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# House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

My brothers and sisters, let the words spoken through the prophet Ezekiel stir in your hearts so that the impending days may lead to an even deeper trust in the Lord:

''The nations shall know that I am the Lord, says the Lord God, when in their sight I prove my holiness through you. I will sprinkle clear water upon you to cleanse you from all your impurities and from all your idols I will cleanse you. I will give you a new heart and place a new spirit within you, taking from your bodies your stony hearts and giving you natural hearts.''

Lord God of prophets and politicians, through the campaigns surface out fiction and malicious thoughts that Your people may be led to America's common concerns and the truth upon which to build anew. Deepen convictions in all contestants that their hearts may be naturally transformed by the response of the people and Your holy inspirations. We pray for civility in debates and peaceful resolve across the Nation, both now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. MCGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. MCGOVERN led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491. An act to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 1-minutes on each side.

## NIE

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

Ms. FOXX. Mr. Speaker, I have deep concerns over the recent politicizing of the intelligence reports while our country is in the midst of a global war on terror. This is irresponsible when it comes to classified intelligence. Politics should be the last thing involved in the intelligence community. It is not surprising to see a leak come right out before the elections and Democrats using it as a campaign tool.

The New York Times story was based upon selective information and that was distorted and inaccurate when taken out of its full context. Information is classified for a reason, but it is too late, and the damage is done.

Just after the President declassified the information to show that progress in the war on terror was being made through our intelligence service, Al Jazeera's Web site immediately posted a link to the document for their audience, which may include terrorists to review. Now they know sensitive aspects of our intelligence community's assessment of the war on terror.

Releasing this intelligence compromises our success in the war on terror and the safety of our troops. If this inspires one terrorist, and it most certainly will, the cost is far too high.

## IRAN

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

Mr. KUCINICH. Iran should not have nuclear weapons; and, along with the United States as a signatory to the Nuclear Nonproliferation Treaty, should work with the community of nations to abolish all nuclear weapons, as is the express intent of the NPT.

However, this administration is trying to create an international crisis by inflating Iran's nuclear development into another Iraq WMD hoax. There they go again.

Today, the House will consider a bill which will give the administration a pass on covert activities it has already undertaken in Iran to attempt to destabilize the government. Additionally, today's bill will enable another Rendon type propaganda machine to feed the U.S. media a steady stream of lies, all to set the stage for a war against Iran.

Think about it; this, without a single hearing on Iran in this Congress. Think about it; this, while the State Department and DOD is ducking even classified briefings.

There is a Chinese proverb that says: Fool me once, shame on you. Fool me twice, shame on me. Will Congress be fooled again into supporting still another war against still another nation, which is not an imminent threat and which has no intention nor capability of attacking the United States?



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HIGHLAND FALLS-FORT MONTGOMERY CENTRAL SCHOOL DISTRICT

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

Mrs. KELLY. Madam Speaker, I rise to urge this House to correct a broken impact aid formula that unfairly limits the Federal funding received by local school districts in military communities.

A significant portion of the students I represent in Highland Falls-Fort Montgomery Central School District are children of military families living at West Point. Impact Aid funding complications have Highland Falls struggling to preserve its full curriculum for students. The Impact Aid funding shortfall leaves the local community surrounding West Point facing major property tax increases.

This is not the way the Federal Government should be treating the families of Highland Falls and West Point. Impact aid schools need and deserve consistent Federal support. They are not getting that through the current Impact Aid formula.

I urge this House to pass the Impact Aid Update Act, a bill I introduced to correct the outdated cap that is restricting Impact Aid funding to Highland Falls-Fort Montgomery Central School District and other Impact Aid schools.

I also call on this House to pass H.R. 390, a bill I am cosponsoring to improve the Impact Aid program. This Congress needs to permanently fix Impact Aid funding formulas so that local school districts like Highland Falls throughout the country have the full resources they need to teach our children.

VICTIM-ACTIVATED LANDMINE ABOLITION ACT

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

Mr. McGOVERN. Madam Speaker, yesterday, Congressman PHIL ENGLISH and I introduced H.R. 6178, the Victim-Activated Landmine Abolition Act.

Our Nation is the global leader in funding for landmine clearance, mine risk education, and mine survivors. The U.S. was the first nation to call for a comprehensive ban on antipersonnel landmines in 1994, and we have not exported them since 1992, produced them since 1997, or use them since 1991.

In Iraq, Afghanistan, and elsewhere, victim-activated landmines have killed and maimed U.S. and coalition troops. They indiscriminately threaten lives in more than 80 countries, and they do not distinguish between an enemy combatant and a U.S. soldier, child, farmer, or refugee.

Today, the U.S. has acquired reliable technology that enables all such weapons to be equipped with man-in-the-loop targeting and triggering capabilities.

We no longer need to procure or design landmines that are victim-activated. Let the U.S. set the example for other countries in banning the procurement of victim-activated landmines and weapons. I encourage my colleagues to join me as a cosponsor of H.R. 6178.

BROOKLYN ALLYSON—DAUGHTER OF TEXAS

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

Mr. POE. Madam Speaker, I have news, good news. A child is born, a girl.

Brooklyn Allyson Reaves arrived in the summer heat of Austin, Texas, August 18, 2006, at 7 pounds, 13 ounces. Her parents, Kim and Derek Reaves, and her brother, Barrett Houston, are all proud of this new family member.

Brooklyn is in the sunrise of her life. May her days be long, may she see good days of happiness and health, days of doing service for others, days filled with a passion for liberty and righteous justice, days with a love for her heritage and her country, and days with a commitment to her Maker; so that when she reaches the sunset of life, she will have been a good citizen, a good patriot, and a good servant of her Lord.

Every time a child is born, the Almighty is making a bet on the future of humanity. Kids are our greatest of all national resources.

So, Madam Speaker, the angels in heaven may be singing with joy at the arrival of Brooklyn, but they cannot be as happy or as proud as I am, because Brooklyn is my new granddaughter.

And that's just the way it is.

SHOCKED AT HOW AWFUL IRAQ IS

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

Mr. EMANUEL. Madam Speaker, the Iraq war has gone from shock and awe to shocked at how awful it is.

On the heels of the public disclosure of the NIE estimates, today's Washington Post reports that the Baghdad Police College was so poorly constructed it might need to be demolished.

Special Inspector for Iraq Reconstruction said, ''This is the most essential civil security project in the country. It is a failure. The Baghdad Police Academy is a disaster.''

There are foundation problems, tile floors are warped beyond repair, faucets leak, toilet waste flooding all over the second and third floors.

The Parsons Corporation did such a bad job with the $75 million in U.S. taxpayer money it was awarded to build the new facility, the whole facility may need to be torn down. The Persons Corporation received a $1 billion contract.

$12 billion gone, wasted, unaccounted for in Iraq. But what is $12.5 billion among friends? That wasted money follows a long line of other costly mistakes, including this Congress's refusal to hold anybody accountable.

□ 1015

HUGO CHAVEZ AND THE AMERICAN CONSUMER

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

Mr. STEARNS. Madam Speaker, Hugo Chavez, dictator of Venezuela, gave a speech at the United Nations last week in which he lambasted the United States and denigrated President Bush. Chavez is little more than a comical autocrat on an anti-American public relations tour, but it is interesting that the American public has channeled their wrath into their consumer purchasing, moving to boycott Citgo, the Venezuelan national gas company.

Indeed, on Wednesday, 7–Eleven reacted to growing bad publicity by announcing it would not renew a 20-year contract with Citgo. That is about 2,100 gas stations off the books for Citgo. The rest will be targets of an angry American public's spontaneous boycott of Venezuelan oil.

All of us are working here in Congress to promote America's oil independence. All of us should do what 7–Eleven is doing by boycotting Citgo gas stations.

DEFENSE AUTHORIZATION BILL AIMS TO BAN INTERNET GAMING

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

Ms. BERKLEY. Madam Speaker, Congress is waiting for the Republican leadership to bring the Department of Defense authorization bill to the floor for a vote.

So what's holding it up? Believe it or not, the Republican leadership wants to add a provision to the defense bill.

To help the troops? No.

To add to their salaries? No.

To help us buy equipment for them so they will have state of the art equipment? No.

It's a provision to ban Internet gaming. And if you guessed that, you are absolutely right. A ban on Internet gaming in the defense bill. How ridiculous is that? At a time when we have brave American men and women fighting and dying in Iraq and Afghanistan, the Republican leadership is more worried about Americans playing poker on-line than in protecting our troops in the field.

The Republicans talk about patriotism and supporting our fighting men and women, but when it comes to voting for our Nation's Defense Department, they are more interested in banning Internet gaming than they are in providing what our troops need in the field of battle.

This is a disgrace. Americans should be outraged and we should demand that

we pass this Department of Defense authorization without any other additions that have nothing to do with defending our brave men and women.

## MATERIAL SUPPORT BILL

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

Mr. PITTS. Madam Speaker, Saturday's New York Times ran an editorial headlined Punishing Refugees Twice, which describes a very real problem that deserves our attention. The PATRIOT Act and the REAL ID Act are important laws to keep out of the U.S. those who provide aid to terrorists. However, an excessively broad interpretation of the law has tied our hands when it comes to admitting harmless refugees into America. No distinction is made for people who have been coerced under duress to provide material support, including under threat of rape or death or at gunpoint.

In addition, the definitions make no exceptions for people or groups that our government supports or that support our government, such as those resisting ethnic cleansing by the dictatorship in Burma, or anti-Castro groups in Cuba, or the Montagnards.

H.R. 5918 would fix this problem by allowing us greater ability to distinguish between our friends and our enemies. The many terrorism-related bars on entry would all remain in place.

I urge consideration and support of this bill.

## IRAQ MAKING OVERALL TERRORISM PROBLEM WORSE—TIME FOR NEW DIRECTION

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

Ms. SOLIS. Madam Speaker, for 6 months now, President Bush has known that the Iraq war is making our efforts to fight global terrorism more difficult, yet he refuses to change the course. A top secret National Intelligence Estimate concluding that the Iraq war has made the overall terrorism problem worse should have set alarms off in the Bush administration. The document shows that the President's stay-the-course strategy in Iraq is only undermining our prospects for winning the global war against terror.

The Bush administration knew that this was a possibility before it even went into Iraq. Another intelligence estimate that came out in January 2003 stated that the approaching war had the potential to increase support for political Islam worldwide and could increase support for some terrorist objectives. Yet the administration set aside these concerns and chose to attack instead.

Today, our Nation is suffering the consequences. As the intelligence report states, radical Islam has metastasized. It's time for us to stop the growth of Islamic fanaticism by showing the world that we have no plans of occupying Iraq indefinitely.

## RECAPPING REPUBLICAN SUCCESSES

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

Mr. WILSON of South Carolina. Madam Speaker, as this legislative session draws to a close, it is appropriate to look back at House Republican successes and the accomplishments that have been achieved for the American people.

During the past few months, House Republicans have worked tirelessly to strengthen the economy, protect family values, address the energy crisis, secure our borders, and increase national security.

With the tax reconciliation bill, families are keeping $31 billion of their own money, as clearly promoted by the Lexington County Chronicle. We approved a border security package to secure our borders and restrict the flow of illegal aliens into our country. Just yesterday, we passed the Military Commissions Act providing for the prosecution of suspected terrorists to help us secure victory in the global war on terrorism.

As we leave Washington and prepare to face the voters in November, we will be judged by our merits. I am proud House Republicans have a positive record of achievement on which to stand.

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

## ON THE VIETNAM DEMOCRACY MOVEMENT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in support of the Vietnamese people who continue to work every day for a free and democratic Vietnam.

In April, 118 Vietnamese citizens signed the Manifesto on Democracy and Freedom for Vietnam. Making this public statement put these Vietnamese citizens and their families at great risk. The signers of the manifesto are part of a movement called the 8406 Democracy Movement, which refers to the date on which they signed the manifesto, the 8th of April of 2006.

On June 10, I personally spoke with the leaders of the 8406 Democracy Movement, Father Ly and Do Nam Hai, and it is clear to me from my conversations with them that the government of Vietnam continues to violate religious, property and labor rights as well as the right to a free and independent media. These violations are unacceptable.

I urge President Bush to convey the following message to the government of Vietnam during his travel there in November for the Asia-Pacific Economic Corporation Conference.

The U.S. supports the people of the 8406 Democracy Movement who are working toward a free and democratic Vietnam and strongly objects to any mistreatment of them.

## THE GENTLEMAN FROM ILLINOIS

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

Mr. PENCE. As this session of Congress draws to a close, so draws to a close, also, the storied career of the Lion of the Right, Henry Hyde of Illinois. As the chairman of several major committees at the center of repeated national controversies, Henry Hyde, as Members on both sides of the aisle know, has been a paragon of dignity and civility and commitment to principle. I would add he has been a lion of the right to life and this Chamber will miss his roar.

I will offer legislation today to name the Rayburn International Relations Committee room after this storied legislator, and I urge my colleagues to support this measure.

When I think of Henry Hyde's career, I think of Ulysess by Alfred Lord Tennyson who wrote:

''Tho' much is taken, much abides; and tho' we are not now that strength which in old days moved heaven and earth, that which we are, we are; one equal temper of heroic hearts, made weak by time and fate but strong in will to strive, to seek, to find, and not to yield.''

Let us honor this rare leader and may God bless the golden years of the gentleman from Illinois.

## SENIORS ONCE AGAIN VICTIMS OF GOP'S COZY RELATIONSHIP WITH DRUG COMPANIES

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

Mr. CARDOZA. Madam Speaker, American seniors are facing their first full week of the donut hole. This gap in prescription drug coverage for thousands of seniors is the direct result of the Republicans' dedication to increasing drug company profits.

As a clear giveaway to the big pharmaceutical companies, the Republican prescription drug benefit does not require that the Federal Government use its huge purchasing power to bargain for lower cost drugs. On three occasions since 2003, House Republicans had the opportunity to support Democratic amendments to reduce drug prices through bulk purchasing. Passage of our amendments would have provided Congress with the money to fill the gap in coverage and eliminate the donut hole.

But, no. This would have eaten into drug company profits and threatened the friendship that exists between the Republicans and the drug companies.

Mr. Speaker, we can still correct this injustice visited upon our seniors before we recess. Today, we should give the Secretary of Health and Human Services the power to bargain those prices down and permanently close the donut hole.

America needs a new direction.

## IN HONOR OF SMEAD MANUFACTURING ON THE OCCASION OF ITS 100TH ANNIVERSARY

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

Mr. KLINE. Madam Speaker, there has been much celebration this year in the little town of Hastings, Minnesota. I rise today to recognize a small business icon in the State, a document management company with a rich heritage of innovation and quality.

This year, Smead Manufacturing celebrates its 100th anniversary. A cornerstone of the Hastings community, Smead is the world's leading provider of filing and organizational products.

For 100 years, Smead has been committed to one purpose, keeping business organized. For the last 51 years, Smead has been a woman-owned company which now employs more than 2,700 workers in 15 plants. I have enjoyed the opportunity to visit the Hastings facility and meet many of the dedicated employees. On the occasion of this milestone achievement, I want to thank the men and women of Smead Manufacturing for their service to the community and the State of Minnesota. I commend the employees and leaders of this great institution and wish them much continued success.

## TIME FOR A CHANGE

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

Mr. ENGEL. Madam Speaker, this Republican Congress has failed the American people. Nobody can deny that this is the most do-nothing Congress in our history. On every front, from Iraq to Social Security, Republicans have sided with the lobbyists' special interest agenda instead of working for the American people. Time and time again, they have said ''no'' to the needs and concerns of the American people.

''No'' to increasing the minimum wage.

''No'' to balancing the budget.

''No'' to fully implementing the 9/11 Commission's recommendations.

''No'' to filling the donut hole for millions of American seniors struggling with their drugs.

''No'' to tough penalties on big oil companies that price gouge.

''No'' to finding a new strategy for Iraq.

Republican inaction on issues of critical concern to the American people has led to rising drug costs, higher energy prices than a year ago, and billions of taxpayer money being wasted in Iraq on no-bid contracts for administration cronies like Halliburton.

The American people are fed up with a Congress that refuses to do its job. It's time for a change.

□ 1030

## THE NEED FOR ENERGY INDEPENDENCE

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

Mr. KINGSTON. Madam Speaker, as my friend Mr. ENGEL from New York knows, gas prices are coming down. I am glad about it. A friend of mine, a son, actually filled up last weekend for $1.89 a gallon.

But Mr. ENGEL and I know that the pressure upon the gas supply brought about by new drivers in India and China and all over the world means increased demand with a very limited supply of oil. We have got to wean ourselves off of Middle East oil and foreign oil as much as possible.

Mr. ENGEL and I have introduced H.R. 4409, which moves us toward alternative fuels. Ethanol, hydrogen, biomass, technologies that are already out there. We just need to invest more money and accelerate our commitment towards fuel independence.

Imagine driving through a rural area, cornfields on both sides of you, with assurance that that is your next tank of gas. Would that not be great?

This is something that we can work on as Democrats and Republicans. Mr. ENGEL and I have put the bill forward. We are glad to have a lot of Democrats and a lot of Republicans on it. I hope we can get it to the floor for a vote because I think it is extremely important.

## THE WORLD IS LESS SAFE

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

Mr. COSTA. Madam Speaker, America is less safe today than before 9/11 attacks. That is according to the National Intelligence Estimate that was leaked out over the weekend. According to the report, the war in Iraq is actually fueling terror worldwide, undermining our efforts to fight terrorism, and making Americans less safe at home and abroad.

This is the second report that questioned our efforts in Iraq, by the GAO. The GAO report asked three specific questions that, unfortunately, this do-nothing Congress should be asking if we had not abdicated our role.

First, what are the key political, economic, and security conditions that must be achieved for U.S. forces to begin to withdraw? Americans want to know.

Two, why have security conditions continued to deteriorate in Iraq even though Iraq has reached political milestones and increased the number of trained and equipped security forces? The American people want to know.

And, three, if existing U.S. political, economic, and security measures are not reducing the violence in Iraq, what measures, if any, does the administration propose to end the violence? The American people want to know.

It is time that we make Americans safer and fully implement the 9/11 recommendations. It is time for a new direction.

## FAILURES OF THE CONGRESS UNDER REPUBLICAN LEADERSHIP

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

Mr. COOPER. Madam Speaker, we are in the final hours of this Congress. How will historians judge our work? Very harshly.

There has probably not been a more incompetent or corrupt Congress in modern times than this one. Don't take my word for it. Look at the book called ''The Broken Branch,'' by Norm Orenstein and Thomas Mann. It chronicles the failures of this institution under its recent Republican leadership.

Another objective measure is the lack of workdays in this body. Norm Orenstein pointed out only yesterday that we will have worked only 60 real days this entire year. Sixty days, 2 months of work, and yet we draw 12 months of pay.

Where are the hearings? Where are the debates? Where is the action on American priorities? Where is the immigration bill? Nowhere. Where is the defense bill? And we are in the middle of two wars. Crucial, vital pieces of legislation for America, and this leadership says it simply does not have the time.

## PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1045 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1045

*Resolved*, That it shall be in order at any time through the legislative day of September 29, 2006, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, House Resolution 1045 provides that suspensions will be in order at any time through the legislative day of September 29, 2006. Further, it provides that the Speaker or his designee will consult with the minority leader or her designee on any suspension considered under the rule.

This is the last week before Congress will recess until November so that Members can return home and spend their time meeting and working with those that they represent. Currently, there are several necessary and noncontroversial bills that are waiting consideration by the House of Representatives. It is important that the House be able to consider these bills before adjourning.

The suspension authority provided in this resolution will ensure that Congress can complete some additional key work by allowing for consideration of a number of important bills through the legislative day of September 29, 2006.

I encourage my colleagues on both sides of the aisle to support this rule.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding, and I yield myself such time as I may consume.

