having saved over 14 soldier's lives and exhibiting legendary heroism, his accomplishments went unrecognized until recently. Major Quamo was awarded over 26 medals including the Distinguished Service Cross, 2 silver stars, a bronze star, the Legion of Merit and the Presidential Unit Citation.

Major Quamo served his country with extraordinary courage and was one of the most highly decorated soldiers in the Vietnam Conflict. I would be privileged and honored to name a post office in his memory to rest in his hometown to remind all of the residents in Averill Park of his exemplary valor and service to his country.

Mr. DAVIS of Illinois. I yield back the balance of my time.

Mr. MARCHANT. Mr. Speaker, I urge all Members to support the passage of Senate 3613, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the Senate bill, S. 3613.

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.

#### RICHARD L. CEVOLI POST OFFICE

Mr. MARCHANT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3187) to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office".

The Clerk read as follows:

S. 3187

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

#### SECTION 1. RICHARD L. CEVOLI POST OFFICE.

(a) DESIGNATION.—The post office located at 5755 Post Road, East Greenwich, Rhode Island, shall be known and designated as the "Richard L. Cevoli Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the Richard L. Cevoli Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Texas (Mr. MARCHANT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, born in 1919, U.S. Navy Commander Richard L. Cevoli was a long-time resident of East Greenwich and a student at what is now the University of Rhode Island. He fought bravely in World War II, for which he was awarded the Navy Cross, as well as the Korean War, in which he served as the executive officer of his squadron.

In addition to these honors, Commander Cevoli's courageousness and commitment to his country earned him eight Air Medals and two Distinguished Flying Crosses. His life was taken far too soon on January 18, 1955, when his plane crashed during a training mission. He was rightfully remembered in the Rhode Island Aviation Hall of Fame, and I am pleased to support this bill honoring his great legacy.

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

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

Mr. Speaker, S. 3187, legislation introduced by Senator JACK REED of Rhode Island, was unanimously passed by the Senate on July 20, 2006. The bill designates the facility of the United States Postal Service located at 5755 Post Road, East Greenwich, Rhode Island, as the Richard L. Cevoli Post Office.

The late Richard Cevoli, a decorated Navy commander, fought bravely in World War II and the Korean War and served at Naval Air Station at Quonset Point. His legacy is memorialized in the Rhode Island Aviation Hall of Fame.

□ 2345

Mr. Speaker, honoring this soldier, this commander, this leader, is certainly appropriate by naming this post-office facility in his honor.

Mr. Speaker, I understand this is our last measure. It certainly has been a pleasure for me to work with the gentleman from Texas. I want to wish him a good night's rest as we leave.

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

Mr. MARCHANT. Mr. Speaker, I thank the Honorable Mr. DAVIS. I appreciate having had the opportunity to share these few minutes with him.

Mr. Speaker, I urge that all Members support the passage of S. 3187, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MARCHANT) that the House suspend the rules and pass the Senate bill, S. 3187.

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.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON THE CONFLICT BETWEEN ISRAEL AND HEZBOLLAH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to express my extreme concern that the fragile peace in the Middle East could easily fall apart if we continue to sit idly by and watch Lebanon and the UN troops do virtually nothing to disarm the Hezbollah terrorist group.

It seems to me that the international community may be in serious danger of repeating mistakes from the past. More than 2 years ago, the UN passed Security Council Resolution 1559, which called on Lebanon to disarm militias operating within the country's borders, including the Hezbollah terrorist group. Two years later, rather than seeing Hezbollah disarm, we saw a resurgent militia that raided an Israeli military post and started a month long conflict. Lebanon clearly failed to meet its requirements under the Security Council resolution and Hezbollah actually got stronger with more weapons smuggled in from Iran and Syria.

Now we are in the process of implementing Security Council Resolution 1701, and there is plenty of reason to worry that the same thing will happen all over again. Hezbollah is refusing to disarm and refusing to let UNIFIL, the expanded UN force in the region, take any action against them. The Lebanese government seems to be giving Hezbollah a pass as well, saying that they will let the terrorist group keep their weapons, as long as they remain hidden.

What is worse, the UN force is sitting in Lebanon with little clue as to what they are supposed to do. They are apparently operating only at the behest of the Lebanese government, which doesn't seem to want the international troops to take any action.

The fact remains, however, that Hezbollah dominated Southern Lebanon and became a proxy for Iran and Syria because the Lebanese government was unwilling to take action and because the Lebanese army was incapa-

ble of using real force. If the UN troops aren't there to actually help carry out the terms of Resolution 1701, what exactly are they doing in the region?

Mr. Speaker, just as troubling is the fact that Lebanon seems to want to do little to control their border with Syria, where most of Hezbollah's arms are being smuggled through. They have declined to invite international forces to deploy along that border, even though it is clear that the Lebanese army cannot do what it takes to control and secure crossings between the two countries. Leaving this at the discretion of the Lebanese government is a recipe for *deja vu*, a rearming of Hezbollah and a renewal of the recent conflict.

Mr. Speaker, Sheik Hassan Nasrallah, the leader of Hezbollah, has made it clear that they have no intention of complying with the demands of the resolution. He announced last week that the terrorist group has no intention of surrendering its weapons, and even threatened the international forces not to try. I cannot comprehend why the United States and the international community would stay silent in the face of such blatant defiance of international will.

It is clear that President Bush must show decisive leadership to urge the international community to take measures needed to accomplish the goals of Security Council Resolution 1701. Lebanon cannot be allowed to continue to hold international forces at bay while it does nothing to confront Hezbollah's operations.

The U.S. and other nations cannot sit idly by and watch a terrorist group rearm and regroup in preparation for attacking Israel again and further destabilizing the region. The international force needs to be beefed up closer to the authorized level of 15,000 troops and given the mandate it needs to ensure compliance with the resolution.