Madam Speaker, at the end of the week, this Congress will adjourn so that its Members can go home to campaign for their seats. I like to think of a campaign as a long job interview. Everyone in the body will have to convince his or her constituents that they are the best person for the job, that they have spent their time here in Washington doing whatever they can to better the lives of the people back home in their districts.

Madam Speaker, this Republican Congress has not made that task easy. It isn't just what the Congress has done with its time that is so disappointing, for example, yesterday's passage of a military detainee bill that undermines some of our most cherished and fundamental principles. It is also what the Congress has not done. All the challenges it has not addressed. The responsibilities it has not lived up to. It is all going to leave voters wondering what we have been doing these last 2 years.

The American people do not need us to tell them why their country is headed in the wrong direction. Every day that Congress fails to implement the critical recommendations of the 9/11 Commission, they feel less safe. Every day they struggle to get by on real wages that continue to decline, they feel less secure. And every day that seniors and those with disabilities cannot afford their prescription drugs, that students and their families lie awake worrying about how they are going to be able to afford college tuition payments, and that tens of millions of commuters break the bank trying to afford their drive to work in the morning, every day these problems remain unresolved, and people ask themselves why this Congress doesn't seem to care about what really matters to them.

They need it to take their troubles and concerns seriously and for us to spend our time passing meaningful bills that will actually help them live their lives and provide for their families.

So today, my fellow Democrats and I are offering one last opportunity to our Republican colleagues to make the 109th Congress really mean something. This rule will give us the ability to consider numerous important suspension bills today and tomorrow. In that short amount of time, we can pass legislation that will go a long way towards giving our constituents and fellow citizens the help they need to live in safety and security, to achieve their goals and ensure a brighter future for their children.

I want to briefly mention five goals that we should all pledge to reach before we adjourn. Since 9/11, this administration and Republican Congress have tried to convince us that we are in a war for civilization. They used the urgency of that supposed fight to justify reductions in our fundamental liberties and wars that have cost our citizens dearly.

And yet they have largely failed to implement the overwhelming majority of the 41 security recommendations made by the 9/11 Commission, recommendations designed to prevent another attack here at home. And as was made clear by the response to Hurricane Katrina, this government is not prepared to respond to disasters. Nor has it adequately addressed weaknesses in our security system that could be exploited at any time, weaknesses in our energy infrastructure, at our ports, and in our intelligence community.

And that is why I call on this Congress to immediately pass legislation putting the commonsense recommendations of the 9/11 Commission into law. We have no reason for inaction, and the American people won't accept any more excuses.

Threats to the security of our citizens do not come from the outside alone, Madam Speaker. They are threats to that security right here at home. Working families cannot hope to feel secure if they are living paycheck to paycheck and deeply in debt. And if those paychecks are not enough to live on, they do not have much cause for hope left. The real wages of America's workers have fallen for years, squeezing the middle class and making it harder for our 7 million minimum wage workers to even get by. One way to alleviate that pressure would be to increase our minimum wage.

The majority leader bragged a few weeks ago that he has spent his entire career in Congress voting against minimum wage increases. And he isn't alone. Under Republican control, Congress has refused to raise the minimum wage for 9 years, not even to adjust it for an increased cost of living. On the other hand, that cost-of-living adjustment has been made to the congressional salaries numerous times.

Well, enough is enough. My Democrat colleagues and I pledge here and now we will not support another congressional pay raise until we give America's minimum wage workers a raise as well. There is an easy way to do it. We can immediately pass Representative GEORGE MILLER's Fair Minimum Wage Act or a similar amendment that Representative HOYER authored to the Labor, Health and Human Services bill. Doing so would have an immediate and profound effect on millions of lives.

Madam Speaker, the deeply flawed Medicare part D legislation rammed through Congress last year has already come home to roost. Millions of Americans face prescription drug premiums they cannot afford, a reality that weighs especially heavy on the elderly and the disabled.

This Congress should immediately give the Secretary of Health and Human Services the authority to negotiate for lower prescription drug prices. This would immediately help countless men and women get the lifesaving prescription drugs that they need.

Nor should we focus only on the present. If we hope to secure a strong future for our country, we must make access to higher education a right instead of a privilege. In our increasingly competitive global economy, knowledge is power like never before, and a good education is more priceless than ever. And what a shame it is that so many of our soldiers serving us now have joined the Guard and Reserve simply to be able to get an education.

During this Congress, Republicans responded to this challenge by cutting $12 billion in Federal student aid intended for our Nation's college students. It was a shortsighted and harmful decision, and it should be immediately reversed.

I hope all my colleagues on the other side of the aisle will join the Democrats in restoring higher-education funding and expanding the size and availability of Pell Grants. We can do it by passing an improved Labor-HHS bill, and Democrats have the legislation to get it done.

Finally, Madam Speaker, while energy costs have compounded the daily

troubles of so many ordinary people, Congress has handed out huge tax breaks to the Nation's largest oil companies and done it while they have made some of the greatest profits ever earned by American corporations. Since Republicans passed an energy bill in 2001, authored in secret by the administration and those same companies, it has been clear whom the Republicans stand with on this issue. But the Democrats always fault for an energy agenda that works for all Americans, not just for the oil industry. We should immediately begin rolling back tax breaks for big oil and using the savings to invest in alternative fuels that would give us true national energy independence and real relief at the pump and force them to pay the royalties they owe this government for their use of public lands.

Madam Speaker, today and tomorrow we will be presenting bills that will accomplish all these goals. I ask my friends on the other side of the aisle to think about the questions they will be asked when they go home in October. I ask them to think about how they are going to respond to a constituent who asks what they have done to lower tuition prices, to make our ports and mass transit systems more safe, to get prescription drugs into the hands of those who need it, and to increase the quality of life for minimum wage earners. I ask them to no longer ignore these critical questions and these critical needs of our citizens.

In 2 days, with just a few simple bills, this Congress can improve the lives of tens of millions of people. The only real question left to ask is, why would we let such a precious opportunity pass us by?

Madam Speaker, I reserve the balance of my time.

□ 1045

Mr. HASTINGS of Washington. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, first let me thank the gentlewoman from New York, the ranking member of the Rules Committee, Ms. SLAUGHTER, for yielding me time. Let me associate myself with her comments.

Normally a rule that would allow us to consider suspension bills today would not be controversial. Suspension bills, after all, are usually bills that if they do not pass unanimously, they pass pretty much close to unanimously. They are naming of post offices, there are things that quite frankly are nice but they are not crucial for this Nation.

And, you know, I come to the floor today, along with others, to object to this because this Congress is about to recess and it has not done the people's business. This Republican Congress has failed to make college education more affordable. This Republican Congress has failed on retirement security. This Republican Congress has failed on energy. It has failed on health care. It has failed on jobs and wages. And it has failed on Iraq and national security.

I mean, we are about to recess, and this Congress has not increased the Federal minimum wage. It is stuck at $5.15 an hour. I mean, Congress has not raised the minimum wage in 9 years. During that same period of time, Congress voted themselves a $31,600 pay raise. We do not have the time to increase the Federal minimum wage, but we have time to increase our salaries by $31,600? Please, give me a break. Where are our priorities?

We have the time right now to raise the Federal minimum wage. I think that is more important than naming a post office before we recess before the elections.

On the issue of energy, I mean where is our energy policy? Where is our commitment to renewable and safe and clean alternative sources of energy?

I mean, there is nothing. We have seen gas prices go way up. And, guess what? They are mysteriously coming down before the election. But I am going to make a bet with you that right after the election they will go back up again. You know, these oil executives, they are smart. They know where their bread is buttered. They do not want accountability. They do not want a Congress that is going to hold their feet to the fire when it comes to price gouging the American people.

On the issue of Iraq, a National Intelligence Estimate tells us that this war in Iraq has created more terrorists rather than decreased the number of terrorists. And yet what do we have going on here in this Congress? Nothing. There is no accountability with regard to this administration's policy.

President Bush tells us to stay the course, which is code for stay forever. This war began in 2003. And whether you supported it or opposed it, I think everybody can agree it has not unfolded as advertised. I mean, we are now a referee in a civil war.

We have spent hundreds of billions of dollars not on schools, not on senior citizens and retirement security, not on economic development, not on infrastructure, not even on reducing our enormous debt, we have spent it in a mistaken war in Iraq that gets worse and worse every day, and yet this Congress, this Congress refuses to hold the administration accountable, refuses to do the oversight necessary to try to take this failed policy and bring it to an end.

I mean, we have lots and lots to do before we recess. We have important matters that every single person in this country cares about, whether they are a Democrat or a Republican. Instead, we are told, no, we do not have the time, we are going to come here and we are going to spend more of our time doing suspension bills.

I mean, there is a reason why this Congress only has a 25 percent approval rating by the American people. People get it. People know that this is a do-nothing Congress. People are frustrated that this Congress has become a place where trivial issues get debated passionately and important ones not at all.

People understand that there is something wrong when Congress cannot find the time to increase the Federal minimum wage and when they try to do it they play politics with it by attaching it to a tax cut to wealthy people.

There is something wrong when Congress cannot increase the national minimum wage, but we have time to vote ourselves a pay raise. There is a disconnect. I think the people are way ahead of us here in Washington. People understand that this Congress has failed them time and time and time again.

It is time for a new direction. It is time for a change, and it is time to get this Congress to behave in a mature, responsible fashion. And that means dealing with issues like the affordability of a college education. It means dealing with issues that people care about.

With that, Madam Speaker, I urge my colleagues to vote against this rule.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there have been several references today and in the past few days about the issue of the minimum wage. I think that we need to set the record straight as exactly what this House has done regarding that issue, because the issue has been around some time.

Before we went on our district work period in August, the week before we left at the end of July, this House did pass, did pass and sent over to the Senate, an increase in the minimum wage.

Yes, it was attached to other bills, or other issues. That is not anything that is unusual in this body. That goes on all of the time. But what were those other issues? Those other issues provided tax relief for certain Americans. One of that was sales tax deductibility, for example, for States that do not have an income tax. My State happens to be one of those. Broad support in both Houses of the Congress.

The other was the, not the elimination, but capping of the death tax. That has support in both Houses. It unfortunately does not have the required filibuster-proof support in the other body. But that was part of that tax bill.

There is also a provision for research and development tax credits to keep our economy moving. That has broad support in both Houses. That was part of that tax bill. And then there were some other provisions in that also.

Attached to that, yes, was the minimum wage. I voted for that. I have to say, Madam Speaker, I am not one that is generally in favor of the minimum wage. But I felt coupling that together

with these other important measures to keep our economy going, to take care of those taxpayers in States that do not enjoy broad parity with other States, I thought it was important.

So if the issue then is to pass a minimum wage, it seems to me the message ought to be sent to the other body, because that bill is still waiting over there. All they have to do in the final days of this session is to stop the filibuster and pass that bill over there, and we will have the minimum wage increase that we keep hearing over and over and over.

So, Madam Speaker, I just wanted to set the record straight that this House has acted on that, and I think in a very responsible way.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, let me just point out that the minimum wage bill passed here was buried in a bill that gave billions in tax breaks to the Nation's wealthiest.

Madam Speaker, I yield 6 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on Homeland Security.

Mr. THOMPSON of Mississippi. Madam Speaker, homeland security is not a red or blue State issue. It is a red, white and blue issue. It is an American issue. When al Qaeda struck us 5 years ago, it did not distinguish its victims. The terrorists did not care if you were from a red or blue State.

Party distinctions mattered little to terrorists. Mother nature, too, had little use for arbitrary partisan labels as we learned with Hurricane Katrina and Rita. Those terrible storms inflicted suffering on all the people of the gulf coast.

The American people expect that homeland security is one of our top national priorities, and the 9/11 Commission, the bipartisan panel we created, said it must be a priority. Congress told that panel to get to the bottom of what happened on 9/11 and give us a road map to guard against future attacks.

They did their part, Madam Speaker. This do-nothing, do-over Congress, squandered time and resources and is now trying to pass off do-little rhetoric as real action.

Where has all of that gotten us? Where in the world has Congress been for 5 years? That is the question that the 9/11 Commission chair and vice-chair asked a few weeks ago on the fifth anniversary of the attacks, as this Congress chose to spend the week leading up to the 9/11 anniversary on a horse slaughter bill, and little else.

Mr. Kean and Mr. Hamilton lamented the lack of urgency across the board. Democrats agree with Mr. Kean and Mr. Hamilton, the adoption of the 9/11 Commission recommendations should be a no-brainer. And unless this Congress acts immediately, it will add do-not-care to its do-nothing label.

When we adjourn in a few days, Madam Speaker, this Congress will have failed, for example, to enact risk-based first responder funding. As a result, Washington and New York, areas we know the terrorists still want to attack, will still be vulnerable.

Congress has done even worse on interoperable communications. Just this week the Republicans have refused to include funding and resources in FEMA provisions attached to the Homeland Security appropriations bill.

The House leadership can spend a day talking about protecting the lives of horses on the floor, but can't find the time to debate legislation that will protect the lives of our first responders. I don't know about you, Madam Speaker, but as a former volunteer firefighter, I would trade a horse any day for interoperable communications.

Madam Speaker, Democrats stand united in calling for the enactment of the 9/11 Commission recommendations. We insist, no, demand that Congress act immediately to provide first responders with the equipment, training and resources they need.

We call for stronger transportation and critical infrastructure security planning and support. It saddens me that the House in discussing the port security bill with the Senate refuses to provide funding for protecting subways, trains and buses across our Nation.

Did we not learn anything from the attacks in London, Madrid and Mumbai? Democrats want to secure our border, and we want to do it right.

Five years ago the President announced that he was creating an Office of Homeland Security to provide a robust and effective border security program. Half a decade later, Southwest Governors were forced to declare border emergencies, and the National Guard was sent to the U.S.-Mexican border to assist with the growing border crisis.

Yet despite the urgency of the situation, Madam Speaker, this Congress refuses to allow us to vote on a complete overhaul of our immigration system, adequate funding for border personnel, equipment and resources for border personnel, a system for addressing what to do with 12 million people without documentation in this country.

Instead, Madam Speaker, the House leadership chose to vote and revote on a fence without setting aside enough money to build it. Democrats also believe we must strengthen the relationship between the intelligence community and State and local law enforcement.

Today, as ranking member of Homeland Security, I am releasing a report entitled, ''LEAP'', Law Enforcement Assistance and Partnership strategy, that lays out a strategy for doing this.

Democrats absolutely believe we need clear and robust Congressional oversight of homeland security efforts. Too much money has been wasted in our current efforts with few checks in place.

Lastly, Democrats have and will continue to ensure that the war on terrorism does not cost us our privacy and civil liberties. As the Gilmore Commission told us a few years ago, counterterrorism initiatives must not undermine our unalienable rights. These rights are essential to the strength and security of our Nation, life, liberty and the pursuit of happiness.

Madam Speaker, I agree with the Gilmore Commission that there is probably nothing more strategic that our Nation must do than ensure our civil liberties.

Madam Speaker, it is time for this Congress to stand up and do something. This Congress cannot continue to be the Congress that left security behind.

Mr. HASTINGS of Washington. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

□ 1100

Mr. HOYER. Madam Speaker, I thank the gentlewoman from New York for yielding and I thank her for her leadership on the Rules Committee in one of probably the most frustrating jobs on this Hill, because we have not had open debate.

Dana Milbank wrote about that this morning. Dana Milbank quoted DAVID DREIER. DAVID DREIER criticized Democrats yesterday for not having alternatives. DAVID DREIER's Rules Committee prevented the Democrats from offering any amendments to yesterday's commission bill. How ironic.

Mr. Speaker, I adopt the comments made by the distinguished gentleman from Mississippi who was right on point, in my opinion. I truly hope the American people are watching today because, if they do, they will see why this Republican Congress is the do-less-than-the-do-nothing Congress of 1948, which is failing to address the priorities of the American people. That is what the gentleman from Mississippi was talking about.

Let us look at the facts. This do-less-than-the-do-nothing Republican Congress is projected to be in session just 93 days prior to leaving for the elections. The do-nothing Congress met 111 days. That is 17 fewer days in session than the do-nothing Congress of 1948, which was famously derided by President Truman. Now, if we had done a lot of work in those 93 days one could say, well, we did not need to meet as much because we did a lot of substantive work. Let us look at the record.

Today on this House floor, we have the time to consider a bill recognizing the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War. That was a critical juncture in our history and deserves recognition. Yet, we have still failed to enact a budget. We do not have a budget. Now Mr. and Mrs. America probably know that the budget year begins just 4 days from today, but we have not enacted a budget for the American people.

Today on this House floor, we have time to consider a bill congratulating the Columbus Northern Little League Baseball Team from Columbus, Georgia. I think they are world champions. They are deserving of recognition. I do not resent the fact that we are doing that. God bless them. Congratulations. Yet, this Republican-controlled Congress has failed to enact the recommendations, as was pointed out by the gentleman from Mississippi, of the 9/11 Commission.

One of our most important responsibilities is keeping America and Americans safe. That is what the 9/11 Commission was about. Republicans and Democrats came together. Governor Kean, former Republican governor of New Jersey, and Lee Hamilton, distinguished former Member of this body, a Democrat, came together and made recommendations, said we can make America safer, but they have given us Fs and Ds on our performance.

Today on this House floor, we have time to consider 12 post office renamings. I am sure that every American is concerned about the name of their post office. Me, too. Yet we have failed to enact a long overdue increase in the Federal minimum wage which has not been raised since 1997. People in America, the richest Nation on the face of the earth, 6.6 million working 40 hours a week and living in poverty, but we can rename 12 post offices.

We failed to enact real immigration reform to keep our borders safe, failed to address the fact that 46 million Americans have no health insurance. Yet we rename 12 post offices. And we have failed to enact legislation that moves us toward energy independence, a security issue, an economic issue and an environmental issue.

The truth is, Madam Speaker, this Republican Congress is failing the American people, and the fact that the Republican majority is here today asking us to consider noncontroversial bills while key priorities go unaddressed is the clearest evidence of that failure.

I go around this country and Americans tell me they want a change. They want to move in a new direction.

As Tom Mann, a congressional scholar at the Brookings Institution, and Norm Ornstein, one of the most respected congressional scholars in America who works at the American Enterprise Institute, wrote yesterday in the Los Angeles Times, ''This Congress hit the ground stumbling and has not lifted itself into an upright position. The output of the 109th Congress,'' they went on to say, ''is pathetic measured against its predecessors.'' Republican and Democrat.

Mr. Speaker, this Republican rule is nothing less than a mission of failure and ineffectiveness. Even our Republican colleagues have a hard time denying that. Let me quote JACK KINGSTON from Georgia, who has been such a prominent part of the Republican leadership, who said it best earlier this week. I quote Republican JACK KINGSTON, part of the Republican leadership, ''It is disappointing where we are, and I think Republicans need to be up front about this. We have not accomplished what we need to accomplish.'' If I were in church, the people would say ''Amen.''

It is time, Madam Speaker, for a new direction in America.

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

Madam Speaker, I will be asking Members to vote ''no'' on the previous question so that I can amend the rule to provide that the House will immediately consider five important legislative initiatives that will actually do something to help American workers and their families.

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

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

There was no objection.

Ms. SLAUGHTER. Madam Speaker, my amendment would provide for immediate consideration of five bills. The first one would implement the recommendation of the 9/11 Commission, something the House should have done years ago.

The next bill would provide for an increase in the minimum wage to $7.25 per hour. It has been more than 9 years since hardworking Americans have seen a change in the minimum wage, and this increase is long overdue.

The amendment would also allow the House to immediately consider a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and persons with disabilities. Last week, megastores like Wal-Mart and Target announced that they were cutting prescription drug prices due in part to their ability to negotiate with drug companies. Why should the government not be allowed to negotiate as well?

Under my amendment, we will also take up a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell grants.

And finally, a ''no'' vote on the previous question will provide for immediate consideration of the bill to roll back the massive tax breaks for large oil companies and to invest those savings in alternative fuels to achieve energy independence.