Mr. Speaker, we also must take action to let Hezbollah supporters, Syria and Iran, know that the international community will not turn a blind eye towards their blatant support of terrorism against Israel. The U.S. must implement the full range of sanctions under the Syria Accountability Act until it is clear that Syria is no longer funneling weapons and other support to Hezbollah.

Mr. Speaker, if we are serious about maintaining stability in the Middle East and moving towards a lasting peace, then we need to be serious in our oversight of the implementation of the ceasefire between Israel and Hezbollah. Standing by and watching will only embolden the terrorists.

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A TRIBUTE TO HANES BRANDS,  
INCORPORATED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mrs. Foxx) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, it is my distinct pleasure to rise today and honor Hanes Brands, Incorporated. Well over a century old, Hanes Brands started in 1901 when J. Wesley Hanes founded Shamrock Mills, a manufacturer of men's hosiery. In 1902, Pleasant Hanes founded the P.H. Hanes Knitting Company and began manufacturing two piece men's undergarments. In 1910, Shamrock Mills, the original production site for J. Wesley Hanes products, changed its name to Hanes Hosiery Mill and also began to manufacture women's hosiery.

As their businesses expanded, the two different Hanes companies merged in 1965. Then in 1988, Adams-Mills Sock Company was acquired and later would become the Sarah Lee Sock Company. Hanes went on to manufacture undershirts, briefs, sleepwear and knitted shorts. But this was only the start of an emerging company that would grow to become a leading manufacturer of undergarments to T-shirts, casual and active wear to socks.

It was the humble beginning of J. Wesley Hanes in 1901 that placed Hanes Brands on the path to a major corporation that currently employs 50,000 people. On September 6, 2006, Hanes Brands spun off from its parent company Sarah Lee and emerged as a publicly held and traded company with a net worth of \$4.5 billion.

Hanes Brands sells high volume, high quality apparel, and can credit its success to anticipating what the consumer wants and working to meet those needs in value, fit, comfort and customer service.

It is the largest seller of apparel essentials in the United States. Last year, Hanes Brands manufactured and sold over 400 million T-shirts and nearly half a billion pairs of socks. Hanes Brands is now listed on the New York Stock Exchange under the symbol HBI. A recent survey showed that Hanes brands can be found in eight of ten American households.

Currently Hanes Brands manufactures some of the most commonly known clothing lines, such as Hanes, Champion, Playtex, Bali, L'eggs, Just My Size, Hanes Hosiery, Barely There, Wonderbra and Outer Banks, as well as Duofold Performance Base Layer. Hanes Brands has grown into a full service clothing line and has established itself as a tremendous asset for Winston-Salem, North Carolina.

Hanes Brands is a fantastic company that spurs economic growth and employs many people from the Fifth District of North Carolina. It is also a responsible corporate partner in the community, and I know it will continue to act in the future as an important neighbor in the community.

Hanes Brands' new emergence as a stand-alone company will provide op-

portunities in education, will support further economic development and will continue to build value and leadership within the community. I have no doubt that after 105 years in business, Hanes' commitment to the community will grow even stronger through the years. That is why North Carolina and Winston-Salem are blessed to have such a responsible and growth-oriented corporation headquartered there. The opportunities are limitless.

Not only does Hanes Brands have a long standing tradition of quality manufacturing and customer service, but Hanes Brands also adheres to strict values, which has made it successful and has clearly added to the longevity and popularity of the company. All persons involved with the company are proud of their work and reputation. They strive for the best, and that is what has made them so successful since their inception in 1901.

I believe some of the reasons for Hanes Brands' success are the four core principles it adheres to: Number one, integrity/ethical standards; two, inclusivity/diversity; three, quality/superior performance; and four, reliability/commitment.

It follows these values and understands that in order to succeed and become successful, it must set forth a mission statement, which it has. I believe it is a fantastic vision that sets a course for success and accomplishments.

Hanes Brands' mission statement is: "To profitably grow our leading brands by intimately understanding our customers, out-executing our competition and leveraging our sustainable competitive advantage."

With such forward thinking and dedication to its goals, it is no wonder that Hanes Brands is one of the most recognizable names in clothing and why eight out of ten American households have Hanes Brands products.

I cannot stress enough the importance of this move by Hanes Brands to become a separate company and how its new revitalized presence in Winston-Salem will bring so many wonderful opportunities to the local community.

I am proud to represent Hanes Brands and recognize it is an outstanding company and community leader. As a strong supporter of those people and companies which strive for success, all the while contributing to the community, I commend Hanes Brands for its continued commitment to excellence. I am eager to watch Hanes Brands progress and stand ready to assist in any way I can.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO CAPTAIN BRIAN  
CHONTOSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. I must say, Mr. Speaker, I appreciate our colleague from North Carolina briefing us on Hanes. I must say those briefs were uplifting. Cross my heart.

But what I would like to address in the remaining couple of minutes we have here is something that keeps coming up. We keep hearing from people about we want to blame America first. That is not what we should be about. We even heard a former Marine common this floor and accuse current active duty Marines of being cold-blooded killers, without them being charged, without a trial, based on nothing but hearsay.

So it is my deep pleasure, Mr. Speaker, to come and pay tribute to those who have won some of our Nation's highest honors.

On occasion, events occur that become synonymous with the dates on which they occur; December 7, 1941, and September 11, 2001, for example. For Marine Captain Brian Chontosh, March 25, 2003, that is such a day.

That day, while leading his weapons platoon for 3rd Battalion, 5th Marine Regiment, 1st Marine Division, north of Highway 1 outside of Baghdad, then 29-year-old Lieutenant Chontosh's platoon moved into a coordinated ambush of mortars, rocket propelled grenades and automatic weapons fire. With coalition tanks blocking the road ahead, he realized his platoon was caught in a kill zone.

He had his driver move the vehicle through a breach along his flank where he was immediately taken under fire from entrenched machine gun. Without hesitation, Captain Chontosh ordered the driver to advance directly at the enemy position, enabling his .50 caliber machine gunner to silence the enemy. He then directed his driver into the enemy trench, where he jumped out of his vehicle and began to clear the trench with his rifle and 9 millimeter pistol.

The citation for Chontosh's Navy Cross picks up the narrative: "With complete disregard for his safety, he twice picked up discarded enemy rifles and continued his ferocious attack. When his audacious attack ended, he had cleared over 200 meters of the enemy trench, killing more than 20 enemy soldiers and wounding several others. By his longstanding display of decisive leadership, unlimited courage in the face of enemy fire and utmost devotion to duty, First Lieutenant Chontosh reflected great credit upon himself and upheld the highest tradition of the Marine Corps and the United States Naval Service."

In effect since April 1917 and established by an act of Congress on February 4, 1919, the Navy Cross may be

awarded to any person who, while serving with the Navy or Marine Corps, distinguishes himself or herself in action by extraordinary heroism not justifying an award of the Medal of Honor. The action must take place in one of these circumstances, such as while engaged in an action against the enemy of the United States.

Mr. Speaker, that is one day where we cherish our freedom and remember the men and women who have risked so much to defend it, on July 4th, that is. Let us remember the heroes today and every day.

Mr. Speaker, God bless America.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. GREEN of Wisconsin (at the request of Mr. BOEHNER) for today until 8:30 p.m. on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. MARCHANT) to revise and extend their remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. SIMPSON, for 5 minutes, today and September 29.

#### 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. 2250. An act to award a Congressional Gold Medal to Dr. Norman E. Borlaug; to the Committee on Financial Services.

#### ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 683. An act to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

H.R. 1036. An act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

H.R. 3127. An act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 56. An act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.

S. 213. An act to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico.

S. 2146. An Act to extend relocation expenses test programs for Federal employees.

S. 3850. An act to improve ratings quality for the protection of investors and in the public interest by fostering accountability, transparency, and competition in the credit rating agency industry.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on September 27, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 1442. To complete the codification of title 46, United States Code, "Shipping", as positive law.

H.R. 3408. To reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H.R. 3858. To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Friday, September 29, 2006, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9674. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas; Wisconsin [Docket No. APHIS-2006-0039] received September 27, 2006,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9675. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Bacteriophage Preparation [Docket No. 2002F-0316 (formerly 02F-0316)] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9676. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition Planning [DFARS Case 2003-D044] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9677. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Training for Contractor Personnel Interacting with Detainees [DFARS Case 2005-D007] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9678. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Prohibition on Acquisition from Communist Chinese Military Companies [DFARS Case 2006-D007] (RIN: 0750-AF34) received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9679. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitations on Tiered Evaluation of Offers [DFARS Case 2006-D009] (RIN: 0750-AF36) received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9680. A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting the Department's notification of the decision to conduct a Streamlined Competition for commercial activities study under OMB Circular A-76; to the Committee on Armed Services.

9681. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7788] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9682. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7941] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9683. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 20-06 informing of an intent to sign the Fundamental Research Hypersonic Flight Experimentation Project Arrangement between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9684. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into

by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

9685. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 040-06); to the Committee on International Relations.

9686. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 058-06); to the Committee on International Relations.

9687. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Switzerland (Transmittal No. DDTC 020-06); to the Committee on International Relations.

9688. A letter from the Office of the District of Columbia Auditor, transmitting a copy of a report entitled, "Audit of Advisory Neighborhood Commission 4B for Fiscal Years 2004 Through 2006, as of March 31, 2006," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

9689. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9690. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9691. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9692. A letter from the Assistant Attorney General, Department of Justice, transmitting The activities of the Department of Justice regarding prison rape abatement for Fiscal Year 2004, pursuant to 42 U.S.C. 15604 Public Law 108-79, section 5(b)(1); to the Committee on the Judiciary.

9693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blast- ing Operations, Demolition of Matabassett Outfall, Connecticut River, Cromwell, CT [CGD01-06-108] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9694. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cleveland National Air Show, Lake Erie, OH. [CGD09-06-114] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day Celebration Fireworks, Baldwinville, N.Y. [CGD09-06-115] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9696. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pirate Days, Heart Island, Alexandria Bay, NY [CGD09-06-113] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9697. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; R.Ozzie Wedding Fireworks Display, Manchester By The Sea, MA [CGD01-06-102] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9698. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Mormon Slough Sediment Contamination — McCormick and Baxter Superfund Site, Stockton, California [COTP San Francisco Bay 06-031] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9699. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Revere Fireworks, Broad Sound, Revere, MA [CGD01-06-095] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9700. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project, Construction Barge "MARMACK 12," Tacoma Narrows, Gig Harbor, WA [CGD13-06-027] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New Tacoma Narrows Bridge Construction Project, Bridge Deck Lifting Beams, Tacoma Narrows, Gig Harbor, WA [CGD13-06-026] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gloucester Schonner Festival Fireworks, Gloucester Harbor, Gloucester, MA [CGD01-06-070] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9703. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Route 33 Bridge Construction, Pamunkey River, West Point, VA [CGD05-06-059] (RIN: 1625-AA00) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9704. A letter from the Chairperson, O'Hare Noise Compatibility Commission, transmitting a copy of the 2005 ONCC Annual Report; to the Committee on Transportation and Infrastructure.

9705. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Certain Cost-Sharing Payments (Rev. Rul.

2006-46) received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9706. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Railroad Track Maintenance Credit [TD 9286] (RIN: 1545-BE91) received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9707. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought [Notice 2006-82] received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9708. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election under Section 355(b)(3)(C) of the Internal Revenue Code, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9709. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-80] received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9710. A letter from the Deputy Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the calendar year 2005, pursuant to 49 U.S.C. 44938(a) and (b); to the Committee on Homeland Security.