Madam Speaker, these are all measures that will actually do something to help improve the quality of life for all Americans, and will make them safer as well. That is what we were sent here to do.

So vote ''no'' on the previous question so that we can consider these important bills today and show the people of this great Nation that they come first.

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

Mr. HASTINGS of Washington. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I just want to touch on a couple of issues that were brought up here, and hopefully set the record straight as to what has happened.

There has been talk about Medicare. I just remind my colleagues that the Medicare legislation that had the prescription drug benefit was passed by a prior Congress. To be sure, it was put in place and implemented during this Congress, and that was done because we were really blazing new ground with that Medicare prescription drug reform and the Medicare reform in general. I might add, too, Madam Speaker, for 40 years when the other side controlled this body, there was no prescription drug benefits available at all for anybody on Medicare. So this was new ground, and we put into place, I think, some very innovative reforms that, frankly, have proven to have been very well accepted by people across the country.

I think the most important part of this Medicare reform was that we made it voluntary. It was not a mandatory program. To suggest that people once they turned 65 cannot make decisions, I think, is wholly underestimating senior citizens. In my district, for example, when the Medicare plan was fully put in place there were 30 plans to choose from in my district. Seniors had a number of choices. I had a forum where a number of seniors came up, asked questions and then made their decisions before the sign-up time. They will have another opportunity to sign up, again, of course in November.

While this program is only in place now for less than a year being implemented, by and large, across the country, it is being well accepted because it provides the coverage that was not available before, and I think that point needs to be emphasized.

I might add that when we reformed this program there was a lot of criticism about the cost of this program. Sure, anytime you have a Federal program, it is going to cost some money, but their substitute plan cost infinitely more than what our plan was that we put into place.

So I just wanted to set that record straight, and I think it is important.

Secondly, I want to talk a bit about border security and the overall war on terror. I just remind ourselves, earlier this month, we passed the 5-year time period when we were brutally attacked by terrorists on 9/11/2001, and let us remind ourselves, we have not been attacked in this country since that time. Other countries have faced international terrorism in London, in Spain, and in Indonesia comes to mind right off the top. Same people are behind this as international terrorist group.

So what we have done is to try to secure our country, and since we are involved in this war on terror, I think it

is clearly in our best interests to try to engage them on their turf. We have been successful thus far, but as President Bush has said, this is going to be a long, long process, but keep in mind, there is no question that the ultimate target in this international war on terrorism is our way of life.

In response to that, we have secured our border. There is absolutely no question about that. In some cases, it was passed with bipartisan support, and in some cases, it was not, but the record, Madam Speaker, I think needs to be said, and that is that we are doing things to secure our border and make America safe.

The fact that we have not been attacked I think is credit to those that do that work to secure us on the homeland security, on the border, the first responders. They have all responded. Our intelligence community is much, much more robust than it was before and that has added to our security.

So, Madam Speaker, there has been a lot that has been accomplished in this Congress, and I think that we can go into this break before the elections with a very high head.

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

PREVIOUS QUESTION FOR H. RES. 1045 PROVIDING FOR MOTIONS TO SUSPEND THE RULES

At the end of the resolution add the following new Sections:

Sec. 2. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 3:

Sec. 3. The bills referred to in Sec. 2. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to $7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

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THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

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## WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PUTNAM. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1046 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1046

*Resolved,* That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 28, 2006, providing for consideration or disposition of any of the following measures:

(1) A bill to authorize trial by military commission for violations of the law of war, and for other purposes.

(2) A bill to update the Foreign Intelligence Surveillance Act of 1978.

(3) A 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.

SEC. 2. House Resolutions 654 and 767 are laid upon the table.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Madam Speaker, House Resolution 1046 is a same-day rule that allows the consideration today of certain legislation that may be reported from the Rules Committee.

□ 1115

Specifically, it allows for the consideration or disposition of a bill to authorize the trial by military commission for violations of the laws of war, a bill to update the Foreign Intelligence Surveillance Act of 1978, and the Homeland Security appropriations conference report for fiscal year 2007: Three very significant pieces of legislation that need to move through this body before we break for the October District Work Period.

It is imperative that we pass this same-day rule. This resolution lays the foundation so that the House can complete its business and send outstanding legislation to the Senate and to the President's desk. We are working to move this process along toward the adjournment of the 109th Congress.

The House Committee on Rules will meet later today to provide the rules for possible consideration of these items, such as the Homeland Security appropriations bill, the legislation to deal with these violations of the laws of war, modernizing our approach to dealing with terrorists and those who plot to blow up airliners over the Atlantic, who fly planes into the symbols of our military power, the symbols of our economic power, those who would blow up our embassies, those who would target innocent civilians in a

way that is unprecedented in the history of modern warfare, as well as legislation to update and modernize the Foreign Intelligence Surveillance Act of 1978.

Obviously, you can tell by the title of the act, the Foreign Intelligence Surveillance Act of 1978, that it is badly in need of reauthorization. Clearly, technology changes, the sophistication of communications, and the diversity of the threats that face this Nation all beg for us to act and modernize that legislation so that law enforcement and intelligence agencies have the tools they need to prevent future attacks on American soil and to protect our forces and our civilians abroad.

I am pleased this same-day rule will facilitate the timely deliberation, discussion, debate of these important issues. I urge my colleagues to support this. This is a procedural motion that allows us to move forward with the meat and potatoes that are important for the safety and security of this country, those legislative items that will be considered later in the day.

So this is an important procedural obstacle that we need to clear out of the way to allow for consideration of these items so that we can move forward to the remaining agenda items for this Congress.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. MATSUI. Madam Speaker, Democrats and Republicans agree in the primacy of national security issues. But Democrats also recognize that middle-class Americans are worried about several other things as well, all of which affect a different type of security: Their economic security. And Democrats are prepared to remain here until the full scope of problems facing our constituents is addressed.

H. Res. 1046 is a martial law rule suspending the rules of the House. It would allow the majority to bring several bills to the floor the same day the Rules Committee meets to report those bills. Two of the three items allowed to come immediately to the floor were made public late last night. The third bill may be passed by the Senate today.

What this means is that, yet again, it will be almost impossible for Members to read the bills before being asked to vote on them. This abbreviated approach to legislating is not new. However, the 109th Congress seems likely to have taken this to a new level. We are on track to set a record for the fewest days spent voting in our lifetimes.

This is beyond being unreasonable to the American people. They sent us all here to do a job, to vote, and to do our part to fix the problems they face each and every day. They pay the price for our inaction at the pharmacy, at school, and in their paychecks. So it is worth taking a look at what remains undone when Congress works so little.

We still need to fully implement the 9/11 Commission recommendations here. We have not passed a comprehensive national energy policy that puts us on the path to energy independence by focusing on alternative and renewable sources of energy. We should allow the Federal Government to negotiate lower prescription drug prices for seniors and people with disabilities. We should restore the massive cuts to Federal student financial aid that Congress made earlier this year. And we have not had a clean vote to raise the minimum wage.

Democrats want to address each of these issues before we go home for the elections, but the majority has made it clear, through this rule, that the House leadership will not consider these priorities before leaving town.

This martial law rule would allow us to consider a conference report for homeland security funding. But even after this agreement passes, massive holes will remain in our homeland. The majority has not taken action to make sure that first responders can talk to each other, a key problem on September 11, 2001. According to legislation passed by this majority, the issue will not be fixed until 2009. That is unacceptable.

According to the 9/11 Commission, the Federal Government still does not have a consolidated terror watch list at our airports, and without proper funding, TSA cannot implement the full range of security measures necessary to protect us.

Finally, we do not have 100 percent screening of cargo coming into our ports. These holes are the reason that the 9/11 Commission gave Congress failing grades late last year.

The majority has defeated multiple Democratic attempts at fixing these problems. Democrats want to fix these holes before we leave town.

Let us consider another of the issues that I mentioned. The need to create a forward-thinking energy policy that places us on the path to energy independence. Energy touches the core of our national security during a time of global upheaval, so it affects the economic security of every person across this country and it affects the ability of businesses to compete. We cannot afford to be dependent on volatile regions of the world, and it is impractical and unwise to believe we can drill our way out of this problem.

It is long past due for the Federal Government to make an unprecedented commitment towards energy independence. We need to drive the development and deployment of renewable and alternative sources of energy. We also need to encourage the use of energy efficient technologies to help our families and businesses reduce their energy consumption.

Achieving energy independence will not happen overnight. It will require a long-term sustained effort of government, businesses, and families. But America has always been up to challenges like this, and Democrats want that effort to start now, before we go home for the elections.

Another issue we failed to address is the need for the Federal Government to negotiate lower prescription drug prices for seniors. Almost eight out of every 10 seniors who signed up for the new Medicare prescription drug benefit in California have a plan with a so-called donut hole. This means that almost 300,000 seniors and disabled workers will see a gap in coverage. Even though these individuals will receive no help with their prescriptions, they are required to keep paying premiums to the Federal Government.

And those drug prices are higher than they need to be. Congress already allows the Veterans Administration to negotiate prices directly with the drug companies. As a result, veterans get the prescriptions they need for less. It is a great program. But when Congress passed the Medicare prescription drug bill, it specifically prohibited the Federal Government from doing the same price negotiation for seniors. That is wrong, and Democrats will fight to fix this problem before we leave town.

Madam Speaker, also as a result of working only 88 days thus far, we have also neglected to fix the misguided cuts in student aid that Congress approved earlier this year. In February of this year, the majority voted for the largest cut in student aid in history: $12 billion. Congress took this vote despite the fact that parents and students all across the country are struggling to access this doorway to opportunity.

With the cost of college skyrocketing, the average college student is now more than $17,000 in debt. Many are paying above-market interest rates in order to finance their education. Madam Speaker, a college education should be an opportunity, not a burden. Democrats are committed to reversing these terrible cuts before we leave town so that every student has the opportunity to succeed.

In closing, Madam Speaker, Democrats are interested in addressing the full range of problems that worry the American people. As I have mentioned, we should start by allowing the Federal Government to negotiate prescription drug prices, we should also reverse the cuts to student aid, and we are prepared to stay at work until we do so.

Madam Speaker, I reserve the balance of my time.

Mr. PUTNAM. Madam Speaker, I appreciate my friend's comments on the prescription drug debate, the energy debate, and the student loan debate. I would remind my friend that we are here to facilitate action on the Homeland Security appropriations bill, the Foreign Intelligence Surveillance Act modernization, and the military tribunals bill, and with her help we can move this procedure along and continue to act on behalf of the American people to make them safer.

Madam Speaker, we need to get the boots on the ground to secure our borders, the money for 1,200 new Border Patrol agents, new Customs officials, and the modernization and authorization for our intelligence and law enforcement officials to utilize the best technology and the best communications to prevent and disrupt any potential plans to attack our homeland. Those are the items that are embodied in this bill that we are considering at this time, and, as I said, with her assistance we can move forward and then be able to again address the other issues that she mentioned, on top of the work that we have already done in passing three major energy bills in the past 18 months that deal not only with fossil fuels and the need to reduce our dependence on foreign oil, that deal with the expansion of refining capacity in this country, which was largely blocked by the other side of the aisle, an energy policy that provides prizes in the form of monetary grants to those innovative individuals around America who find the next big thing, who can innovate on a hydrogen type of fuel cell or the hybrid and continuing to build on that, building on the tax incentives that we passed through this body that encourage people to purchase hybrid vehicles, looking at renewables, solar, and wind.

All of those things, Madam Speaker, are part of the energy bills that we have passed in this House, and now we need to pass these items of important national security. That is what this bill does.

Madam Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield 5½ minutes to the gentleman from California (Mr. GEORGE MILLER), my good friend.

Mr. GEORGE MILLER of California. I thank the gentlewoman from California for yielding.

Madam Speaker, here we are, close to adjournment, maybe 48 hours from now the Congress will go home for the elections, and we will leave millions of Americans who work at the minimum wage, who are stuck at a poverty wage, because of the failure of this Congress to address that issue.

What that means is that for those millions of Americans who go to work every day, all year long, at the end of the year they will end up poor. They end up with the inability to provide for their families, to provide for their health care, to provide for their transportation and the education of their families.

Why is that so? Because for 10 years, the Republicans in the Congress have successfully fought any increase in the minimum wage, and they have done it proudly. They believe that these people aren't entitled to any more money than the minimum wage that they are receiving today. Now, that minimum wage has less purchasing power than at any time in the 50 years we have had the minimum wage. These people are falling behind every day, every month.

We just saw yesterday in the newspapers that health care costs went up 7 percent. We know what has happened to families with energy costs. We know what has happened with utility costs. We know what has happened with educational costs and with the price of groceries. All of these things have gone up in these people's lives, but what hasn't gone up is the wages they work at.

□ 1130

The Republican Party is apparently perfectly content, even though we have the votes to pass the minimum wage, we have the votes in the Senate to pass the minimum wage, they are completely content to go home without an increase in the minimum wage.

It is shameful, it is sinful, the treatment of these people and the families in which they reside. The Republicans cannot see their way clear to put a clean vote on the minimum wage up or down on the floor of the Congress so that we can increase the financial capabilities of these families.

When you have the testimony of people like the Wal-Mart Corporation, which prides itself in presenting to America everyday low prices, theoretically, the least expensive place you can shop for the goods that they carry, they are now asking for an increase in the minimum wage because they say that the people who are coming to their stores simply don't have sufficient moneys to provide for the necessities of life. They don't have the money to buy the necessities they need, even in their stores. That is an indication of how important an increase in the minimum wage is.

The other terrible tragedy is that the Republicans refuse to roll back the raid on student aid that they engaged in earlier this year, when they took $12 billion out of the student aid accounts. They didn't recycle that money for the well-being of students to lessen the financial burden of families who are trying to put their children through school. They didn't do any of that. They took that $12 billion and they put it over here to pay for the tax cuts to the wealthiest people in this Nation.

That is the investment they made. They took $12 billion that the Congress and the government has been using to finance student aid programs, and they moved it into tax cuts for the wealthiest people in the country. They do that at a time when the basic Pell Grant for the most needy students, it only covers 30 percent of college costs today. When it was enacted, it covered 70 percent, and it has fallen behind.

The President had pledged to raise the Pell Grant to $5,100. Five years later, that hasn't been done. The President has broken his promise. We have been asking that we increase the Pell Grant to $5,100 to make it easier for students, and to take that $12 billion they took out of the student aid account and recycle it into the loan programs for students so that we can continue to try to help students meet the cost of debt.

Congresswoman MATSUI talked about the average student today graduating with debt of some $17,500. We are now seeing a significant number of students who are perfectly qualified to go to college, to take advantage of college education, and they are not doing so, or they are postponing it because they are worried about whether or not they will be able to manage the debt when they graduate or whether they will be able to assemble the resources to go to college on a current basis.

That is a tragedy for this country. At a time when we talk about the competitiveness of this Nation, at a time when we talk about the need to have an educated population, to deal with innovation, to deal with discovery, to deal with the future economy, we are foreclosing the higher educational opportunity for hundreds of thousands of students because of the debt, because of the cost.

Because of the actions of the Republicans in this session of the Congress and the refusal to roll it back, students will now be paying 6.8 percent on their loans instead of 3.4 percent. Parents will be paying 8.5 percent instead of 4.25 percent.

This is a tragedy. This is the tragedy of the Republicans' failure to address the needs of middle-income Americans who are struggling to educate their kids, to pay their energy bills, and minimum wage families who are simply struggling to survive in America today. It is a tragedy and a blight on this session of the Republican leadership in this Congress.

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

Madam Speaker, I think the gentleman protests too much because he failed to acknowledge that he had an opportunity to vote on the minimum wage on this floor in this body. He had an opportunity to vote to extend tax credits for research and development, something that is certainly important to California, his home State, the birthplace of the silicone revolution and which allows us to keep on the cutting edge of the economy.

The research and development tax credits allow us to compete in the global marketplace so that companies can be global headhunters and bring in the best talent from around the world, create jobs and build businesses here in this country. Not only did he vote against the minimum wage for the lowest end of the workforce spectrum, but he voted against extending those same incentives to invest in laboratories, to invest in innovation, to invest in intellectual capital in this country at the high end of the workforce spectrum as well.

He also denied the opportunity for 10 States in this country to be able to extend the sales tax deductibility, the

same type of State and local deductibility that other states enjoy on a regular basis in this country. And he denied hundreds of thousands of small businesses around this country and family farms the opportunity to keep what they have built, to allow their business to pass from one generation to another.

He has had the opportunity to vote on a minimum wage, and he chose to vote against it. I think he protests too much about the success of the agenda that this House has put forward.

When it comes to education, we have increased student loan limits from $3,500 for first-year students to $3,500 and to $4,500 for second-year students. There are now 1 million more students today receiving Pell grants than there were 5 years ago. That is substantial progress in higher education, investing in the future, investing in the intellectual capital of this country. That is the real story.

And what is it that prevents him from talking about the actual issue at hand? Why can't we hear from the other side as much eloquence about the need to modernize the Foreign Intelligence Surveillance Act? Why don't we hear the same eloquence about the need to complete our work on the Homeland Security appropriations bill, which will continue the work of securing our border, add 1,200 new Border Patrol agents, add new Customs agents, continue to make our ports safer, continue to build on the good work that goes on throughout this country by hard-working men and women who are doing their best to prevent future terrorist attacks?

Why can't he talk with the same eloquence, the same emotion, the same passion, about the need to pass meaningful legislation on tribunals to deal with those terrorists who have already been captured trying to do great harm to this country? Those are the issues before this House, and that is the debate that is missing from the other side.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, to correct the record, there has been no clean vote to raise the minimum wage, and it is that important.

Madam Speaker, I yield 3½ minutes to my good friend, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. ''Whatever you do for the least of your brothers, you do unto me.'' That is what someone who was fairly important in the history of the world told us a long time ago.

But what has the Congress done for the least of our brothers and sisters? It is an indication of the values of those on the majority side of the aisle when they brag about the fact that they held the minimum wage increase hostage to their determination to give away $289 billion to the wealthiest 7,500 people in this country every year. Their deal was ''we ain't going to do nothing for the little people of this economy unless you first provide even more money in the pockets of the very wealthiest people in this country.''

I defy you to show me two farms in any congressional district in the country that would pay the estate tax under the alternative that the Democrats proposed. You may not remember what the numbers were, but I do.

Mr. PUTNAM. Madam Speaker, will the gentleman yield?

Mr. OBEY. No. You have plenty of time.

Mr. PUTNAM. The gentleman asked me a question. I'm happy to answer. I'll provide him a list of farms in Central Florida.

Mr. OBEY. Regular order. If you are going to manage a bill, you need to understand the rules of this House.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Wisconsin controls the time.

Mr. PUTNAM. Would the gentleman yield?

Mr. OBEY. No, I would not. I told you I would not. You have got half-an-hour. I have 3 minutes. Why should I yield to you?

Mr. PUTNAM. Will the gentleman yield?

Mr. OBEY. No, I will not.

The SPEAKER pro tempore. The gentleman from Wisconsin controls the time.

Mr. OBEY. You can answer on your time. I am answering you on my time. You answer on your time. Now, I would appreciate no further interference from the gentleman.

The gentleman wants to brag about the prescription drug proposal in the homeland security bill. The majority party nailed into that prescription drug bill last year a prohibition against the Federal Government negotiating for lower prices. So where did the seniors have to go? Wal-Mart finally announced they are going to provide lower drug prices.

I suggested in the conference in the Homeland Security bill that we add language to that bill which says notwithstanding any other provision of law, the Secretary of Health and Human Services shall enter into a contract immediately with Wal-Mart to negotiate on behalf of the United States Government with drug manufacturers and suppliers regarding prices to be charged for prescription drugs under Medicare Part D.

It is a sorry day when the majority party stands shoulder-to-shoulder with the pharmaceutical industry against the recipients under Medicare Part D, labeled ''part dumb'' by a lot of the seniors in my district. And it is a sorry day, it is a sorry day, when we have to rely on Wal-Mart in order to do what the public representatives of this Congress ought to do, which is to allow our own government to negotiate for lower prices, rather than relying on this Rube Goldberg monument that makes people go to Canada in order to get some mercy in terms of drug prices.