9711. A letter from the Deputy Chief Counsel for Regulations, TSA, Department of Homeland Security, transmitting the Department's final rule — Driver Licensed by Canada or Mexico Transporting Hazardous Materials To and Within the United States [Docket No. TSA-2006-25541; Amendment No. 1572-6] (RIN: 1652-AA50) received August 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

9712. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities; Amendment [CMS-3145-F] (RIN: 0938-AN36) received September 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9713. A letter from the Executive Director, Medicare Payment Advisory Commission, transmitting an update of the Commission's report entitled, "Report to the Congress: Physician-owned specialty hospitals," pursuant to Public Law 108-173, section 507(c)(3) (117 Stat. 2297); jointly to the Committees on Energy and Commerce and Ways and Means.

9714. A letter from the Secretaries, Department of Energy, Department of Agriculture, transmitting a jointly submitted copy of the Annual Report to Congress on the Biomass Research and Development Initiative for FY 2005, pursuant to 7 U.S.C. 7624 Public Law 106-224, section 309(a); jointly to the Committees on Science and Agriculture.

9715. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Rural Health Clinics: Amendments to Participation Requirements and Payment Provisions; and Establishment of a Quality Assessment and Performance Improvement Program; Suspension of Effectiveness [CMS-1910-IFC] (RIN: 0938-AJ17) received September 22, 2006, 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. POMBO: Committee on Resources. H.R. 4857. A bill to better inform consumers regarding costs associated with compliance for protecting endangered and threatened species under the Endangered Species Act of 1973 (Rept. 109-693). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 512. A bill to require the prompt review by the Secretary of the Interior of the long-standing petitions for Federal recognition of certain Indian tribes, and for other purposes (Rept. 109-694). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 6143. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS (Rept. 109-695). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 1052. Resolution providing for consideration of the bill (H.R. 5825) to update the Foreign Intelligence Surveillance Act of 1978 (Rept. 109-696). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 5851. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (Rept. 109-697). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 1674. A bill to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes; with an amendment (Rept. 109-698). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Kentucky: Committee Conference. Conference report on H.R. 5441. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-699). Ordered to be printed.

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 1053. 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. 109-700). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 1054. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes and providing for consideration of the bill (S. 3930) to authorize trial by military commission for violations of law of war, and for other purposes and consideration of the bill (H.R. 4772) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color

of State law, and for other purposes (Rept. 109-701). 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. ROYCE:

H.R. 6225. A bill to authorize the issuance of Federal charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the regulation and supervision of National Insurers and National Agencies, to provide for policyholder protections in the event of an insolvency or impairment of a National Insurer, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLER (for himself and Mr. SCOTT of Virginia):

H.R. 6226. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSSELLA (for himself, Mr. GENE GREEN of Texas, Mr. ENGEL, and Mr. SULLIVAN):

H.R. 6227. A bill to establish a grant program to provide vision care to children; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARCHANT, Ms. GRANGER, Mr. BARTON of Texas, Mr. BURGESS, Mr. EDWARDS, Mr. HALL, Mr. SAM JOHNSON of Texas, and Mr. SESSIONS):

H.R. 6228. A bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, Mr. LANTOS, Mr. HYDE, Mr. SKELTON, Mr. WOLF, Mr. POMEROY, Mr. SMITH of New Jersey, Ms. DELAURO, Mr. LEACH, Ms. HERSETH, Mr. OSBORNE, Ms. KAPTUR, Mr. WALSH, Mr. BOSWELL, Mr. BOUSTANY, Mr. MCCOTTER, Mr. PAYNE, Mr. SHIMKUS, Mr. MOORE of Kansas, Mr. ENGLISH of Pennsylvania, Mr. SNYDER, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, and Mr. MORAN of Kansas):

H.R. 6229. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL:

H.R. 6230. A bill to authorize the Secretary of Energy to make energy consumption reduction incentive payments to encourage the utilization of the best available technology in the development of desalination facilities and other purposes; to the Committee on Resources.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. CHANDLER):

H.R. 6231. A bill to catalyze change in the care and treatment of diabetes in America; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H.R. 6232. A bill to amend the Elementary and Secondary Education Act of 1965 to improve the method of determining adequate yearly progress, and for other purposes; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO):

H.R. 6233. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. POE, Mr. LAHOOD, Mr. LINDER, Mrs. BLACKBURN, Mr. KENNEDY of Minnesota, Mr. CARTER, and Mr. MILLER of Florida):

H.R. 6234. A bill to amend the Higher Education Act of 1965 to require the disclosure of substantial gifts of cash or property to programs assisted under title VI of that Act; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. HINCHEY, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mrs. DAVIS of California, Ms. SOLIS, Mr. MCDERMOTT, Ms. LINDA T. SANCHEZ of California, Mr. STARK, Mr. MORAN of Virginia, Mr. GRIJALVA, and Mrs. CAPPS):

H.R. 6235. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the Office of Women's Health and the regulation of breast implants, and to provide for a scientific workshop on the use of emergency contraception by women under age 18; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. POMEROY):

H.R. 6236. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare Program; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mrs. MALONEY, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DELAURO, Mr. EMANUEL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. SHAYS, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TIERNEY, Mr.

TOWNS, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WYNN, and Mr. WEINER):

H.R. 6237. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as Ancient forests, roadless areas, watershed protection areas, and special areas where logging and other intrusive activities are prohibited; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY:

H.R. 6238. A bill to improve the H-1B non-immigrant program by increasing the exchange of information between the Departments of Labor and Homeland Security; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. HYDE, Mr. SOUDER, Mr. STEARNS, and Mr. GOODLATTE):

H.R. 6239. A bill to require the President to prepare a thorough report of all United States contributions to the United Nations; to the Committee on International Relations.

By Mr. GOODE (for himself, Mr. BOUCHER, Mrs. DRAKE, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, Mr. SCOTT of Virginia, Mr. CANTOR, and Mr. GOODLATTE):

H.R. 6240. A bill to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the "Corporal Bradley T. Arms Post Office Building"; to the Committee on Government Reform.

By Mr. HASTINGS of Washington (for himself, Mr. BAIRD, Mr. WALDEN of Oregon, and Mr. DICKS):

H.R. 6241. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 6242. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 6243. A bill to improve Federal agency oversight of contracts and assistance and to strengthen accountability of the governmentwide debarment and suspension system; to the Committee on Government Reform.

By Mr. MORAN of Virginia:

H.R. 6244. A bill to amend the Hobby Protection Act to require that imitation Civil War items be clearly marked as copies; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE:

H.R. 6245. A bill to designate as wilderness certain land within the Rocky Mountain National Park, and for other purposes; to the Committee on Resources.

By Mr. PAUL:

H.R. 6246. A bill to reduce the excessive burden the liability system places on the health care delivery system by establishing new rules for lawsuits related to health care provided pursuant to a Federal program; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself and Mrs. MYRICK):

H.R. 6247. A bill to amend the Public Health Service Act, the Employee Retirement

Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mr. BLUNT, Mr. KNOLLENBERG, and Mr. SCHWARZ of Michigan):

H.R. 6248. A bill to authorize the Secretary of Energy to make certain loan guarantees for advanced conservation and fuel efficiency motor vehicle technology projects; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself and Mr. BOUCHER):

H.R. 6249. A bill to authorize the Secretary of Energy to make price floor loans to certain low-carbon coal-to-liquid fuel projects; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Ms. HERSETH, and Mr. FILNER):

H.R. 6250. A bill to amend title 38, United States Code, to recodify as part of that title the educational assistance programs for members of the reserve components; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. UDALL of Colorado, Ms. DEGETTE, and Mr. BROWN of Ohio):

H.R. 6251. A bill to provide for health care benefits for certain nuclear facility workers; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Ms. ZOE LOFGREN of California, Mr. DEFAZIO, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. PASCRELL, Mr. MEEK of Florida, Ms. JACKSON-LEE of Texas, and Mrs. LOWEY):

H.R. 6252. A bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE:

H.J. Res. 98. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. PAUL, Mr. JONES of North Carolina, and Mr. TANCREDO):

H. Con. Res. 487. Concurrent resolution expressing the sense of Congress that the United States should not engage in the construction of a North American Free Trade Agreement (NAFTA) Superhighway System

or enter into a North American Union with Mexico and Canada; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILPATRICK of Michigan:

H. Con. Res. 488. Concurrent resolution congratulating the Detroit Shock for winning the 2006 Women's National Basketball Association Championship, and for other purposes; to the Committee on Government Reform.

By Mr. DAVIS of Illinois (for himself, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Ms. KILPATRICK of Michigan, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. JEFFERSON, Ms. NORTON, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mr. AL GREEN of Texas, Mr. FORD, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. SNYDER, Mr. CLYBURN, Mr. PAYNE, Mr. COOPER, Mr. WATT, Mr. OWENS, Mr. MEEK of Florida, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mr. BUTTERFIELD, Mr. CLEAVER, and Mr. TOWNS):

H. Res. 1055. A resolution honoring the Fisk Jubilee Singers; to the Committee on Education and the Workforce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, Mr. GORDON, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. HOLT, Mr. MCDERMOTT, Mr. SERRANO, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. EHLERS, Mrs. NAPOLITANO, Mr. BACA, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GUTIERREZ, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Mr. SALAZAR, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. GENE GREEN of Texas, and Mr. HONDA):

H. Res. 1056. A resolution recognizing the efforts and contributions of outstanding Hispanic scientists in the United States; to the Committee on Science.

By Mr. NADLER:

H. Res. 1057. A resolution honoring, on the occasion of his eightieth birthday, the life and six decades of public service of Jacob Birnbaum and especially his commitment to freeing Soviet Jews from religious, cultural, and communal extinction; to the Committee on International Relations.

By Ms. PELOSI (for herself, Ms. WOOLSEY, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mrs. TAUSCHER, Ms. MATSUI, Mr. SAXTON, Mr. FARR, Mr. WAXMAN, Mr. HONDA, Mr. SHERMAN, Mr. MORAN of Virginia, Mrs. CAPPS, Ms. ESHOO, Ms. WATSON, Mr. DOGGETT, Mr. GRIJALVA, Mr. BERMAN, Ms. WATERS, Ms. SOLIS, Ms. ZOE LOFGREN of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. THOMPSON of California, Mr. UDALL of Colorado, Mr. DICKS, Mr. HINCHEY, Mr. MARKEY, Ms. LEE, Mr. BLUMENAUER, Mr. RAHALL, Mr. FILNER, Mr. ALLEN, Mr. HOYER, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. STARK, Mr. INSLER, Mr. UDALL of New Mexico, and Ms. MCCOLLUM of Minnesota):

H. Res. 1058. A resolution congratulating Dr. Edgar Wayburn on his 100th birthday and commending his lifelong dedication to preserving our environment for our use and the use of future generations; to the Committee on Resources.

By Mrs. TAUSCHER (for herself, Mr. CONYERS, Mr. FARR, Mr. SERRANO, Mr. LEACH, Mr. ROTHMAN, Mr. STARK, Mr. MEEHAN, Mr. ABERCROMBIE, Mr. ALLEN, Mr. CROWLEY, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. MCDERMOTT, Mr. DELAHUNT, Ms. LEE, Mr. DOGGETT, Mr. GEORGE MILLER of California, Ms. PELOSI, Ms. MATSUI, Mr. KENNEDY of Rhode Island, and Mr. MCGOVERN):

H. Res. 1059. A resolution expressing the sense of the House of Representatives that the Senate should act swiftly and expeditiously to give its advice and consent to ratification of the Comprehensive Test Ban Treaty; to the Committee on International Relations.