They want to freeze the minimum wage. They freeze the minimum wage. It doesn't surprise me. The minimum wage is frozen almost as cold as their hearts.

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

Madam Speaker, the gentleman has been on this floor a number of years longer than I have, and certainly he understands the rules. But he also understands it is normal procedure that when one Member asks a question of another Member, that surely it is appropriate for the other Member to rise and ask that that Member yield so they may be given the opportunity to answer.

I regret the personal tone that this debate has taken, because these are important issues, these are important challenges our Nation faces. And the simple fact is, the gentleman doesn't want me to answer those questions, because he knows that we have acted in each and every one of those cases.

Since the beginning of Medicare, the Democratic majority did not take advantage of the opportunity to modernize it so that it actually helped the people it was intended to serve by providing them a prescription drug benefit. It was this majority that provided that. Today, millions of Americans have access to prescription drugs who did not have that same access under the old regime.

Why is there such a bitterness that Wal-Mart and Target and other chain drugstores who will undoubtedly follow have used the marketplace to lower drug costs? Are you so angry that the government didn't force them to do it? Are you so angry that they responded to market conditions, and today millions of people will be able to get $4 pills without the government having to have intervened?

Does it require a fiat to make you feel fulfilled? The simple fact that they made a good business decision through competitive forces in the marketplace and they lowered prices and people will benefit and consumers will benefit, and they will be healthier and they will live longer lives, does it make you angry that that did not come out of this body, that it didn't come out of some law, some decree? Is that what the bitterness comes from, that the market worked?

There are good things coming out of this body, but, more importantly, Madam Speaker, good things come from functioning markets. $4 pills by the largest retailer in the world that didn't come out of legislation, that didn't come by fiat, that didn't come by decree. It came because market forces worked, and consumers benefit and patients are healthier and patients have access to pills at a lower cost than they would have before.

This is a same-day rule to deal with foreign intelligence surveillance, to

deal with Homeland Security appropriations and military tribunals. Let's move it forward.

Madam Speaker, I reserve the balance of my time.

□ 1145

Ms. MATSUI. Madam Speaker, before I yield to the next speaker, I would like to yield 10 seconds to the gentleman from Wisconsin to respond.

Mr. OBEY. Let me say to the gentleman, I am not angry at all to Wal-Mart for responding to a public need. I congratulate them for it. The shame is the fact that you and the majority folks in this House would not meet your responsibilities to have the government negotiate to save money for everybody.

Ms. MATSUI. Madam Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I think it is important to note that my good friend from Florida is a great debater and orator on this floor, but I think some of the debate has been skewed. The passion here is because we feel let down. We have let many American people down.

My good friend from Wisconsin is simply saying that, in spite of the procedural responsibility of moving to the end of this session, what has not been done is we have not done what the American people need: The minimum wage, responding to the crisis of Medicare part D. And let me give a personal story and I will answer the gentleman's question about security.

My mother is now paying more than she has ever paid before under Medicare part D. And all of my seniors are now crying because they are over the top in the donut hole. This is a personal story and a personal testimony.

And I would suggest to the gentleman that he knows the rules of this body and he knows that many times we ask the other side to yield and they do not. So there is no commentary on your understanding of the rules by not yielding to someone who is interjecting in your statements. It is a question of passion and commitment.

And I would simply say that I am prepared to discuss, as a member of the Homeland Security Committee, the failures of this body regarding security. The 9/11 Commission Report issued some 2 years ago rendered to this body Ds and Fs for every aspect of homeland security you could ever imagine. And Abraham Lincoln said: We cannot escape history, right after the Civil War, 1862, his mission during the Civil War. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us.

We will be doing the electronic surveillance. But as we speak, the leaders of Hewlett-Packard are in our committee rooms in the Rayburn room discussing why they abused technology. There is nothing on the record that suggests that we cannot use the FISA proceedings to deal with securing America. We know that there have been 19,000 FISA requests and less than five refused by the tribunal. The only necessity is to restate the authorization of FISA and to ensure that it is utilized. But this body will come and try to take away the very rights and protection from privacy for the American people. That is not homeland security. There is no basis for abusing America's military.

When I say that, let me qualify it. By jeopardizing their status as an MIA and a POW, in this instance, a POW, in any conflict around the world by what we are doing with the military tribunal system here, which is, ignoring the Geneva Convention.

And might I just show to my colleagues the faces and faces of the fallen, pages and pages in the Nation's newspapers of those who have lost their lives on the front lines in Iraq and Afghanistan. It is well documented in recent intelligence reports that have been declassified that we have created a pool for insurgency and terrorists, a breeding ground, in Iraq. So now my friends want to abuse the habeas corpus system of America. We want to ignore the Geneva Convention, which simply provides for no torture provisions and a respect for that incarcerated person.

Now, we have called these people enemy combatants, but we are now prepared to suspend the habeas corpus for an indefinite period of time. We are prepared now to ensure that there is not any real protection against torture. And, of course, this bill will be an amended bill that will come here to the floor that we will be debating, but the question is the reasonableness in protecting those who are offering their lives. The Military Tribunal Commission bill will still put U.S. soldiers in harm's way.

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

Ms. JACKSON-LEE of Texas. I would simply say, we know about homeland security. They don't, they failed. That is what we are doing today. Vote ''no'' on this rule.

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

Ms. JACKSON-LEE of Texas. * * *

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

Ms. JACKSON-LEE of Texas. * * *

Mr. PUTNAM. Madam Speaker, I was wondering whether the gentleman from Wisconsin might want to share some parliamentary lessons with the gentlewoman from Texas as he did with me.

I would be happy to yield.

Mr. OBEY. I don't even understand what the gentleman is talking about.

Mr. PUTNAM. The gentleman took great umbrage at me asking to yield to answer his question.

Mr. OBEY. No, I did not. I took great umbrage at you interrupting me.

Mr. PUTNAM. Reclaiming my time.

Mr. OBEY. I told you I would not yield.

Mr. PUTNAM. Reclaiming my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Florida has the floor.

Mr. PUTNAM. Thank you, Madam Speaker.

Mr. OBEY. You don't like the answer.

Mr. PUTNAM. I am reclaiming my time. I offered you the time. I reclaimed it. That is my understanding of how the situation works. And we heed the gavel.

Madam Speaker, I am delighted to yield 4 minutes to a member of the Appropriations and Select Intelligence Committee, the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Speaker, there has been some discussion about prescription drugs and the difference in philosophy between allowing the free market to work to bring drug prices down versus having the Federal Government negotiate the prices. And I have spent some time in the private sector dealing with the Federal Government, and I have observed two different types of contracts. And I think they very well represent the two concepts in providing for prescription drugs for our seniors.

If you look at a Federal negotiations for drug prices, essentially you are looking at sole source contracts. This is where the Federal Government goes out and says, okay, you are going to be the provider for this prescription drug, and we want to know what your costs are and then we are going to give you a fair and reasonable profit margin on top of that.

Well, that philosophy has been used in Federal procurement for a very long time. In fact, during the 1980s, there was a lot of controversy during the expansion of our defense capabilities using sole source contracts. And when they reviewed these sole source contracts, the government found that in some cases, a pair of pliers was being sold for $750. In other cases, a hammer was sold for $1,200 under, again, a sole source contract. They even had coffee pots that were costing $4,200, again, a sole source contract.

And there was a big shift in philosophy in the procurement side of the Department of Defense to competition, competitive contracts, having two companies bid against each other to provide the same service or object so that they could get a lower fee.

What we have done in Medicare part D is provide a market-based strategy where individual companies are competing for the lowest price out there for the consumer, the person who is receiving the pharmaceuticals. And what we have seen is a significant reduction in price. And the competition has gotten so strong now that the bigger companies in our economy are starting to weigh in, like Wal-Mart. Wal-Mart now has gone to these prescription manufacturers and they have gone to generic manufacturers, and they have come up with a new method of being more competitive than everyone else.

Now, some people say Wal-Mart is an evil company, it is exactly what is wrong with America. I don't. I think Wal-Mart has been significant in contributing to productivity. In fact, they contributed about 20 percent of the productivity in the 1990s. They have raised the standard of living across America. They have 1.3 million employees. They have done an excellent job. And, today, they are moving into the pharmaceutical market where they are bringing lower cost prescriptions to seniors by negotiating rates and prices, and by competing in the free market at the highest level.

So I think that we should be very thankful that we are not doing a sole source contract for pharmaceuticals, because the philosophy of having it cost plus profit says to the pharmaceutical companies: Bury stuff in your costs. Put more research and development, put your overhead in there, expand your buildings, hire additional people that you may or may not need, but inflate those costs. Because when you do inflate those costs, then your profit, which is a percentage of cost, is actually greater.

So to have the Federal Government go out and negotiate these sole source contracts with pharmaceuticals encourages higher costs. It encourages companies to bury costs into the bottom line there so that they can show a higher profit; the profit which is a percentage would be higher because it is applied to a larger base or the cost of the pharmaceuticals.

Competitive forces in pharmaceuticals are bringing the price down. We saw projections when we were looking at Medicare part D legislation about how high the costs were going to be. Today, in a comparison, the costs for the same pharmaceutical drugs that are most common have significantly been reduced.

And now we've heard some concerns now about people hitting the so called donut hole and they have to pay now more for their prescription drugs than ever before. Well, that is not true. The price is lower. And, if you go back a couple of years, they were getting no help from Medicare part D. Today there is a donut hole; it does get some people, but there have been thousands and thousands of dollars per individual applied, including for my own family, where they have had help getting pharmaceuticals. And that has been an important contribution to our culture and to the health of seniors.

Ms. MATSUI. Madam Speaker, I just want to make a comment that the Department of Veteran Affairs has been very successful lowering prescription drug prices by negotiating directly with the drug companies.

Madam Speaker, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, I rise today to defeat the previous question on the rule so that the House can finally consider the real issues facing American families.

You know, many conservative writers have called the Congress the less-than-do-nothing-congress, particularly at a time when there is concern on all parts of the political spectrum about the growth of the power of the Executive Branch of the government. Our forefathers warned us about this. No oversight, no oversight as to what is happening.

Look at what happened in the Interior Department in just the last 10 days and the HUD Department by Inspector Generals. That is a disgrace. And you can try to get us off track all you want, we are going to stay on track. This is not so much a question of less days, which we will be here, this is a question of less progress more than anything else.

You tell me if it is not irresponsible 5 years after September 11, 2001, that this Republican Congress is set to adjourn without fully implementing the 9/11 Commission recommendations to make our country safer. I am listening.

You tell me if it is not irresponsible that this Republican Congress pays lip service to the importance of higher education, and yet they are set to adjourn after making it harder to pay for college by cutting $12 billion over the next several years to student aid.

You tell me if it is not irresponsible that the Republican Congress has been a rubber stamp for the White House's Big Oil policies, and is set to adjourn without passing an energy plan that decreases dependence on foreign oil.

What is our answer? We are addicted to oil, Mr. President, you said in the State of the Union, and that is why we are going to drill off five States in this union. We lost our addiction, I guess, on the way.

It is irresponsible that this Congress is set to adjourn without increasing the minimum wage to $7.25 for up to 15 million hardworking Americans and their families. That is irresponsible. You attached it to another bill. You are good at it. You look back over the last several Congresses, you are good at attaching these things.

It is indeed irresponsible that millions of Americans are suffering the economic injustice of working a full-time job and earning a wage that leaves them below the poverty line. You tell me if it is not irresponsible that wages are stagnant, and that we are $1,700 below the median income of 6 years ago. You tell me if that is responsible. The fact is that it takes a minimum wage earner more than 1 day of work just to earn a full tank of gasoline.

The minimum wage is no longer a livable wage. Get it? As health care, grocery, energy and housing costs skyrocket for average Americans, house Republicans would rather help their CEO friends.

Madam Speaker, I urge the defeat of the previous question.

□ 1200

Mr. PUTNAM. Madam Speaker, I remind the gentleman again that the House had an opportunity to pass a minimum wage bill, and we passed it over the objections of the other side of the aisle. We passed it.

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

Ms. MATSUI. Madam Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Madam Speaker, I want to interject myself in the spirit of debate that we are having here, and want to thank both sides for making this a bit more fun than normal. But we heard a couple of words here today, one of them was ''bitterness,'' one of them was ''market forces,'' and one was ''business.''

If you look at the Republican-controlled Congress and you look at running the government like a business, I think you fail on all accounts. I think when you talk about losing $9 billion in Iraq, and no one knows where it is, that is not running government like a business. When you look at all of the waste, this government is being run like it is 1950 with misleading information. Now we are moving into a new economy, knowledged-based and information-based, and the government has not changed at all.

All of the guys who came in here with Newt Gingrich in 1994, you may remember the big Republican revolution, we are going to balance the budget, we are going to run this thing like a business, we are going to have a smaller government, you are talking about a trillion dollar Medicare drug program, and you have to go back to your conservative base and you have to tell them that you passed it without any ability to negotiate down the drug prices. Good luck in the next 5 weeks.

You have to go back to them and say we are for free markets. But when we ask to get reimportation into this country from Canada and some of the G–7 countries to drive the prices down, you all were against it. That is not worshiping the free market like you normally do.

There are a lot of contradictions going on here, and I think we need to point this out to the American people.

Another thing that I think is even more important, as you guys move away from what your rhetoric is, is that this President and this Congress has borrowed more money from foreign interests than every single President in Congress before you. That is not conservative Republicanism. That is not running your government like a business.

If we don't get past all this rhetoric and doing something else, we are not going to be able to move the country forward. All of these games, we are now competing with 1.3 billion citizens in China and 1 billion citizens in India; hard-core brutal competition, and we are not investing back into the American people. We cannot even give them a slight pay raise. When you guys have given this Congress $30,000 in pay raises, you can't even raise the minimum wage.

We have to invest in these people. You can't compete with 300 million people against the whole globe and say just a small fraction of our society is going to be able to compete. If you can afford to go to a good private university, if you can afford the tuition, then you are going to be just fine. If you are a trust fund baby, you are going to be just fine.

Let us invest in the American people. We need everybody on the field playing for us. And I think Mr. OBEY's frustrations is that day in and day out you guys go to great lengths to walk the planks for your political donors. That's the bottom line. You can't argue away from negotiating down drug prices.

And thank God in your case for Wal-Mart. They saved you with Katrina bringing water down and making sure it got in. Thank God for Wal-Mart. If it was not for them, we would really be in a trick. Their $4 prescriptions are going to be helpful, and down in Katrina they were the ones getting the water in when FEMA was like a three-ring circus.

That is not running government like a business. So get your actions to match your rhetoric, and we will all be able to get along a lot better.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members to address their remarks to the Chair.

Mr. PUTNAM. Mr. Speaker, I appreciate the gentleman's remarks. I am glad he does not represent the collectivist view of some on the other side of the aisle in that he appreciates that market forces, not government decree or government fiat, are driving down prices. I am glad that he recognizes the role that free enterprise plays in delivering better, faster, cheaper health care to patients in need.

This bill before us, though, Mr. Speaker, is about updating the Foreign Intelligence Surveillance Act, moving forward on homeland security appropriations, and moving forward on a tribunal issue so that we deal with the terrorists who have already waged war on American soil and those who have been collected in the battlefield in the subsequent conflicts. This is the issue before us.

While there has been a great deal of passion and bitterness thrown around this Chamber, this is a same-day rule to move forward on those three items.

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

Mr. GOHMERT. Mr. Speaker, I couldn't agree more with one of the statements from a colleague on the other side of the aisle when he said a lot of contradictions are going on here.

Here we are talking about a bill to bring to the floor now for national security purposes, that is what it is about, but we are hearing all of these other things. We ought to do this and we ought to do that.

I remind my colleagues on the other side of the aisle, it is this body that passed the minimum wage raise and it was the body down the hall that did not. I would encourage them if they could go make these same speeches down at the other end in the offices of the Democrats, then we might could get four out of all of those Democrats who would go along with the Republicans and get that minimum wage bill passed, and we would be in good shape then, if that is what they feel.

The contradiction, though, when we talk about a lot of contradiction going on here, as my friend, Mr. RYAN, spoke of, all I could think of was the contradiction in complaining about gas prices, what they are doing to people. Yes, they are hurtful. They hurt our country badly. But the contradiction was why they acted so bothered when prices of gasoline went up. That is what they fought vehemently for all of these last 2 years that I have been here. No, this is exactly what they fought for when they opposed drilling in the Outer Continental Shelf. It is exactly what they fought for when they opposed drilling in ANWR. It is exactly what they fought for when they opposed an energy policy bill finally getting through that went basically much on party-line vote.

And then after Katrina and Rita when we were so fearful about all of the refineries being in trouble, we knew we needed more refineries. We knew we needed alternative energy incentives. And what happened, we passed the energy bill in October, again basically on a party-line vote, that would create incentives for independent oil companies to build refineries, including away from the coast, would increase incentives for biofuels, alternative energy sources, and they were fighting over that.

So the contradiction is how you could fight against all of the things that would give us energy independence and then seem upset that the gas prices went higher.

Thank goodness the policies we set in place a year ago are starting to work because that is national security. The rest of national security are some of the things we are taking up for the good of our troops and this country, and I would urge the passing of this rule.

Ms. MATSUI. Mr. Speaker, I yield 10 seconds to the gentleman from Ohio (Mr. RYAN) to respond.

Mr. RYAN of Ohio. Just to clarify to the gentleman from Texas, our frustration is as the gas prices were high, you all were putting $12–15 billion in corporate subsidies to the oil companies while they were having record profits. That's the frustration.

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

Mr. GINGREY. Mr. Speaker, I thank the gentleman, my colleague on the Rules Committee for yielding me this time.

As my colleague pointed out in his remarks, this is about a same-day rule. It is very simple and straightforward, as Mr. PUTNAM explained so clearly. We are asking this body to allow us to debate and pass legislation regarding military commissions so that we can try and bring to justice these terrorists. And by the way, 164 of my colleagues on the other side of the aisle yesterday voted against that.

Also in this same-day rule is to allow us to address this issue of wiretapping necessary to listen to the conversations, international conversations between al Qaeda and people in this country who would do us harm, to modernize that 1978 law which needs modernization to protect our American people. That is what this is all about.

Mr. Speaker, I was in my office and did not intend to speak on this rule, but I heard my colleagues talk about all of these issues and things that we haven't done, and then they got to the Medicare modernization and the all-important prescription drug part D plan for Medicare that we finally delivered to our American seniors back in November of 2003 when they have been asking for the 40 years that the Democrats controlled this body for relief and got now. And now they are railing against this issue saying it is a giveaway to the pharmaceutical industry and that we would not allow government price controls. No, we would not because we don't like price controls. We want the free market to determine the prices; and, indeed, they can't deny the fact that the prices are coming down. This is working, and they can't stand it.

Mr. Speaker, I want to point out finally that in their version of the bill, and I will mention just one, back in 2000, Congressman STARK of the Ways and Means Committee had a bill that included the very same language in regard to no government price controls, let the free market work, and 204 Democrats voted in favor of that.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

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

Mr. RYAN of Ohio. I appreciate the gentleman yielding.

You are talking about letting the free market work. You shut down. You have a closed market with pharmaceuticals. We wanted to allow reimportation in from Canada; you wouldn't allow that. And if the free market was working, just like Wal-Mart, I am sure they are buying in bulk and using the negotiating power of Wal-Mart, just like they do on everything else to keep the prices down. You are not allowing the free market to work.

Mr. GINGREY. Reclaiming my time, I know the gentleman knows that in the defense appropriations bill, that we have language in there right now that would allow it to be legal for our seniors that live at or close to the border to go across the border either into Canada or Mexico and buy those lower priced drugs.

But the point is this bill, Medicare Modernization and Prescription Drug Act, is lower in prices to the point where all of that is not even necessary.