## MEMORIALS

Under clause 3 of rule XII,

446. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 152 memorializing the Congress of the United States to support the National Cancer Institute's plan to eliminate suffering and death from cancer by the year 2015; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WHITFIELD.  
 H.R. 65: Mrs. MUSGRAVE, Mr. ADERHOLT, Mr. MORAN of Virginia, Mr. CARTER, Mr. SODREL, Ms. BORDALLO, Mr. ISTOOK, Mr. SHAW, and Mr. STEARNS.  
 H.R. 147: Mr. JINDAL and Mr. ROGERS of Kentucky.  
 H.R. 517: Mr. RUSH, Mr. LIPINSKI, Ms. SLAUGHTER, Mr. HINCHEY, and Mr. ENGEL.  
 H.R. 550: Mr. GILCHREST, Mr. WATT, Ms. ZOE LOFGREN of California, and Mr. PETERSON of Minnesota.  
 H.R. 583: Mrs. BLACKBURN, Mr. MARSHALL, Mr. FORBES, and Mr. SMITH of New Jersey.  
 H.R. 602: Mr. PASCRELL, Mr. MCCOTTER, and Ms. HARMAN.  
 H.R. 752: Mr. BISHOP of Georgia, Mr. GUTIERREZ, Ms. WATERS, Ms. BERKLEY, and Mr. DAVIS of Tennessee.  
 H.R. 819: Mr. ALEXANDER.  
 H.R. 864: Mr. PORTER.  
 H.R. 910: Mr. KUHLMAN of New York.  
 H.R. 921: Mr. DAVIS of Alabama, Mr. TOM DAVIS of Virginia, and Mrs. DRAKE.  
 H.R. 933: Ms. BORDALLO.  
 H.R. 1000: Mr. HOLT.  
 H.R. 1105: Mr. SOUDER and Mr. JOHNSON of Illinois.  
 H.R. 1125: Mr. SMITH of New Jersey.  
 H.R. 1245: Mr. ALEXANDER.  
 H.R. 1264: Mr. ROSS, Mr. RAMSTAD, Mr. KENNEDY of Rhode Island, Mr. KAPTUR, and Mr. PORTER.  
 H.R. 1298: Mr. NUNES.  
 H.R. 1333: Mr. WEXLER.  
 H.R. 1376: Mr. DINGELL.  
 H.R. 1548: Mr. KELLER, Mr. NEAL of Massachusetts, Mr. BURGESS, and Mr. MEEHAN.  
 H.R. 1578: Mr. HYDE and Mr. CAMPBELL of California.  
 H.R. 1671: Mr. LARSEN of Washington and Mr. McNULTY.  
 H.R. 1687: Ms. SCHWARTZ of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. PASTOR, Mr. BERMAN, and Mr. SERRANO.  
 H.R. 1688: Mr. WELDON of Pennsylvania.  
 H.R. 2014: Mr. GERLACH.  
 H.R. 2088: Mr. WALDEN of Oregon, Mr. CAMPBELL of California, and Mr. SULLIVAN.

H.R. 2230: Mr. SIMMONS.  
 H.R. 2231: Mr. SCOTT of Virginia, Mr. COSTA, and Mrs. MILLER of Michigan.  
 H.R. 2239: Mr. GOODLATTE, Mr. AKIN, and Mr. FORBES.  
 H.R. 2421: Mr. ALEXANDER, Mr. LIPINSKI, Ms. SCHWARTZ of Pennsylvania, Mr. MANZULLO, Ms. JACKSON-LEE of Texas, and Mr. JACKSON of Illinois.  
 H.R. 2533: Mr. MILLER of Florida.  
 H.R. 2592: Ms. LEE, Mr. MEEKS of New York, Mr. ENGEL, Mr. PAYNE, and Ms. NOR-TON.  
 H.R. 2631: Ms. KILPATRICK of Michigan.  
 H.R. 2662: Mr. KUCINICH and Mr. BECERRA.  
 H.R. 2960: Mr. WEXLER.  
 H.R. 3098: Mr. ANDREWS.  
 H.R. 3248: Mr. PETERSON of Minnesota.  
 H.R. 3437: Mr. MORAN of Kansas.  
 H.R. 3547: Mr. ALLEN and Mr. KUCINICH.  
 H.R. 3605: Ms. WATERS and Mr. LEACH.  
 H.R. 3628: Mr. TIERNEY.  
 H.R. 3690: Mr. WEXLER.  
 H.R. 3715: Mr. GOODLATTE.  
 H.R. 3753: Mr. MCHENRY and Mr. WELDON of Florida.  
 H.R. 3795: Mr. HAYWORTH and Mr. LEWIS of Kentucky.  
 H.R. 3875: Mr. LARSEN of Washington and Mr. HOLT.  
 H.R. 3954: Mr. SERRANO.  
 H.R. 4063: Mr. KILDEE.  
 H.R. 4198: Mr. CONYERS.  
 H.R. 4277: Mr. MILLER of Florida.  
 H.R. 4341: Mr. MATHESON and Mr. ROGERS of Kentucky.  
 H.R. 4520: Mr. ORTIZ.  
 H.R. 4560: Mr. LIPINSKI.  
 H.R. 4597: Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. SOLIS, Ms. LINDA T. SANCHEZ of California, Mr. NUSSLE, Mr. LARSEN of Washington, Ms. SCHWARTZ of Pennsylvania, Mr. MILLER of Florida, and Mr. CONYERS.  
 H.R. 4727: Mr. SIMMONS, Mr. WEXLER, Mr. MCCOTTER, and Mr. KUCINICH.  
 H.R. 4903: Ms. DEGETTE and Mr. PAYNE.  
 H.R. 4925: Mr. CUMMINGS.  
 H.R. 4961: Mr. PRICE of North Carolina and Mr. ALLEN.  
 H.R. 4993: Mr. HOLT.  
 H.R. 4994: Mr. BOREN.  
 H.R. 5072: Mrs. CAPITO.  
 H.R. 5099: Mr. FORD.  
 H.R. 5100: Mr. SHAYS.  
 H.R. 5134: Mr. STUPAK.  
 H.R. 5139: Mr. BOSWELL and Mr. MANZULLO.  
 H.R. 5147: Mr. KILDEE, Mr. FARR, Ms. JACKSON-LEE of Texas, and Mr. McNULTY.  
 H.R. 5171: Mr. KUHLMAN of New York.  
 H.R. 5198: Ms. BEAN.  
 H.R. 5348: Mr. HOLT.  
 H.R. 5355: Mr. MURPHY and Mr. FITZPATRICK of Pennsylvania.  
 H.R. 5363: Mr. BOSWELL, Mr. BERRY, Mr. UDALL of New Mexico, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. CARDOZA, Mr. MELANCON, Mr. BOREN, Mr. DAVIS of Tennessee, Mr. COSTA, Mr. UDALL of Colorado, Mr. HOLDEN, Mr. CHANDLER, Mr. CUELLAR, Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Mr. FILNER, and Mr. ROSS.  
 H.R. 5465: Mr. SMITH of New Jersey and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 5472: Mr. CALVERT, Ms. DEGETTE, Mr. WHITFIELD, Mr. BASS, and Mrs. BONO.  
 H.R. 5513: Mr. THOMPSON of Mississippi, Mr. STRICKLAND, and Mr. BOREN.  
 H.R. 5541: Mr. EDWARDS.  
 H.R. 5555: Mr. RUPPERSBERGER.  
 H.R. 5558: Mr. KELLER, Ms. GRANGER, Mr. CONAWAY, Mr. PAUL, and Mr. HALL.  
 H.R. 5562: Mr. WILSON of South Carolina.  
 H.R. 5598: Mr. HOLT.  
 H.R. 5635: Mr. TIERNEY.  
 H.R. 5699: Mr. JACKSON of Illinois.  
 H.R. 5704: Mr. HOBSON, Mr. HONDA, Mr. CRAMER, and Mr. TIERNEY.  
 H.R. 5746: Mr. WYNN.

H.R. 5755: Ms. BORDALLO.  
 H.R. 5834: Mr. MCHUGH.  
 H.R. 5864: Mr. ALLEN, Mr. TANCREDO, Mr. HENSARLING, Mr. DOOLITTLE, Mr. AKIN, Mr. MARCHANT, Mr. GOHMERT, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. KING of Iowa, Mr. HOLT, Mr. CONYERS, Mrs. CAPPS, and Mr. KUHLMAN of New York.  
 H.R. 5866: Mr. SWEENEY, Mrs. CAPITO, Mr. MILLER of Florida, Mr. BOREN, and Mr. GOOD-LATTE.  
 H.R. 5888: Mr. WELDON of Florida.  
 H.R. 5892: Mr. OTTER and Mr. REHBERG.  
 H.R. 5900: Mr. MCCOTTER.  
 H.R. 5908: Mr. STARK.  
 H.R. 5917: Mr. MILLER of Florida and Mr. TIAHRT.  
 H.R. 5918: Ms. BALDWIN and Mr. PRICE of North Carolina.  
 H.R. 5929: Mr. RUSH, Mrs. BIGGERT, Ms. BEAN, Mr. MANZULLO, Mr. HYDE, and Mr. HASTERT.  
 H.R. 5965: Mr. LARSEN of Washington, Mr. CONYERS, Mr. SCOTT of Georgia, Mr. MEEHAN, and Ms. HARMAN.  
 H.R. 6003: Mr. GOODE.  
 H.R. 6011: Mrs. NAPOLITANO and Mr. BOSWELL.  
 H.R. 6027: Mr. OWENS.  
 H.R. 6030: Mr. ALEXANDER, Mr. LARSEN of Washington, Mr. FRANK of Massachusetts, and Mr. GOODLATTE.  
 H.R. 6036: Mr. ALEXANDER and Mrs. CAPITO.  
 H.R. 6053: Mr. BISHOP of Georgia and Mr. MILLER of Florida.  
 H.R. 6064: Mr. FILNER, Mr. BLUMENAUER, Mr. KUHLMAN of New York, Mr. UDALL of New Mexico, Ms. LEE, and Ms. WATERS.  
 H.R. 6080: Mr. CANNON.  
 H.R. 6083: Ms. SOLIS, Mr. KUCINICH, and Mr. HONDA.  
 H.R. 6093: Ms. MOORE of Wisconsin.  
 H.R. 6098: Ms. MATSUI.  
 H.R. 6130: Mr. GREEN of Wisconsin, Mr. MCHUGH, and Mr. PENCE.  
 H.R. 6132: Mr. EHLERS, Mr. KILDEE, Mr. PLATTS, Mr. HINCHEY, Mr. DAVIS of Tennessee, Mr. TIERNEY, Mr. SMITH of New Jersey, Ms. MCCOLLUM of Minnesota, Mrs. MILLER of Michigan, Mr. GOODLATTE, Mr. KUCINICH, and Mr. BOYD.  
 H.R. 6135: Mr. PORTER and Mr. MCINTYRE.  
 H.R. 6136: Mr. WELDON of Florida, Mr. NUSSLE, Mr. CHANDLER, Mr. CRAMER, Mr. ISRAEL, Mr. DAVIS of Tennessee, Mr. ROSS, Mr. TANNER, Mr. ADERHOLT, Mr. BASS, Mr. FORBES, Mr. LUCAS, Mr. OXLEY, Mr. SODREL, Mr. KELLER, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. HOSTETTTLER, Mr. RYUN of Kansas, Mr. BARRETT of South Carolina, Mr. CASTLE, Mr. FRELINGHUYSEN, Ms. GRANGER, Mr. JINDAL, Mrs. KELLY, Mr. KINGSTON, Mr. LOBIONDO, Mr. MCCREERY, Mr. MACK, Mr. MURPHY, Mrs. NORTHUP, Mr. POMBO, Mr. SAXTON, Mr. THOMAS, Mr. LEWIS of Kentucky, Mr. JONES of North Carolina, Mr. PORTER, Mr. REYNOLDS, Mr. SHAYS, Mr. LINDER, Mr. RENZI, Mr. SKELTON, Mr. DAVIS of Illinois, Mr. MOORE of Kansas, Mr. HOLDEN, and Mr. ENGEL.  
 H.R. 6140: Ms. SCHWARTZ of Pennsylvania, Mr. DEFazio, Mr. DOYLE, Ms. CORRINE BROWN of Florida, and Mr. CARDIN.  
 H.R. 6141: Mr. UPTON.  
 H.R. 6144: Mr. PAYNE.  
 H.R. 6172: Mrs. BLACKBURN, Mr. WOLF, and Mr. MCCOTTER.  
 H.R. 6173: Mr. OBERSTAR.  
 H.R. 6175: Mr. CUELLAR.  
 H.R. 6176: Mr. MILLER of Florida.  
 H.R. 6184: Mr. CONYERS and Mr. BOUCHER.  
 H.R. 6187: Mr. HINCHEY, Mrs. MALONEY, Ms. BORDALLO, Mr. KENNEDY of Rhode Island, Mr. FILNER, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Ms. LEE, Mrs. MCCARTHY, Mr. VAN HOLLEN, Ms. MATSUI, Mrs. LOWEY, Mr. BROWN of Ohio, Mr. WAXMAN, Mr.