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

Mr. Speaker, I urge all Members to vote ''no'' on the previous question. If the previous question is defeated, I will amend the rule so the House can immediately take up five important bills that actually do something to help Americans and make them safer.

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

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

There was no objection.

Ms. MATSUI. Mr. Speaker, my amendment provides for immediate consideration of the following five bills.

One, a bill to implement the recommendations of the 9/11 Commission.

Two, legislation to increase the minimum wage to $7.25.

Three, a bill to give authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

Four, a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and would expand the size and availability of Pell Grants.

Five, a bill to roll back tax breaks for large oil companies and invest those savings in alternative fuels to achieve energy independence.

Mr. Speaker, every one of these bills will make important changes to help hardworking Americans and their families. These bills should have been enacted a long time ago. But there is still time and opportunity to do something today. All it takes is a ''no'' vote on the previous question. For once, let's do the right thing and help the people we were sent here to serve.

Again, vote ''no'' on the previous question.

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

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

Mr. Speaker, in my short 6 years here, I don't think I have ever seen nerves so raw on a same-day rule. It is, I think, a function of the calendar, a function of the end of the session where temperatures run high and passions are certainly in overdrive as we all are watching the clock wind down and wanting to make our points to the American people.

The points that are embodied in this legislation before us at this moment are keeping America secure. Most of the debate on this same-day rule has not been on the topic at hand.

We have successfully passed Medicare modernization, something that was not accomplished in the previous 40 years. It was this majority that accomplished that and gave seniors the modern access to prescription drugs that they did not have previously.

It was this Congress that delivered not one but three substantial energy independence bills.

□ 1215

Bills that would allow us to reduce our reliance on countries that often don't like us for the economic lifeblood that this Nation requires, by expanding our own capacity, expanding exploration, expanding refining capacity, expanding renewables, putting an emphasis on American agriculture so that we can grow our way to energy independence, investing in renewables like solar and wind and hydroelectric, investing in long-term technologies like hydrogen. That was this Congress that passed those items in three different vehicles, including a passage that would have fixed the Clinton administration's billion dollar giveaway to Big Oil in the Gulf. That was this Congress that passed that legislation, over the objections of the minority.

The issue at hand is homeland security appropriations, the funds that are necessary to put boots on the ground on the border; to hire 1,200 new Border Patrol agents; to expand the Customs capabilities; to use the technology and communications capacity that this great Nation brings to bear to break up, disrupt, and arrest terrorists who are plotting to do us harm. That is in this bill.

To update the Foreign Intelligence Surveillance Act of 1978. Surely, surely, there must be agreement that this Foreign Intelligence Surveillance Act of 1978 should be modernized to reflect things like the cell phone, multiple access to the Internet, all the tools the terrorists use to plot against innocent women and children and civilians and our military personnel at home and abroad. This is the vehicle to accomplish that. This is the vehicle that allows us to move those items that are so important to this agenda.

We have already moved the energy items they were talking about. Passed. We have already passed out of this body a minimum wage that they were so eloquent and so passionate about. Many voted against it, but it passed this body under this majority. We have passed the prescription drug plan. We have increased the number of students benefiting from Pell Grants.

But this piece of legislation that nobody wanted to talk about deals with national security, protecting our people, securing our borders, listening to the bad guys, locking them up and keeping them from doing future harm.

Let us move this same-day resolution. Let us move this agenda to keep America safe, secure, and prosperous. Let us continue to have a free society that creates free enterprise, that creates capitalism so that companies can choose to do things like lower drug prices on their own, not by government decree. Let us foster that type of environment. Let us foster the type of research and development and the investments that are required for research and development that were opposed by the other side when we moved the minimum wage bill. Let us continue to press on with that agenda, the secure America agenda, the economic prosperity agenda, and embrace the free enterprise and entrepreneurs. That is the agenda that we are moving forward in this same day.

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

PREVIOUS QUESTION FOR H. RES. 1046, MARTIAL LAW RULE-WAIVING CLAUSE 6(a), RULE XIII

At the end of the resolution add the following new Sections:

SEC. 3. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 4:

SEC. 4. The bills referred to in SEC. 3. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to $7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

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THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). As we close this debate, the Chair would make a brief statement.

Members should bear in mind that heeding the gavel that sounds at the expiration of their time is one of the most essential ingredients of the decorum that properly dignifies the proceedings of the House.

In addition, proper courtesy in the process of yielding and reclaiming time in debate, and especially in asking another to yield, helps to foster the spirit of mutual comity that elevates the deliberations here above mere arguments.

The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on H. Res. 1045, by the yeas and nays; adoption of H. Res. 1045, if ordered; ordering the previous question on H. Res. 1046, by the yeas and nays; adoption of H. Res. 1046, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 1045, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 13, as follows:

[Roll No. 495]

YEAS—223

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

NAYS—196

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

NOT VOTING—13

Brown (OH)
Castle
Evans
Green (WI)
Lewis (GA)
McKinney
Meehan
Moore (KS)
Ney
Strickland
Stupak
Towns
Westmoreland

□ 1244

Messrs. GUTIERREZ, MURTHA, HONDA, HEFLEY and Mrs. JONES of

Ohio changed their vote from ''yea'' to ''nay.''

Messrs. OTTER, GARY G. MILLER of California, LEWIS of California and Ms. PRYCE of Ohio changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

## WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 1046, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 197, not voting 12, as follows:

[Roll No. 496]

YEAS—223

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

NAYS—197

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

NOT VOTING—12

Brown (OH)
Burton (IN)
Castle
Evans
Green (WI)
Lewis (GA)
Meehan
Ney
Strickland
Stupak
Towns
Westmoreland

□ 1253

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 227, noes 191, not voting 14, as follows:

[Roll No. 497]

AYES—227

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

Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—191

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

NOT VOTING—14

Castle
Doggett
Evans
Fattah
Green (WI)
Johnson (CT)
Lewis (GA)
Meehan
Ney
Petri
Strickland
Stupak
Towns
Westmoreland

□ 1300

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.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

## IRAN FREEDOM SUPPORT ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6198) to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran, as amended.

The Clerk read as follows:

H.R. 6198

*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 ''Iran Freedom Support Act''.

**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—CODIFICATION OF SANCTIONS AGAINST IRAN

Sec. 101. Codification of sanctions.

TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN

Sec. 201. Multilateral regime.
Sec. 202. Imposition of sanctions.
Sec. 203. Termination of sanctions.
Sec. 204. Sunset.
Sec. 205. Technical and conforming amendments.

TITLE III—PROMOTION OF DEMOCRACY FOR IRAN

Sec. 301. Declaration of policy.
Sec. 302. Assistance to support democracy for Iran.

TITLE IV—POLICY OF THE UNITED STATES TO FACILITATE THE NUCLEAR NONPROLIFERATION OF IRAN

Sec. 401. Sense of Congress.

TITLE V—PREVENTION OF MONEY LAUNDERING FOR WEAPONS OF MASS DESTRUCTION

Sec. 501. Prevention of money laundering for weapons of mass destruction.

### TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN

**SEC. 101. CODIFICATION OF SANCTIONS.**

(a) CODIFICATION OF SANCTIONS.—Except as otherwise provided in this section, United States sanctions with respect to Iran imposed pursuant to sections 1 and 3 of Executive Order No. 12957, sections 1(e), (1)(g), and (3) of Executive Order No. 12959, and sections 2, 3, and 5 of Executive Order No. 13059 (relating to exports and certain other transactions with Iran) as in effect on January 1, 2006, shall remain in effect. The President may terminate such sanctions, in whole or in part, if the President notifies Congress at least 15 days in advance of such termination. In the event of exigent circumstances, the President may exercise the authority set forth in the preceding sentence without regard to the notification requirement stated therein, except that such notification shall be provided as early as practicable, but in no event later than three working days after such exercise of authority.

(b) NO EFFECT ON OTHER SANCTIONS RELATING TO SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—Nothing in this Act shall affect any United States sanction, control, or regulation as in effect on January 1, 2006, relating to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) that the Government of Iran has repeatedly provided support for acts of international terrorism.

### TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN

**SEC. 201. MULTILATERAL REGIME.**

(a) WAIVER.—Section 4(c) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(c) WAIVER.—

''(1) IN GENERAL.—The President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that such waiver is vital to the national security interests of the United States.

''(2) SUBSEQUENT RENEWAL OF WAIVER.—If the President determines that, in accordance with paragraph (1), such a waiver is appropriate, the President may, at the conclusion of the period of a waiver under paragraph (1), renew such waiver for subsequent periods of not more than six months each.''.

(b) INVESTIGATIONS.—Section 4 of such Act (50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(f) INVESTIGATIONS.—

''(1) IN GENERAL.—The President should initiate an investigation into the possible imposition of sanctions under section 5(a) against a person upon receipt by the United States of credible information indicating that such person is engaged in investment activity in Iran as described in such section.

''(2) DETERMINATION AND NOTIFICATION.—Not later than 180 days after an investigation is initiated in accordance with paragraph (1), the President should determine, pursuant to section 5(a), if a person has engaged in investment activity in Iran as described in such section and shall notify the appropriate congressional committees of the basis for any such determination.''.

**SEC. 202. IMPOSITION OF SANCTIONS.**

(a) SANCTIONS WITH RESPECT TO DEVELOPMENT OF PETROLEUM RESOURCES.—Section 5(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended in the heading, by striking ''TO IRAN'' and inserting ''TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN''.

(b) SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—Section 5(b) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

''(b) MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—The President shall impose two or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items knowing that the provision of such goods, services, technology, or other items would contribute materially to the ability of Iran to—

''(1) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

''(2) acquire or develop destabilizing numbers and types of advanced conventional weapons.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions taken on or after June 6, 2006.

**SEC. 203. TERMINATION OF SANCTIONS.**

Section 8(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (1)(C), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) poses no significant threat to United States national security, interests, or allies.''.

**SEC. 204. SUNSET.**

Section 13 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''on September 29, 2006'' and inserting ''on December 31, 2011''.

**SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) FINDINGS.—Section 2 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking paragraph (4).

(b) DECLARATION OF POLICY.—Section 3 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking ''(a) POLICY WITH RESPECT TO IRAN.—''; and

(2) by striking subsection (b).

(c) TERMINATION OF SANCTIONS.—Section 8 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking ''(a) IRAN.—''; and

(2) by striking subsection (b).

(d) DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.—Section 9(c)(2)(C) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(C) an estimate of the significance of the provision of the items described in section 5(a) or section 5(b) to Iran's ability to, respectively, develop its petroleum resources or its weapons of mass destruction or other military capabilities; and''.

(e) REPORTS REQUIRED.—Section 10(b)(1) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''and Libya'' each place it appears.

(f) DEFINITIONS.—Section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by—

(i) striking '', or with the Government of Libya or a nongovernmental entity in Libya,''; and

(ii) by striking ''nongovenmental'' and inserting ''nongovernmental''; and

(B) in subparagraph (A), by striking ''or Libya (as the case may be)'';

(2) by striking paragraph (12); and

(3) by redesignating paragraphs (13), (14), (15), (16), and (17) as paragraphs (12), (13), (14), (15), and (16), respectively.

(g) SHORT TITLE.—

(1) IN GENERAL.—Section 1 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''and Libya''.

(2) REFERENCES.—Any reference in any other provision of law, regulation, document, or other record of the United States to the ''Iran and Libya Sanctions Act of 1996'' shall be deemed to be a reference to the ''Iran Sanctions Act of 1996''.

## TITLE III—PROMOTION OF DEMOCRACY FOR IRAN

**SEC. 301. DECLARATION OF POLICY.**

(a) IN GENERAL.—Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to support independent human rights and peaceful pro-democracy forces in Iran.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as authorizing the use of force against Iran.

**SEC. 302. ASSISTANCE TO SUPPORT DEMOCRACY FOR IRAN.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities working for the purpose of supporting and promoting democracy for Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(2) LIMITATION ON ASSISTANCE.—In accordance with the rule of construction described in subsection (b) of section 301, none of the funds authorized under this section shall be used to support the use of force against Iran.

(b) ELIGIBILITY FOR ASSISTANCE.—Financial and political assistance under this section should be provided only to an individual, organization, or entity that—

(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) at any time during the preceding four years;

(2) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) FUNDING.—The President may provide assistance under this section using—

(1) funds available to the Middle East Partnership Initiative (MEPI), the Broader Middle East and North Africa Initiative, and the Human Rights and Democracy Fund; and

(2) amounts made available pursuant to the authorization of appropriations under subsection (g).

(d) NOTIFICATION.—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(e) SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.—It is the sense of Congress that—

(1) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(2) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(f) DURATION.—The authority to provide assistance under this section shall expire on December 31, 2011.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this section.

## TITLE IV—POLICY OF THE UNITED STATES TO FACILITATE THE NUCLEAR NONPROLIFERATION OF IRAN

**SEC. 401. SENSE OF CONGRESS.**

(a) SENSE OF CONGRESS.—It should be the policy of the United States not to bring into force an agreement for cooperation with the government of any country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran unless the President has determined that—

(1) Iran has suspended all enrichment-related and reprocessing-related activity (including uranium conversion and research and development, manufacturing, testing, and assembly relating to enrichment and reprocessing), has committed to verifiably refrain permanently from such activity in the future (except potentially the conversion of uranium exclusively for export to foreign nuclear fuel production facilities pursuant to internationally agreed arrangements and subject to strict international safeguards), and is abiding by that commitment; or

(2) the government of that country—

(A) has, either on its own initiative or pursuant to a binding decision of the United Nations Security Council, suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran, pending a decision by Iran to implement measures that would permit the President to make the determination described in paragraph (1); and

(B) is committed to maintaining that suspension until Iran has implemented measures that would permit the President to make such determination.

(b) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term ''agreement for cooperation'' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

(2) ASSISTING THE NUCLEAR PROGRAM OF IRAN.—The term ''assisting the nuclear program of Iran'' means the intentional transfer to Iran by a government, or by a person subject to the jurisdiction of a government, with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) or Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 2 and subsequent revisions).

(3) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN.—The term ''transferring advanced conventional weapons or missiles to Iran'' means the intentional transfer to Iran by a government, or by a person subject to the jurisdiction of a government, with the knowledge and acquiescence of that government, of—

(A) advanced conventional weapons; or

(B) goods, services, or technology listed on the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.

**TITLE V—PREVENTION OF MONEY LAUNDERING FOR WEAPONS OF MASS DESTRUCTION**

**SEC. 501. PREVENTION OF MONEY LAUNDERING FOR WEAPONS OF MASS DESTRUCTION.**

Section 5318A(c)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A)(i), by striking ''or both,'' and inserting ''or entities involved in the proliferation of weapons of mass destruction or missiles''; and

(2) in subparagraph (B)(i), by inserting '', including any money laundering activity by organized criminal groups, international terrorists, or entities involved in the proliferation of weapons of mass destruction or missiles'' before the semicolon at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill now under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

For decades, the Iranian regime, one of the world's most dangerous political entities, has been pursuing a covert nuclear program. According to multiple reports of the International Atomic Energy Agency, the IAEA, Iran has been deceiving the world for two decades about its nuclear ambitions and has breached its international obligations dealing with the most sensitive aspects of the nuclear cycle.

Iran's violation of the IAEA safeguards, the safe reporting to the International Atomic Energy Agency, the denial of the agency's request for access to individuals and locations, the involvement of its military in parts of it nuclear program, as well as the Iranian regime's continued support of terrorist activities around the globe contradict any assertion of the peaceful intent of the program.

It would be a critical mistake to allow a regime with a track record as bloody and as dangerous as Iran's to obtain nuclear weapons. Iran drives Hezbollah extremist ideology and provides it with weapons and funding, estimated by some at more than $80 million per year. In turn, Hezbollah has helped advance Iranian interests through continued terrorist attacks against the United States and our allies in the region.

This bill before us, Mr. Speaker, H.R. 6198, as amended, will help prevent Iran from acquiring the technical assistance, the financial resources, and the political legitimacy to develop nuclear weapons and to support terrorism. This bill requires the imposition of sanctions on any entity that has exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items that would materially contribute to Iran's ability to acquire or develop unconventional weapons. This bill codifies U.S. sanctions imposed on Iran by Executive Order.

The bill also amends the Iran-Libya Sanctions Act by extending the authorities in the bill until December 31, 2011. It also requires the President to certify to Congress that waiving the imposition of sanctions is vital to the national security interests of the United States.

Furthermore, the bill authorizes the provision of democracy assistance to eligible human rights and pro-democracy groups and broadcasting entities. Moreover, this legislation will allow the United States to use the necessary tools against financial institutions which are involved in the proliferation of weapons of mass destruction or missiles.

This bill provides a comprehensive approach, providing U.S. officials with strong leverage to secure cooperation from our allies in order to counter the Iranian threat. The sanctions under title II of this bill seek to target the Iranian regime where it is most vulnerable: Its energy sector. Knowledgable experts agree that for Iran, a fuel importer, sanctions could be crippling.

Thus, Mr. Speaker, this bill is not an alternative to diplomacy, but rather complementary to our multilateral efforts. We cannot afford to wait any longer as the potential consequences of further inaction could be catastrophic. I urge my colleagues to lend their support to this legislation.

Mr. Speaker, I am attaching an exchange of letters between Chairman HYDE and Chairmen THOMAS and OXLEY concerning the bill H.R. 6198 "The Iran Freedom Support Act" for printing in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
*Washington, DC, September 27, 2006.*

Hon. HENRY J. HYDE,
*Chairman, Committee on International Relations, Washington, DC.*

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 6198, the ''Iran Freedom Support Act,'' which is scheduled for floor action on September 28.

As per the agreement between our Committees, the bill would not codify the import sanctions contained in Executive Order 13059. However, Sections 202(a) and 202(b) of the bill would give the President the statutory authority to ban imports against Iran and would terminate that authority with respect to Libya.

Because each of these provisions, as well as provisions related to the waiver, termination, and sunset, have the effect of modifying and altering the application of an import ban, they fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 6198, and would ask that a copy of our exchange of letters on this matter be included in the record.

Best regards,

BILL THOMAS,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, September 27, 2006.*

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on Ways and Means, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 6198, the ''Iran Freedom Support Act,'' which is scheduled for floor action this week.

In recognition of the importance of this legislation and based on our two Committees' agreement, the final text of the bill would not codify the import sanctions contained in Executive Order 13059. However, Sections 202(a) and 202(b) of the bill would give the President the statutory authority to ban imports against Iran and would terminate that authority with respect to Libya.

I concur in your assessment that these provisions, as well as provisions related to the waiver, tennination, and sunset, have the effect of modifying and altering the application of an import ban and fall within the Rule X jurisdiction of the Committee on Ways and Means. I appreciate your willingness to forgo action on this bill. I also agree that your forgoing formal committee action does not in any way prejudice the Ways and Means Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

1As you have requested, I will insert a copy of our exchange of letters on this bill into the Congressional Record.

Sincerely,

HENRY J. HYDE,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC, September 28, 2006.*

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 6198, the Iran Freedom Support Act. As indicated by the referral of the bill to both of our committees, I concur that the bill contains language which falls within the Rule X jurisdiction of the Committee on Financial Services, This language is contained in portions of title II and in title V of the bill.

I agree that ordinarily the Committee on Financial Services would be entitled to act on the bill. However, I thank you for your support in moving this important legislation forward by agreeing that it is not necessary for your Committee to act further on the bill. Given the importance and timeliness of the Iran Freedom Support Act, I appreciate your willingness to work with us regarding these issues and to permit the legislation to proceed. I understand that by doing so, it should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I will

request the Speaker to name members of the Committee on Financial Services to the conference committee.

As you requested, I will be pleased to include a copy of this exchange of letters in the Congressional Record during the consideration of this bill if you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HENRY J. HYDE,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
*Washington, DC, September 28, 2006.*

Hon. HENRY J. HYDE,
*Committee on International Relations, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 6198, the Iran Freedom Support Act. This bill was introduced on September 27, 2006, and was referred to the Committee on International Relations as well as the Committee on Financial Services. I understand that the bill will be considered by the House in the near future.

Ordinarily, the Committee on Financial Services would be entitled to act on those matters within its jurisdiction, Title V and portions of title II. However, given the importance and timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding the issues within this Committee's jurisdiction, further action in this Committee will not be necessary. I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Financial Services be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 6198 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Yours truly,

MICHAEL G. OXLEY,
*Chairman.*

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

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

Mr. Speaker, in the years since we enacted our attack against Iraq, the threat from Iran has only grown more difficult, and our capacity to meet that threat actually has diminished. It is one of the reasons many of us opposed that action against Iraq.

There is no question Iran's President is a thug, an anti-Semite, and a dangerous man. He exploits Iranian national grievances to consolidate power and has openly expressed his desire to wipe Israel off the map. Well, our troops are bogged down in Iraq, placing them at risk should Iran launch a wave of terrorism. We have done nothing to break our global dependency on oil, the control of which gives Iran its greatest ability to blackmail other countries.

Now, I appreciate the good will and passion of the sponsors of this bill, bringing a critical issue before us. I rise in opposition, however. We have been at this point before. We passed an earlier version of this bill. The Senate rejected it as an amendment to the defense authorization. I appreciate that there have been some positive changes that have been made to this legislation. One is a sunset. The earlier bill would have made it permanent.

And I appreciate that it contains a provision that I authored that would prohibit assistance to groups who had appeared on the State Department's list of terrorist groups in the last 4 years. However, the problem is nothing in this legislation points us in the direction of a solution. It is, if you will, a cruise missile aimed at a difficult diplomatic effort just as they are reaching their most sensitive point. The timing for this legislation could not be worse.

While the United States has largely been missing in action from the diplomatic game, the European Union and Iran have been making progress at developing a formula that would lead to the suspension of Iran's nuclear enrichment program and the start of serious negotiations. This bill specifically targets Russia, which may have some influence with Iran and which is critical to a unified diplomatic front.

This bill has another fundamental flaw besides sanctioning people whose help we need to reach a diplomatic solution. It gives equal weight to overthrowing the Iranian government as it does to nonproliferation. These two goals work against each other.

Yes, the regime's human rights record is atrocious, but preventing them from developing nuclear weapons should be our first priority. By not prioritizing behavior change over regime change, we pull the rug out from anyone in the Iranian leadership who values survival over the nuclear program and eliminates incentives for diplomatic solutions.

Now, in my opinion, Iran holds, if not the key, a key to many of the issues that confound us in the Middle East. Their cooperation ultimately is going to be critical if we are going to be able to deal with the mess that our policies have created in Iraq, the problems that we are facing in Afghanistan with a resurgence of the Taliban, and it is going to play a key role on issues that deal with Israel, Hezbollah, and Hamas. They are like a puzzle. And, sadly, Iran is one of the missing pieces.

After September 11, when the United States took action to overthrow the Taliban, our interests and Iran's aligned, and we were able to coordinate quietly but effectively. They were partners with us at some tough sessions in Bonn when we were having the negotiations that set up the Afghanistan government. And in the midst of this tentative effort at cooperation, President Bush decided to declare Iran part of the axis of evil and most hope for progress disappeared.

Mr. Speaker, the irony is that Iran is one of the few nations in the world where the majority of the people still have a positive view of the United States.

This is difficult. It is not easy. But to simply sanction potential partners and confuse what our priorities are, I am sad to say, is going to be a step backward. We ought to make clear to Iran that they need to stop their support for terrorism, end development of nuclear capacity, and begin the process of free, fair, and open elections. But I am sorry to say that this legislation in front of us ignores the opportunities that we have incorporating the lessons we learned in our success with Libya.

I respectfully suggest that this is legislation that we ought to reject, and that we ought to instead prioritize what our goals are with Iran, and we are going to. By all means, have our sanctions but not be reckless in terms of the pressure we try to exert against the very people who are going to be necessary to help us with a diplomatic solution to prevent nuclear proliferation.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to yield 10 minutes of my time to the gentleman from California (Mr. LANTOS) and that he may be permitted to control that time.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip, without whom we would not be here today considering a bill with strong bipartisan support as well as administration support. Thank you, Mr. BLUNT.

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Mr. BLUNT. Thank you, Chairman ROS-LEHTINEN, for yielding. I am pleased to join you and join our friend Mr. LANTOS in support of this bill.

I think that Iran has more potential than any other country to destabilize the world today. President Bush should be given the tools necessary to work toward a diplomatic solution in the crisis that we now face with Iran and that Iran, frankly, presents to the world.

I believe the solution to this problem is in this legislation. I think this does point us in a direction that can work. The mandatory sanctions for any entity that is assisting Iran to have the potential for weapons of mass destruction are important. They don't have to be targeted at a country, but those countries who are helping make that happen need to get the attention of this Congress and this government.

This declares that we also intend as a Congress to avoid implementing agreements with countries that cooperate in this area with Iran. This provides new tools to the President to prevent money laundering that can be used to

provide Iran and other dangerous countries with weapons that endanger our people.

Passage of this bill today sends a powerful message to Iran and to those who would support that country's weapons development, a program that we need to be sure that we punish that behavior.

I hope the President fully utilizes the new authority provided to him in this bill. I also urge not only that we approve this bill, but that our allies and our partners around the world work along with us to implement similar measures and convince Iran to peacefully abandon its efforts to destabilize the world. We encourage the President in this bill to work with those groups that have been mentioned that do support openness and democracy in Iran.

I thank ILEANA ROS-LEHTINEN for her great leadership in this effort and TOM LANTOS for his leadership in this effort.

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

Mr. Speaker, I rise in strong support of this legislation. I first want to thank my good friends ILEANA ROS-LEHTINEN and GARY ACKERMAN for their tireless work on this critical legislation.

Mr. Speaker, the Iran Freedom Support Act will dramatically increase the economic pressure on the regime in Tehran to abandon its headlong pursuit of nuclear weapons. If we fail to use the economic and diplomatic tools available to us, the world will face a nightmare that knows no end, a despotic fundamentalist regime, wedded both to terrorism and to the most terrifying weapons known to man.

Iran's desire, Iran's determination to acquire nuclear weapons, is beyond dispute. For years it lied to the International Atomic Energy Agency, and even today it continues to deny access for IAEA inspectors to sensitive nuclear sites.

Mr. Speaker, a short while ago I had an extensive visit to IAEA headquarters in Vienna where I had discussions with some of the leaders of countries that are interested in this issue. They have no doubt that Iran is determined to pursue a military nuclear program.

Tehran has also defied the U.N. Security Council, which has demanded that it cease its enrichment of uranium. And now that Iran has been offered an incredibly generous package of benefits by the United States and our European allies in exchange for suspending uranium enrichment, the regime in Tehran is playing its usual cynical game, stalling for time.

Mr. Speaker, I meet with some frequency with Middle Eastern leaders, and there is not one who isn't deeply worried by the prospect of Iran's going nuclear. A nuclear Iran will touch off a bone-chilling arms race in the Middle East. But long before that happens, before Iran threatens to fire a shot, as it were, virtually every nation within reach of Iranian missiles will recalibrate its foreign policies to make certain that it doesn't offend the region's new nuclear power, Iran, and that, Mr. Speaker, would be a disaster for U.S. foreign policy interests, for the Middle East and for the entire civilized world.

Some argue that our legislation will undermine our relations with European allies who invest in Iran. But that argument, Mr. Speaker, is simply wrongheaded. Our legislation is intended to reinforce diplomacy with economics. We ask our allies to do what the United States did over a decade ago, divest from Iran's energy sector, the cash cow of the ayatollah's nuclear aspirations.

Nor is this legislation, Mr. Speaker, all stick and no carrot. By removing Libya from the list of the sanctioned, this legislation is an implicit invitation to Iran: mend your ways and your support of terrorism and your quest for weapons of mass destruction, and you will be welcomed back into the family of nations. Refuse to do so, and you will suffer accordingly.

The legislation before us will extend the Iran Sanctions Act for 5 years. It will boost congressional oversight over its implementation. The clear message of this legislation is that the administration now has to enforce the law fully.

Mr. Speaker, I would be delighted if our legislation were rendered redundant by serious Security Council action to impose international sanctions on Iran, but the attitudes shown by Russia and China thus far strongly suggest that meaningful U.N.-imposed sanctions are a most unlikely development.

In the meantime, we cannot shirk our responsibility to employ every peaceful means possible to defeat Iran's reckless nuclear military ambitions. That, in essence, is the reason for the urgency of passing H.R. 6198 today.

Mr. Speaker, I strongly support this bill, and for the sake of foiling a looming, long-term nuclear terrorist threat, I urge my colleagues to do so as well.

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

Mr. BLUMENAUER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentlewoman from Florida for allowing us to have this debate today.

The human condition on the planet requires that there be strong military power under certain circumstances, strong intelligence under certain circumstances, strong sanctions under certain circumstances, and strong dialogue.

The President recently spoke to the Iranian people through The Washington Post. Here is what he said: ''I would like to say to the Iranian people, we respect your history. We respect your culture. I recognize the importance of your sovereignty, that you are a proud nation. I understand that you believe it is in your interest, your sovereign interest, to have nuclear power for energy. I would work for a solution to meeting your rightful desires to have civilian nuclear power. I will tell the Iranian people that we have no desire for conflict.''

If we hope to convince our allies and the international community that we are serious about resolving this matter diplomatically, the U.S. must open direct diplomatic channels with Tehran.

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. Speaker, it is important to go back a little bit in history here. The Iraq Accountability Act of 1998 was about funding a media propaganda machine which was, unfortunately, used to lay the groundwork for a war against Iraq. That act was about encouraging and funding opposition inside Iraq, unfortunately, to destabilize Iraq prior to a war.

You could call this bill the ''Iran Accountability Act.'' This act funds media propaganda machines to lay the groundwork for a war against Iran. It encourages and funds opposition inside Iran for that same purpose.

Notwithstanding what the words are in this bill, we have been here before. This administration is trying to create an international crisis by inflating Iran's nuclear development into an Iraq-type WMD hoax. ''Iran is not an imminent threat,'' this from Dr. Hans Blitz, former Chief U.N. Weapons Inspector, speaking to our congressional oversight subcommittee the other day.

The International Atomic Energy Agency points out that Iran has an enrichment level of about 3.6 percent. You have to go to 90 percent to have weapons quality enrichment. Iran is not an imminent threat. Iran does not have nuclear weapons.

This is a time for us to engage Iran with direct talks, our President to their President. This is the time to give assurance to Iran that we are not going to attack them.

Unfortunately, this administration has chosen to conduct covert ops in Iran. This administration has chosen to select 1,500 bombing targets with the Strategic Air Command. This administration has chosen plans for a naval blockade of the Strait of Hormuz. This administration looked the other way when a congressional staff report basically claimed that Iran was trying to engage in nuclear escalation.

We don't need war, we need to talk, and that is what we ought to stand for here. No more Iraqs.

THE END OF THE ''SUMMER OF DIPLOMACY'': ASSESSING U.S. MILITARY OPTIONS ON IRAN

A CENTURY FOUNDATION REPORT

(By Sam Gardiner, Colonel, USAF (Ret.))

This report is part of a series commissioned by The Century Foundation to inform the policy debate about Iran-related issues.

The views expressed in this paper are those of the author. Nothing written here is to be

construed as necessarily reflecting the views of The Century Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

''The doctrine of preemption remains sound and must remain an integral part of our national security strategy. We do not rule out the use of force before the enemy strikes.''—Stephen Hadley, March 16, 2006.

*Introduction*

The summer of diplomacy began with a dramatic announcement: on May 31, 2006, Secretary of State Condoleezza Rice declared that if the Ahmadinejad government agreed to halt Iran's nuclear enrichment program, the United States would talk directly with Tehran. Secretary Rice crafted the statement working alone at home. She called President Bush and received his approval. The Bush administration announced it as a significant initiative; it appeared to reflect a major change in policy.

This shift was not uncontroversial within the administration; Vice President Dick Cheney had opposed the announcement. But the rationale that prevailed seems to have been that if the United States were going to confront Iran, the diplomacy box had to be checked. The secretary of state was given the summer to try it.

Well, the summer is over. Diplomacy was given a chance, and it now seems that the diplomatic activity of the past several months was just a pretext for the military option.

Unfortunately, the military option does not make sense. When I discuss the possibility of an American military strike on Iran with my European friends, they invariably point out that an armed confrontation does not make sense—that it would be unlikely to yield any of the results that American policymakers do want, and that it would be highly likely to yield results that they do not. I tell them they cannot understand U.S. policy if they insist on passing options through that filter. The ''making sense'' filter was not applied over the past four years for Iraq, and it is unlikely to be applied in evaluating whether to attack Iran.

In order to understand the position of those within the U.S. government who will make the final decision to execute a military option against Iran, you must first consider the seven key truths that they believe: Iran is developing weapons of mass destruction—that is most likely true. Iran is ignoring the international community—true. Iran supports Hezbollah and terrorism—true. Iran is increasingly inserting itself in Iraq and beginning to be involved in Afghanistan—true. The people of Iran want a regime change—most likely an exaggeration. Sanctions are not going to work—most likely true. You cannot negotiate with these people—not proven.

If you understand these seven points as truth, you can see why the administration is very close to being left with only the military option. Administration officials say that they want to give diplomacy a chance. But when they say that, we need to remind ourselves that they do not mean a negotiated settlement. They mean that Iran must do what we want as a result of our nonmilitary leverage: suspend enrichment, and we will talk. But enrichment appears to continue, and there are no direct discussions between the two main parties. Satisfied that nonmilitary leverage is not going to work, those who believe the seven ''truths'' argue that the only viable option remaining is a military one. The story, however, is more complicated.

This report draws on my long experience of running military war games to examine some of the complications of the current situation: the various pressures and rationales for an attack on Iran; the probable direct and indirect consequences of air strikes; the significant gap between what proponents of the military option want to achieve and what in fact such attacks will achieve; and the likelihood that policymakers will ignore those gaps and proceed to war despite them.

*Timing and Uncertainty*

Waiting makes it harder. The history of warfare is dominated by attackers who concluded that it was better to attack early than to wait. One source of the momentum in Washington for a strike on Iran's nuclear program is the strategic observation that if such an attack is in fact inevitable, then it is better done sooner than later.

I conducted a war game for the Atlantic Monthly magazine two years ago. On a chart prepared for a mock meeting of the National Security Council, I identified thirteen nuclear-related targets in Iran. I still do this kind of gaming. My most recent chart reflects twenty-four potential nuclear-related facilities. In the past few years we have seen Iran's Natanz uranium enrichment facility buried under more than fifteen meters of reinforced concrete and soil. There is evidence that similar hardening is taking place at other facilities, and there is some evidence of facilities being placed inside populated areas. The longer the United States waits, the harder the targets—and the harder the targeting.

Another major issue that affects timing is the conspicuous absence of reliable intelligence about Iran. A report by the House Intelligence Committee found that we have serious gaps in our knowledge of the Iranian nuclear program. Paradoxically, those gaps in intelligence produce not caution, but further pressure to attack. U.S. intelligence agencies do not know the locations of all of Iran's facilities; they are not certain how far Iran has gone with enrichment. They know that Iran's nuclear program bears a striking resemblance to the Pakistani program, but they do not know whether Iran has acquired technology that might put it ahead of current estimates.

Some U.S. officials say that Iran is ten years from a weapon. The Pentagon, we are told, is operating under the assumption that Iran could have a weapon in five years. Some Israeli estimates say that Iran could have a weapon in three years. John Negroponte, the U.S. director of national intelligence, recently said that Iran could not develop a nuclear weapon until some time in the next decade. But the next day, Secretary of Defense Donald Rumsfeld said he did not trust estimates of the Iranian program.

The very ambiguity of the intelligence picture has become another argument for military options, because even if U.S. policymakers could agree on a firm policy red line, there would be no way of determining if and when Iran crossed that line. Vice President Cheney's espoused calculation for dealing with global threats is that if there is even a 1 percent chance of a country passing WMD to a terrorist, the United States must act. Because there is a 1 percent chance Iran could pass WMD to a terrorist, the Bush administration finds itself obliged to reject nonmilitary options.

*Regional Pressures*

Adding to the political momentum toward war with Iran is significant pressure from the Israeli security establishment. Israel says that it has a plan for attacking Iranian nuclear facilities. Israel recently appointed an airman to be in charge of the Iranian theater of operations. It was announced that this major general would coordinate Israeli planning for Iran. Israeli military planners have U.S. penetrating weapons and a replica of the Natanz facility. They say that the attack would resemble the kind of operation they used against Egypt in 1967. They say that the plan involves more than just air strikes from the ''Hammers'' of the Israeli Air Force's 69 Squadron. It would include Shaldag commando teams, possibly some version of sea-launched missiles, and even explosive-carrying dogs that would penetrate the underground facilities.

Israel probably could hit most of the known nuclear targets. But such an attack would leave Iran with significant retaliatory options. That is a serious problem. U.S. forces and interests in the region would be likely targets of Iranian retaliation, so even an independent Israeli military operation would have critical consequences for the United States.

Part of the problem is that the two countries' red lines for Iran are not the same. Israel's red line is enrichment. The U.S. red line used to be the development of an Iranian nuclear weapon. But over the past six months, America's red line has drifted closer to Israel's. On March 21, the president said that the United States could not allow Iran to have the knowledge to make a weapon. He repeated the phrase in August.

By redrawing the red line in this manner, U.S. policymakers are creating pressure to go to war with Iran. In saying that Iran could not be permitted to have the knowledge to develop nuclear weapons, the president used almost the exact words the Israeli Foreign Minister had used a year earlier. More recently, a senior State Department official said that Iran was near ''the point of no return'' on its nuclear program. Again, this was an exact echo of the words of Israeli officials. The Israeli pressure has worked.

*Marketing the Military Option*

I often hear from those who were strongly supportive of the Iraq invasion that the targeting of the Iranian facilities would be simple. If you understand the elements of the nuclear process, all you have to do is go after a small number of targets. The argument continues that Iran's nuclear facilities could be devastated on a single night, in a single strike, by a small number of U.S. B–2 bombers. The apparent ease of the operation is another element of this pressure to go now: If the Iranian nuclear program can be stopped in one night by a simple strike, why should the United States wait?

But the elimination of Iran's nuclear capability, while it might be the stated aim for the United States, is only part of the objective. While the Iranian regime's weapons program is a genuine source of concern, American policymakers are also troubled by Iran's interference in Iraq. Despite U.S. warnings, the Revolutionary Guard continues to supply weapons, money, and training to insurgents inside Iraq. Some proponents of attacking Iran feel that Tehran should be punished for supporting militias and extremists in Iraq.

In addition to Iran's role as an aspiring nuclear rogue and a supporter of the insurgency in Iraq, the country has been repeatedly portrayed as a key adversary in the war on terrorism. The United States has put Iran into a separate and new terrorism category, dubbing it the ''Central Banker of Terrorism.'' The new National Security Strategy says, ''Any government that chooses to be an ally of terror, such as Syria or Iran, has chosen to be an enemy of freedom, justice, and peace. The world must hold those regimes to account.'' ''Unnamed intelligence officials,'' citing evidence from satellite coverage and electronic eavesdropping, have told the press that Iran is hosting al Qaeda, granting senior operatives freedom to communicate and plan terrorist operations.

Indeed, the case against the regime is so forceful, and so multifaceted, that it becomes clear that the goal is not simply to do away with the regime's enrichment program. The goal is to do away with the regime itself.