WYNN, Mr. BOUCHER, Mr. MCDERMOTT, and Mr. BLUMENAUER.

H.R. 6191: Mr. MCNULTY, Mr. WEINER, Mrs. TAUSCHER, Mr. OWENS, Mrs. MCCARTHY, Mrs. NAPOLITANO, Mrs. LOWEY, Mr. MCDERMOTT, Mr. SCHIFF, Mr. SERRANO, Mr. CONYERS, Mr. SMITH of Washington, and Mr. BERMAN.

H.R. 6193: Mr. RUPPERSBERGER.

H.R. 6197: Mr. SOUDER, Mrs. BIGGERT, Mr. FORTUÑO, Mr. KUHL of New York, and Mr. REGULA.

H.R. 6199: Mrs. CAPITO.

H.R. 6203: Mr. KENNEDY of Minnesota, Mr. ROGERS of Michigan, Mr. GOHMERT, Mr. SIMMONS, Mr. KUHL of New York, Mr. KIRK, and Mr. WELLER.

H.R. 6211: Mr. HINCHEY.

H. Con. Res. 174: Mr. FARR, Mr. WALSH, Mr. LATHAM, Mr. SALAZAR, Mr. PALLONE, and Mr. BRADLEY of New Hampshire.

H. Con. Res. 343: Mr. KING of New York, Mr. ACKERMAN, Mrs. KELLY, and Mr. OWENS.

H. Con. Res. 348: Mr. DELAHUNT, and Mr. WYNN.

H. Con. Res. 390: Mr. DOOLITTLE, Mr. CAMP of Michigan, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. CHOCOLA, Mr. AKIN, Mr. GERLACH, Mr. ROYCE, Mr. GONZALEZ, Mrs. DRAKE, Mr. SHADEGG, Mr. SHUSTER,

Mrs. BIGGERT, Mr. ABERCROMBIE, Mrs. KELLY, Mr. ENGLISH of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, Mr. LIPINSKI, Mrs. NAPOLITANO, Ms. SLAUGHTER, Mr. HINOJOSA, Mr. MCCAUL of Texas, Mr. RUPPERSBERGER, Mr. COSTELLO, Mr. BAIRD, Mr. NEAL of Massachusetts, Mr. WAXMAN, Mr. KILDEE, Mr. MATHESON, Mr. BOSWELL, Mr. ROSS, Mr. CARDOZA, Mr. TANNER, Mr. SPRATT, and Mr. WU.

H. Con. Res. 404: Mr. RANGEL, Mr. ROTHMAN, Mr. STARK, and Mr. ALLEN.

H. Con. Res. 457: Mr. WELDON of Pennsylvania, Mr. CALVERT, and Mr. CLAY.

H. Con. Res. 482: Mr. KILDEE, and Mr. LUCAS.

H. Res. 158: Mr. LARSON of Connecticut.

H. Res. 222: Mr. KING of New York, Mr. HAYWORTH, Mr. RENZI, and Mr. FRANKS of Arizona.

H. Res. 466: Mr. CUMMINGS, Mr. WYNN, and Mr. ALLEN.

H. Res. 518: Mr. YOUNG of Alaska, Mr. SIMMONS, Mr. DEFAZIO, Mr. OLVER, and Mr. CHANDLER.

H. Res. 548: Ms. JACKSON-LEE of Texas.

H. Res. 759: Mr. CUMMINGS and Mr. ACKERMAN.

H. Res. 863: Mr. MCINTYRE.

H. Res. 944: Ms. HERSETH, Mr. CHABOT, Mr. DICKS, and Mr. PORTER.

H. Res. 960: Mr. BILBRAY.

H. Res. 964: Mr. FILNER.

H. Res. 973: Mr. THOMPSON of Mississippi.

H. Res. 984: Ms. LEE.

H. Res. 990: Ms. LEE.

H. Res. 993: Ms. SCHWARTZ of Pennsylvania and Mr. GOODLATTE.

H. Res. 1031: Mr. SMITH of New Jersey, Mr. THOMPSON of Mississippi, Ms. LEE, Mr. SWEENEY, Mr. CONYERS, Mr. WALSH, and Mr. HINOJOSA.

H. Res. 1032: Mr. RANGEL.

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#### PETITIONS, ETC.

Under clause 3 of rule XII,

154. The SPEAKER presented a petition of the Town of Woodstock, Ulster County, New York, relative to Resolution No. 119-06 requesting an investigation of the grounds for impeachment of the President of the United States and the Vice President of the United States; which was referred to the Committee on Rules.