And on top of all of those pressures—pressure from Israel, pressure from those worried about a nuclear Iran, Iran in Iraq, and Iran in the war on terrorism—is another, decisive piece of the puzzle: President George W. Bush. The argument takes several forms: the president is said to see himself as being like Winston Churchill, and to believe that the world will only appreciate him after he leaves office; he talks about the Middle East in messianic terms; he is said to have told those close to him that he has got to attack Iran because even if a Republican succeeds him in the White House, he will not have the same freedom of action that Bush enjoys. Most recently, someone high in the administration told a reporter that the president believes that he is the only one who can ''do the right thing'' with respect to Iran. One thing is clear: a major source of the pressure for a military strike emanates from the very man who will ultimately make the decision over whether to authorize such a strike-the president. And these various accounts of his motivations and rationales have in common that the president will not allow does-not-make-sense arguments to stand in the way of a good idea.

*Below the CNN Line*

Stay below the ''CNN line.'' That was the guidance given to the Air Component Commander, General Mike Mosley, as the secret air strikes began against Iraq in operation SOUTHERN FOCUS. It was July 2002. This classified bombing campaign would involve strikes on almost 400 targets. It was initiated just after the president visited Europe where he announced numerous times, ''I have no war plans on my desk.''

There was no UN resolution. The congressional authorization was not to come for four months. But the United States was starting the war.

All of the pressures described above are pushing for war with Iran, and increasingly, a public case for such a war is being made. But behind the scenes, military operations are already under way. (See Figure 1.) Most likely, the same guidance has been given to military commanders. The pattern is repeating.

When U.S. commandos began entering Iran—probably in the summer of 2004—their mission appears to have been limited. The objective was to find and characterize the Iranian nuclear program. From press reports, we know that the task force doing these operations was implanting sensors to detect radioactivity. Intelligence for these early operations inside Iran was coming from information provided by A.Q. Khan, the Pakistani dealer in black market nuclear material. The incursions were focused in the northeast, where the Iranian nuclear facilities are concentrated. The base of these incursions was most likely Camp War Horse in Iraq.

Israel also was conducting operations inside Iran in late 2003 or early 2004. The Israeli commandos reportedly were operating from a base in Iraq. These commandos also were implanting sensors. I would expect the U.S. and Israeli operations to have been coordinated. At about this time the United States began operating remotely piloted vehicles inside Iran over nuclear facilities. (Although this was certainly an embarrassment to the Iranians, they mentioned the flights numerous times in their press.)

In 2005, the balance within the U.S. government shifted in favor of those who were pushing for regime change in Iran. This was to result in the eventual creation of the Iran/Syria Operations Group inside the State Department, a request to Congress for $75 million, and the creation of a robust ''democracy promotion'' program. Meanwhile the United States moved from intelligence collection inside Iran, to establishing contact with ethnic minorities, to being involved in—and most likely conducting—-direct action missions. Reports suggest that the United States is supporting militant groups in the Baluchistan region of Iran. There have been killings and kidnappings in this region. Iran Revolutionary Guard convoys have been attacked. In a New Yorker article, Seymour Hersh confirmed that this region was one of the areas where U.S. forces were operating. The Iranian press also has accused the United States of operating there. In addition, press reports suggest that the United States may be sponsoring former members of the Iraq-based MEK (Mojahedin-e Khalq) in Baluchistan.

I recently attended a Middle East security conference in Berlin. At dinner one night, I sat next to the Iranian ambassador to the International Atomic Energy Agency, Ali-Asghar Soltanieh. I told him I had read that the Iranians were accusing the United States of supporting elements in Baluchistan. I asked him how they knew that. Without any hesitation, Soltanieh told me that they have captured militants who confessed that they were working with the Americans.

The United States is also directly involved in supporting groups inside the Kurdish area of Iran. According to both western and Iranian press reports, the Iranian Party of Free Life of Kurdistan (PJAK) has been allowed to operate from Iraq into Iran and has killed Revolutionary Guard soldiers. The Iranians have also accused the United States of being involved in shooting down two of their aircraft, an old C–130 and a Falcon jet, carrying Revolutionary Guard leaders.

*NEXT STEPS: Above the CNN Line*

How do we get from being below the CNN line to the next step? The path is fairly clear. The United Nations Security Council will fall short of imposing serious sanctions on Iran. The United States, then, will look for a coalition of the willing to implement smart sanctions, focused on the Iranian leadership.

But the sanctions will be designed less to ensure compliance from the Iranians than to generate domestic and international support for the American position. I do not know an Iranian specialist I trust who believes that the sanctions would cause the Iranians to abandon their nuclear program, any more than did the sanctions on India and Pakistan after their nuclear tests in 1998. The sanctions will be used to raise the collective conscience that Iran is a threat, and to convince the world that the United States has tried diplomatic solutions.

If the experience of 1979 and other sanctions scenarios is a guide, sanctions will actually empower the conservative leadership in Iran. There is an irony here. It is a pattern that seems to be playing out in the selection of the military option. From diplomacy to sanctions, the administration is not making good-faith efforts to avert a war so much as going through the motions, eliminating other possible strategies of engagement, until the only option left on the table is the military one.

When imposing the sanctions fails to alter Tehran's position, policymakers will revert to a strike on Iran's nuclear facilities. One can imagine the words of a planner in the meeting: ''If we are going to do this, let's make certain we get everything they have.'' I have done some rough ''targeting'' of nuclear facilities for which I can find satellite photos on the Web. By my calculation, an attack of relatively high certainty on nuclear targets would require 400 aim points. (An aim point is the specific location where an individual weapon is directed. Most targets would have multiple aim points.) I estimate seventy-five of these aim points would require penetrating weapons. (See Table 1, page 12.)

But it is unlikely that a U.S. military planner would want to stop there. Iran probably has two chemical weapons production plants. He would want to hit those. He would want to hit Iran's medium-range ballistic missiles that have just recently been moved closer to Iraq. There are fourteen airfields with sheltered aircraft. Although the Iranian Air Force is not much of a threat, some of these airfields are less than fifteen minutes flying time from Baghdad. Military planners would want to eliminate that potential threat. The Pentagon would want to hit the assets that could be used to threaten Gulf shipping. That would mean targeting cruise missile sites, Iranian diesel submarines, and Iranian naval assets.

TABLE 1. TARGETS IN IRAN

| Initial strikes | Follow-on strikes |
|---|---|
| Nuclear facilities | Revolutionary Guard bases. |
| Military air bases | Command and governance assets: |
| Air defense command and control | Intelligence |
| Terrorist training camps | Military command |
| Chemical facilities | Radio and television |
| Medium-range ballistic missiles | Communications |
| 23rd Commando Division | Security forces in Tehran. |
| Gulf-threatening assets: | |
| Submarines | Leadership: targeted killing. |
| Anti-ship missiles. | |
| Naval ships. | |
| Small boats. | |

After going through the analysis, I believe that the United States can and will conduct the operation by itself. There may be low-visibility support from Israel and the U.K., and France may be consulted. But it will be an American operation.

What about casualties? Although the United States would suffer casualties in the Iranian retaliation, the honest answer to the president if he asks about losses during the strike itself is that there probably will not be any. The only aircraft penetrating deep

into Iranian airspace will be the B–2s at night. B–52s will stand off, firing cruise missiles. Other missile attacks will come from Navy ships firing at a safe distance.

*Targeting the Nuclear Program? Or the Regime?*

Air-target planners orchestrate strikes on the basis of desired target destruction criteria. In the case of an attack on Iran, after five nights of bombing, we can be relatively certain of target destruction. It is even possible to project the degree to which parts of the Iranian nuclear program would be set back. For example, using Web pictures of the Natanz enrichment facility, it is possible to see three years worth of construction. An attack on that construction might appear to set the program back three years. But it is hard to judge. David Kay, the former top U.S. weapons inspector, observed during our discussions that there is the program we see, but there is also the program we do not see. Because of the gaps in U.S. intelligence on Iran, and specifically on Iran's nuclear program, American military leaders are growing increasingly uneasy about the reliability and comprehensiveness of target selection. In other words, after the five-night military attack we would not be able with any degree of certainty to say how we had impacted the Iranian nuclear program.

If this uncertainty does not appear to worry the proponents of air strikes in Iran it is in no small part because the real U.S. policy objective is not merely to eliminate the nuclear program, but to overthrow the regime. It is hard to believe, after the misguided talk prior to Iraq of how American troops would be greeted with flowers and welcomed as liberators, but those inside and close to the administration who are arguing for an air strike against Iran actually sound as if they believe the regime in Tehran can be eliminated by air attacks.

In this case, the concept is not a ground force Thunder Run into Tehran of the sort used in Baghdad. It is a decapitation-based concept. Kill the leadership and enable the people of Iran to take over their government. More reasonable leadership will emerge.

Under this concept, the air operation would take longer than the five nights. The targets would be expanded. The Revolutionary Guard units would be attacked since according to the argument they are the primary force that keeps the current regime in power. There are other regime protection units in Tehran. Most important, the U.S. operation would move into targeted killing, seeking to eliminate the leadership of Iran.

It sounds simple. Air planners always tell a good story. By the same token, they almost always fall short of their promises, even in strictly military terms. That was true in World War II. It was true in Korea. It was true in Vietnam. It has just proved true with the Israeli attacks on Hezbollah. No serious expert on Iran believes the argument about enabling a regime change. On the contrary, whereas the presumed goal is to weaken or disable the leadership and then replace it with others who would improve relations between Iran and the United States, it is far more likely that such strikes would strengthen the clerical leadership and turn the United States into Iran's permanent enemy.

*Iran's Response*

Having demonstrated that air strikes are unlikely either to eliminate the nuclear program or to bring about the overthrow of the Islamic regime in Iran, we must now turn to what, precisely, they would achieve. It is important to remember that some of Iran's threats, demonstrations of new weapons, and military exercises are designed to have a deterrent effect. As such we should not deduce too much about what Iran would do in the event of an attack on the basis of what it might say and do in advance of an attack. A former CIA Middle East Station Chief told me once that predicting the consequences of a strategic event in the Middle East was as difficult as predicting how an Alexander Calder mobile would come to rest after you flicked one of its hanging pieces.

It is possible, however, to identify some high probability immediate consequences.

The Iranians would likely look to target Israel as a response to a U.S. strike, using Hezbollah as the primary vehicle for retaliation. For Tehran, there is the added benefit that blaming Israel (even for a U.S. strike) would play well at home, and probably throughout the region.

Moqtada al-Sadr has said publicly that if the United States were to attack Iran, he would target U.S. forces in Iraq.

Iran could channel more individuals and weapons into Iraq. Specifically, Iran could upgrade technology among Shiite militias, with weapons like the laser-guided anti-tank missiles Hezbollah had in Lebanon. We might even see more direct operations like missile attacks against U.S. forces.

Moqtada al-Sadr controls the large Facilities Protection Service forces in Iraq. Some estimates put this force as large as 140,000. Among other missions, they guard the oil pipelines. If Iran wants to cut the flow of oil, Iraq is the best place to begin, and the means are in place to take on the mission. The impact of severing Iraq's oil supplies would be an immediate increase in its own oil revenue.

Iran is not going to wipe Israel from the map or force the United States to leave Iraq with these operations. But in causing these various complications, Iran can still achieve a degree of success. As we recently witnessed in the clash between Hezbollah and Israel, Iran can seem stronger just by virtue of making the United States and Israel seem weaker.

*Round Two*

Once the nature of the Iranian retaliation becomes apparent, the United States will not likely declare success and walk away from the problem. Clearly, the pressure will be to expand the targets and punish Iran even more. The government of Iran is fragile, the thinking goes; it could even be on the verge of falling; it is time to ''enable'' the Iranian people. The Iranians will react with their own horizontal escalation. (See Table 2, page 16.)

Iran has been sending mixed signals about whether or not it would cut its own oil production or attempt to restrict the flow of oil from the Gulf. A strike of five nights might not push them to cut the flow of oil. But continued operations probably would. Iran does have some flexibility to do without oil revenues for a period because of surpluses from currently high oil prices. In addition, it has plans for rationing refined petroleum products that it must import.

Executing the oil option might not be limited to operations against tankers moving in and out of the Gulf. Iran has the capability, and we have seen some indications of the intent, to attack facilities of other oil providers in the region.

It would be tougher for Iran and Hezbollah to attack UN forces in Lebanon. If the UN forces were to become too aggressive in response to Hezbollah attacks against Israel, they would most likely become targets. In addition, at some point in the expanding conflict, Iran might see a value to making the war about attempts at Western domination of the region and not just about the United States and Israel. In that case, a focused attack on something like the Italian headquarters would resonate in the region.

It took a while for the nations of the region to react to the Israeli attack into Lebanon. That most likely would be the case in the event of a U.S. strike against Iran. As attacks continued and as the television coverage intensified, however, we could see something similar to the reactions to the Danish cartoons. We could see the ''Arab Street'' asserting itself.

Syria and Iran signed a defense agreement on June 15. Under this agreement Syrian forces would be brought into a fight if Iran were attacked. Syrian President Bashar Assad might be a reluctant participant, but as the conflict expands, he might not have a choice.

The Iranians could conduct targeted killing outside the region. They have used this tactic in the past: in 1991, Shapour Bakhtiar, the Shah's last prime minister, was decapitated in his apartment in Paris.

Continued air strikes and demonstrations could have a compounding effect. Weak governments in the Muslim world could be threatened. The governments of Pakistan, Jordan, Bahrain, and Saudi Arabia are vulnerable.

TABLE 2. CONSEQUENCES OF AN ATTACK

| | Type of Operation | |
|---|---|---|
| | Short strike | Regime change |
| Hezbollah attacks on Israel | High probability | High probability. |
| Attacks on U.S. forces in Iraq | High probability | High probability. |
| Sabotage pipelines in Iraq | High probability | High probability. |
| Street demonstrations on a wide scale. | Possible | High probability. |
| Hezbollah attacks outside the region. | Possible | High probability. |
| Iran stopping its own oil exports | Possible | High probability. |
| Iran blocking Gulf oil flow | High probability | High probability. |
| Iran attacking other regional oil facilities. | Possible | Possible. |
| Iran suicide attacks | Not likely | Possible. |
| Syria involved | Not likely | Possible. |
| Threats to regional governments | Not likely | Possible. |

As an obvious consequence of the instability resulting from a U.S. strike, the price of oil almost certainly will spike. The impact will depend on how high and how long. The longer the conflict goes, the higher the price. A former Kuwaiti oil minister privately suggested a plateau of $125 per barrel. Confidential analysis by a major European bank suggests it would level off at $130, and a very conservative estimate would be over $200.

With prices surging to this level, third order consequences become apparent. The most obvious would be a global, synchronized recession, intensified by the existing U.S. trade and fiscal imbalances. Another political consequence would be that oil exporting countries outside the region would enjoy significant surges in revenue from higher prices. As a result, countries such as Venezuela and Russia would enjoy expanded influence while the West would be reeling from recession.

I should note that in the preceding discussion of the cycle of action and reaction, I have not mentioned large U.S. ground unit formations. That is because I do not believe we will come to a point where that option will make sense to policymakers. This is the one lesson the administration seems to have learned from Iraq—occupation does not work. And that realization brings us back to why the air strike option has been so attractive to the administration from the beginning.

*When Is the Strike?*

When does it all come together? When could the United States pull the trigger on the military option? The most important point in understanding the window for an attack is that the military preparations will not be the determining factor. This operation will not resemble the six months of

preparations for Operation Desert Shield in 1990. The preparations will be much less visible than the movements to the region in early 2003. We will not read about discussions with Turkey for basing permission. It will not be a major CNN event.

Instead, preparations will involve the quiet deployment of Air Force tankers to staging bases. We will see additional Navy assets moved to the region. The more significant indications will come from strategic influence efforts to establish domestic political support. The round of presidential speeches on terrorism is a beginning, but I expect more. An emerging theme for the final marketing push seems to be that Iran threatens Israel's existence. We can expect the number of administration references to Iran to significantly increase, and will see three themes—the nuclear program, terrorism, and the threat to Israel's existence.

The issue of congressional approval plays into the timing question. Administration officials have been asked numerous times if the president would require authorization by Congress for a strike on Iran. Secretary Rice responded to that question before the Senate Foreign Relations Committee in October 2005 by saying, ''I will not say anything that constrains his authority as Command in Chief.'' Congressmen Peter DeFazio and Maurice Hinchey offered an amendment to the Defense Appropriations Bill in June that would have required the president to get authorization from Congress before taking military action against Iran. The amendment failed.

Over the past few months, we have seen numerous leaks and administration documents that raise an Iran-al Qaeda connection. In addition, the House Permanent Select Committee report on the threat of Iran implied an al Qaeda connection. This linkage of Iran and al Qaeda fits neatly into the broader effort to sell a strike to the American people. But more importantly, it opens the way for an argument that a strike on Iran was part of the global war on terrorism already authorized by Congress.

In other words, approval by Congress does not necessarily have to be part of the calculation of when an attack could take place. If the determining factor of timing is neither the preparation of military forces nor congressional approval, one question remains: How much public support do decisionmakers believe they need before pulling the trigger? And that question brings us back to the beginning of the summer of diplomacy. Vice President Cheney had to be convinced that it was necessary to give some lip service to diplomacy, checking that box in order to secure public support. President Bush seems to be convinced of the rightness of his cause and vision. He repeats often that he does not care about public opinion.

The window for a strike on Iran stands open.

*Finally*

Policymakers who begin with the seven ''truths'' of the situation can easily proceed down a path that leaves the military option as the only one on the table. There is a certain inevitability to this path, a certain inexorability to the momentum toward war. The policymakers will say that the Iranians have forced us to go in this direction. But the painful irony is that these policymakers are forcing the direction on themselves.

At the end of the path that the administration seems to have chosen, will the issues with Iran be resolved? No. Will the region be better off? No. Is it clear Iran will abandon its nuclear program? No. On the other hand, can Iran defeat the United States militarily? No.

Will the United States force a regime change in Iran? In all probability it will not. Will the economy of the United States suffer? In all probability it will.

Will the United States have weakened its position in the Middle East? Yes. Will the United States have reduced its influence in the world? Yes.

When I finished the 2004 Iran war game exercise, I summarized what I had learned in the process. After all the effort, I am left with two simple sentences for policymakers. ''You have no military solution for the issues of Iran. You have to make diplomacy work.'' I have not changed my mind. That conclusion made sense then. It still makes sense today.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1–1/3 minutes to my dear friend and distinguished colleague on the International Relations Committee, the Congresswoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank my good friend Mr. LANTOS for yielding to me.

Mr. Speaker, I rise in strong support of this legislation. Each day brings something new from Iran, a new boast, a new rant, a new threat. Yet we have made little progress in convincing our allies that the Iranian regime means business, and that business is funding and supplying terrorist organizations like Hezbollah, wiping Israel off the face of the map and denying the Holocaust.

We must not allow them to acquire the means to carry out their ambitions. It would be difficult to overstate the danger Iran represents. Unchecked Iranian nuclear proliferation, combined with increasing support for international terrorism, poses a grave threat to United States forces in the Middle East, moderate Islamic Arab countries in the region, the State of Israel. And a nuclear Iran poses just as much of a threat to Europe as it does to the countries in the Middle East.

Incomprehensibly, many of our allies seem oblivious to these dangers. Their strategy of negotiations, incentives, and concessions are not working. Stronger measures are necessary. This bill will ramp up the pressure on Iran to give up its nuclear ambitions and cooperate with the international community.

Iran is a radical fundamentalist country headed by a President who I believe is as dangerous to the world community in the 21st century as Hitler was in the 20th century. Every time this man opens his mouth, he proves it. We must deny Iran the technology and financial resources that will enable this regime to carry out its threats.

I urge support of this bill.

Mr. BLUMENAUER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

□ 1330

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this bill, and let me give you a few reasons why.

In the introduction to the bill, it says that its purpose is to hold the current regime in Iran accountable for its threatening behavior and to support a transition of its government; and I would just ask one question: Could it be possible that others around the world and those in Iran see us as participating in ''threatening behavior?'' We should make an attempt to see things from other people's view as well.

I want to give you three quick reasons why I think we should not be going at it this way:

First, this is a confrontational manner of dealing with a problem. A country that is powerful and self-confident should never need to resort to confrontation. If one is confident, one should be willing to use diplomacy whether dealing with our friends or our enemies; I think the lack of confidence motivates resolutions of this type.

The second reason that I will give you for opposing this is that this is clearly seeking regime change in Iran. We are taking it upon ourselves that we do not like the current regime. I don't like Almadinyad, but do we have the responsibility and the authority to orchestrate regime change? We approach this by doing two things: Sanctions to penalize, at the same time giving aid to those groups that we expect to undermine the government. Do you know if somebody came into this country and paid groups to undermine our government, that is illegal? Yet here we are casually paying money, millions of dollars, unlimited sums of money to undermine that government. This is illegal.

The third point. This bill rejects the notion of the nonproliferation treaty. The Iranians have never been proven to be in violation of the nonproliferation treaty; and this explicitly says that they cannot enrich, uranium even for private and commercial purposes.

For these three reasons we obviously should reconsider and not use this confrontational approach. Why not try diplomacy? Oppose this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1⅓ minutes to Mr. SHERMAN.

Mr. SHERMAN. Mr. Speaker, I rise in reluctant support of this bill and in strong support of its authors—who got what they could from a President who has a veto pen, and is determined to continue our ineffectual policy toward Iran.

America has been blinded by the flash of this President's overly aggressive response to Iraq's tiny ''weapons of mass destruction'' program. So, as a result, we have settled for a loud but pitifully ineffectual effort, both toward North Korea's nuclear program and toward Iran's.

In this bill, I had an amendment that would have prohibited U.S. corporations from doing business with Iran through their foreign subsidiaries. That amendment was stripped in conference. So Halliburton is protected; the American people are not.

This bill extends the Iran-Libya Sanctions Act, which was so effective,

along with other measures, in getting Khadaffi to change his policies. However, as toward Iran, the last administration and this administration has a policy of ignoring widely reported investments in the Iran oil sector. The bill says we are supposed to sanction oil companies that invest even $40 million in Iran's oil sector. When tens of billions of dollars of investments are announced in the Wall Street Journal, the President's response is, he didn't get that copy.

We have got to pass this bill, but we have got to do a lot more. And we have got to make sure that, in our policy toward Russia and China about Moldova, Abkhazia, and currency controls, that we make it clear that support on Iran will lead to our change on those issues that are so important to Russia and China. We need linkage, and we need an effective policy.

Mr. BLUMENAUER. I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the American people need to know the Republican majority today has created the House Failed Diplomacy Caucus.

The Republicans need another press release before they go home, so we have 20 minutes to offer our thoughts on a bad bill sent to the floor by Republicans to show how tough they are.

Showing how smart we are would be a far better idea for dealing with nations like Iran and Iraq. But global diplomacy isn't the stuff of press releases; rhetoric is. So the Republicans have shut down debate by bringing legislation to the floor under a closed rule. They don't want ideas or improvements for making the world a safer place. They want leaflets to drop during the campaign, and they are being printed en mass right now. It is the Republican Iraq strategy all over again. Different nation, same flawed approach.

Republicans have given us H.R. 6198, the We Run the World Act. There is no need for other nations to actually have governments, actually. We will send our press releases. Just follow along, Russia, Iraq, Iran, Pakistan, Lebanon, and anywhere else where we think we run them.

Republicans want Americans to point the finger and send along instructions. They are staging a campaign event right here on the floor. You watch how quick it makes it into the ads of television.

This is not, not, going to help America chart a path to deal with what is wrong with the Iranian government. No one disagrees with the fact that it is not a government we want in control of that country. It will only entrench and bolster those who are wrong.

The press release won't protect anybody. But, in fact, the Iranian dissidents don't want the money. Do you know why? Just like many Republicans today don't want Bush to come into their district and put his arm around them in the midst of this campaign, the Iranian dissidents know that, if it becomes American money, they are done. They will not be able to do what they need to. We need to vote ''no'' on this initiative.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield time to my colleague from Florida on this bipartisan bill, the essence of which has been extensively debated on the floor several times and in committees, as well.

I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding this time to me and congratulate the committee on both sides of the aisle.

I think, however, when we look around and see some of the rhetoric that is going on, let's take a look at what is happening.

We have probably one of the most dangerous countries in the world run by fanatics that is in the process of producing a nuclear weapon. We have the Iranians financing the terrorists in Iraq killing American soldiers. We have the Iranians in Iraq killing innocent Iraqis. We have the Iranians in Iraq killing innocent Lebanese with the Hezbollah. And we are standing here today listening to people talk about press releases.

Come on, guys. Isn't there something that can draw this Congress together? It already has brought together responsible Democrats and Republicans. But to come forward and talk of this nature is absolutely counterproductive. It does not help us in our country, and we should stop it now. We need to put up a unified force in this country.

We are aiding and abetting the enemy when we stress our division. Of course we are going to disagree. That is healthy. That is what democracy is all about. But on some of these items, such as what we are talking about here today, when American soldiers are spilling their blood and that blood is being spilt with Iranian money, can't we start talking about America and quit talking about politics?

Mr. BLUMENAUER. I yield 2 minutes to the gentleman from New York.

Mr. HINCHEY. Mr. Speaker, I thank my friend from Oregon for yielding me this time and providing it to us in the context of this debate.

This proposed legislation is contrary to the best interest of Iran and the United States. It is, unfortunately, reminiscent of the State of the Union address which declared Iran, Iraq, and North Korea as part of the Axis of Evil; and we are now very familiar with the consequences of that statement. We have seen a disastrous situation develop in Iraq, and we have also seen the revival of nuclear interest both in North Korea and in Iran.

The attitude of our country toward Iran now for more than 50 years has been overly aggressive and overbearing, and the consequences of it have been very dangerous. We should be acting in a much more mature and responsible way, particularly toward this country. This is a very significant country, not only in the Middle East but in the world generally. The people of this country are good, sound, solid, reasonable people, and we need to be appealing to them on that basis, not on the basis of the language of this resolution, which continues to create this atmosphere of hostility which is, as I have indicated, has been going on now for more than 50 years.

That needs to change. We need to change our attitude, change our approach to this nation. We need to engage them more objectively, more seriously, and in a much more filial way, a much more friendlier way. And if we were to do that, we would find that this country would react and respond to us in a similar fashion.

Unfortunately, this proposed legislation does exactly the opposite. It places us, continues to place us in a difficult and dangerous, antagonistic circumstance between ourselves and this country, and unnecessarily so. So this legislation is contrary to our interests, just as it is contrary to the interests of Iran, and so it should be rejected by this body.

Mr. LANTOS. Mr. Speaker, I am pleased to yield the balance of our time to the distinguished member of the International Relations Committee, Mr. ENGEL, from New York.

Mr. ENGEL. I thank my distinguished friend from California for yielding to me, and I rise in strong support of this bill.

My colleagues, we have to deal with things as they are, not as what we wish them to be. I wish there was reasonableness among the government of Iran today. I wish there were people that we could talk to on a friendly basis and reason with them and come to some kind of a compromise.

But that is not what we have here. We have a belligerent regime that is pursuing nuclear weapons, that is hostile towards the United States, that is hostile towards the West, that is hostile towards Israel. You have a president of that country who has said every foul thing imaginable, denies the Holocaust, says he wants to wipe Israel off the face of the map, and says that Americans are his sworn enemy.

This bill makes sense. This bill extends the current law and sanctions and provides important additional authorities to fight that threat. It is the carrot and the stick. We are having democracy building in this bill. We are being able to try to reach the Iranian people, who are good friends of the American people, but they are trapped by a repressive government and a government that doesn't have their best interests at heart, let alone anybody else's best interest.

So this is sort of a carrot-and-stick approach. We slap sanctions when sanctions are needed. We amend, also we expand it. It is expiring if we don't amend it, and it does what we know needs to be done.

Iran needs to be challenged. It cannot be allowed to have nuclear weapons.

This is the same policy, it is a centrist policy, it makes a lot of sense, and I urge strong bipartisan support for this bill.

Mr. BLUMENAUER. I yield 3 minutes to the gentleman from Iowa.

Mr. LEACH. I thank the gentleman for yielding.

First, let me stress, this bill has strong bipartisan support. It also has significant bipartisan opposition. And so it should be considered in the category of individual judgment, not politics.

On the plus side of the bill, let me note that it does stress sanctions, not military action, and it quite properly gives the executive discretion to lift these sanctions.

On the minus side, and this is the compelling point, it represents an escalation of tension, policy, and attitudinal friction with Iran.

□ 1345

It is an escalation that is guaranteed to fail. You might ask, Why is it guaranteed to fail? It is because unilateral sanctions don't work, and there is no evidence that the other principal parties that are dealing with Iran will follow this example.

We can pound our chest all we want to suggest that a Russia or a China should follow our lead, but these kinds of suggestions from Congress simply carry no weight.

Secondly, no one should doubt that this complicates problems for our troops in Iraq today. That is an absolute utter circumstance that has to be dealt with, and we have to think it through.

Thirdly, this step implicitly underscores and advances a diplomacy-less strategy. That is, the United States of America has advanced a no-talk-with-Iran strategy for more than this administration, for quite a number of years, and the question is does it work, is it as hapless as our strategy towards certain other countries in the world, including Cuba.

In the backdrop is the issue of force, and also the issue of dominoes, dominoes in the sense of decisionmaking. Often policies that don't work implicitly are followed by other policies that we hope will work. If this particular policy doesn't work, do we then have to go to the force option?

There is a neocon desire, as has been written about extensively, to consider the idea of a preemptive strike. All I would say is there is a ''3–3–100'' set of principles that we have to think through.

The first ''three'' is there are three ways of obtaining nuclear weapons: one is to develop them; another is to steal them; and another is to buy them.

If we bomb Iran, there is no doubt whatsoever we will put back their capacity to develop. But it might also accelerate the capacity to steal or purchase.

The second ''three'' principle is that there are three weapons of mass destruction. We not only have nuclear; we have chemical and biological. And knocking back their nuclear certainly will accelerate the other two.

The third issue is the issue of a ''hundred.'' We have the idea that we can do a preemptive strike quickly and it will be over. But the fact is that the other side will respond. They might respond for 100 years.

I think it is time we talk about from the people's House the issue of developing mutual self-interest, not antagonism, and we ought to move in the direction of realism instead of taking ideological steps that don't fit the times.

Mr. BLUMENAUER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I appreciate the gentlewoman's work because the bill that we have before us, as I mentioned earlier, is, a substantial improvement over the one that was approved by the House earlier this year. I had hoped it would come back to our committee because I think these issues are worthy of further discussion, and there is more fine-tuning we could do.

For instance, dealing with the provisions for terms of the promotion of democracy, reading the language that is in this bill, the Ayatollah Khomeini, in exile in France, would have qualified for U.S. assistance. We could have had a debacle like we had with Chalabi. I don't think it is as tight and precise as we would like.

But most important, it fails to deal with the fundamental choice we need to make between whether we want regime change or whether we want to stop nuclear proliferation.

I deeply appreciate the points raised by the gentleman from Iowa (Mr. LEACH). We could end up actually making the situation worse.

I am deeply troubled that we are going to ratchet up the pressure on the very people who we most need for a diplomatic solution, the people like China and Russia who are going to be key to ultimately resolving it.

Mr. Speaker, part of the problem that we have great difficulty with is that some of the most disagreeable people, some of the most dangerous people, are people that we ignore at our peril. We should not do that. We should engage them directly, diplomatically and not under the auspices of this bill, which I hope that the House will reject.

Ms. ROS-LEHTINEN. Mr. Speaker, as recently as last month, Iran blatantly refused to respond to the August 31 deadline as set forth by the United Nations Security Council to stop enriching its uranium in exchange for a very generous incentives package.

We have tried to coax. We have tried to induce. We have tried to talk the Iranians into cooperating. Enough with the carrots; it is time for the stick.

We hope that all freedom-loving nations are allies in this struggle for nonproliferation efforts and would, out of their own volition, take the necessary steps to hold Iran accountable for its own behavior. However, sometimes even friends need a little prodding.

Writer Charles Krauthammer points out the chilling reality of the opportunity costs of not dealing effectively with Iran at this time. He says, ''If we fail to prevent an Iranian regime run by apocalyptic fanatics from going nuclear, we will have reached the point of no return. It is not just Iran that might be the source of great concern, but that we will have demonstrated to the world that for those similarly inclined, there is no serious impediment.''

This bill will help contain the Iranian threat and will send a clear message that we will not tolerate flagrant violations of international nonproliferation obligations.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 6198, legislation to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran. As an original cosponsor of the legislation I am pleased that the House is considering it today.

The threat from Iran is plain. The Iranian mullahs have lied to the international community about their nuclear program for years. They have, again and again and again, defied the clear will of the international community that has demanded that they freeze their efforts to enrich uranium. Iran has been, and remains today, the most active state sponsor of terrorism in the world. Iran provides hundreds of millions of dollars, shiploads of weapons, advanced military training and substantial political cover to Hizballah, Hamas and other radical, violent Islamist groups in the Middle East. Their most senior officials continue to make pronouncements that call into question their attachment to reality. Supreme Leader Khamenei has confirmed that Iran would share its nuclear technology with other states. President Ahmadinejad has made a hobby out of Holocaust denial and at every opportunity violates the most fundamental tenet of international law by calling for the annihilation of Israel, a sovereign member of the international community.

In Iran, we have exactly what we thought we had in Iraq: a state with enormous wealth in natural resources; significant WMD capabilities and the means to deliver them; and the use of terrorist organizations as an instrument of state policy. But what will amaze the historians who look back on this period will be the stunning lack of urgency with which the Bush Administration and this Congress has approached this problem.

I will be the first to admit that our policy options toward Iran are unappetizing at best. We have little diplomatic leverage, since we don't talk with Iran directly, except in very limited circumstances. Any military operation beyond pinpoint air strikes is quite simply beyond our capacity at the moment, given our situation in Iraq. And we should honestly acknowledge that even a robust campaign of air strikes targeted at Iran's nuclear facilities might have only a marginal effect on Iran's nuclear program. We don't know where all of it is hidden and many of the sites that we do know of can't be effectively attacked from the air. Further, since our intelligence is so incomplete, we would have a very limited ability to assess

how much damage our strikes had actually done to the Iranian program. In addition to questions about the direct affects, a decision to strike Iran, would have enormous diplomatic consequences for the United States, and would likely lead to Iranian retaliation against our already overextended troops in Iraq, and probably against our ally, Israel.

So without a viable military option, we are left with maklng multi-lateral diplomacy effective. This is the right course, but it is one that the Bush administration has been extremely loathe to pursue, and one at which they have shown little proficiency.

If a nuclear-armed Iran is ''very de-stabilizing,'' as the President has said it is—and I do believe it is—then we need to make that view, and the implications of that view, clear to Russia and China and even to our partners in Europe. Fortunately, this legislation provides the administration with new and useful tools that can be applied to help make that case. Our message must be that this urgent problem can be addressed if the will is there to do so.

In short, Iran needs to become urgent for the administration before it will become urgent for anyone else. Only concerted, sustained multilateral pressure has any chance of convincing Iran to change course. And if Iran chooses not to change course, then the international community must be prepared to pursue effective multilateral sanctions against the regime. Unfortunately, while the EU–3 shares our view that an Iran with nuclear weapons is not an acceptable outcome, it seems that Russia and China do not. If the administration can't convince those nations that it is in their interest for Iran not to have nuclear weapons, then we need to start considering what options remain to us unilaterally, what the cost of the options would be and how we could go about containing a nuclear-armed Iran.

One last point Mr. Speaker, I am disappointed that the bill we are considering today does not contain the language regarding pension plans and mutual funds that would require the managers of such funds to notify investors if any of the assets of a particular fund are invested in an entity which has invested in Iran and may be subject to sanctions under ILSA. I think such notifications are consistent with the fiduciary responsibilities of fund managers and would have prevented Americans from unwittingly fueling Iran's drive to acquire nuclear weapons, simply by contributing to their 401(k)'s. Nevertheless, I strongly urge my colleagues to support the bill.

Mr. STARK. Mr. Speaker, I rise to oppose the march to war with Iran. I am as concerned as the authors and supporters of this bill about Iran's nuclear weapons program. But I do not believe that levying additional sanctions and encouraging regime change is the correct course. Instead, we should work with our allies to negotiate a diplomatic solution.

The ''Iran Freedom Support Act'', H.R. 6198, will antagonize Iran's government. Provisions calling for democracy promotion and ''the exercise of self-determination'' will be interpreted as a direct assault on Iran's sovereignty and may prompt Iran to discontinue ongoing negotiations. Unilateral sanctions may also discourage France, Germany, Italy, and Spain from working to broker an international agreement. Our allies do not appreciate it when we ''go it alone.''

Dissidents will also be hurt by our offer of financial and political assistance. As in Iraq, individuals and groups that ally with America will see their integrity questioned and their reputations for independence undermined.

Iranian families will be hurt by sanctions that prohibit foreign investment in the country's petroleum industries. Sanctions already in place have not impacted Iran's behavior. Why would new prohibitions on investment succeed where old sanctions have failed?

Finally, the American people will be less secure. Antagonizing Iran will not stop or even slow nuclear weapons development. Instead, sanctions will prompt Iran to redouble its efforts as a means of saving domestic and international face.

The Bush administration and Republicans in Congress have already made a mess of Iraq and allowed warlords to gain control of much of Afghanistan's countryside. This legislation takes us a step closer to similar results in Iran. I urge my colleagues to vote ''no''.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of H.R. 6198, introduced by my colleagues on the House International Relations Committee.

The international community continues to look the other way as Iran claims they will move forward in the process of enriching uranium.

The leaders of Iran decided the IAEA deadline did not apply to them and I strongly believe have no interest in negotiating with the West.

The President of Iran was clear about his intentions to enrich uranium at the United Nations General Assembly a few weeks ago.

His performance in New York and at the Council of Foreign Relations was a display of insanity.

He continues to proudly defend his comments about the Holocaust being a myth and how Iran is not trying to acquire nuclear weapons even as more and more information comes out about their covert nuclear program that was helped along by AQ Khan's black market nuclear network

This is a man who was basically appointed by the Mullahs in Tehran.

I say this because any reform minded candidate was removed from the ballots. Iran is not a democracy; the government of Iran is run by zealots using terrorism to meet their goals.

We need to support the people of Iran as they continue to be repressed by the Mullahs.

The people of Iran deserve freedom and democracy.

I strongly support this bill and I urge all of my colleagues to support this important piece of legislation.

Mr. MARKEY. Mr. Speaker, I rise in opposition to H.R. 6198, the Iran Freedom Support Act, because this bill could very well derail the diplomatic efforts currently underway that are our best hope for ending the possibility of an Iranian nuclear weapon.

Let me be clear that I agree with the great majority of which this bill would do. I believe that we should extend the Iran Libya Sanctions Act. I believe that we should support human rights in Iran.

But as with so many things in life, Mr. Speaker, timing is everything. And this is the wrong time to pass this bill.

Crucial negotiations between Iran and the European Union in Berlin are reportedly closing in on a deal that would suspend Iran's uranium enrichment program while multilateral talks commence. The Bush administration has so botched the issue of containing Iran's nuclear ambitions that we have few choices left. These negotiations were just suspended for a week, and it would surprise no one if Iran did not return to the table. But make no mistake: as bad as the negotiation option may turn out to be, it remains our best chance of stopping Iran from ever building a nuclear weapon.

We need to support these negotiations, not undermine them. For the Congress to pass language which essentially makes regime change in Iran the official policy of the United States would be counterproductive while these negotiations in Berlin remain promising.

I could support this bill at another time, but not now, not when its passage could kill the ongoing negotiations.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 6198, 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.

## SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY ACT OF 2006

Mr. ROGERS of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6162) to require financial accountability with respect to certain contract actions related to the Secure Border Initiative of the Department of Homeland Security.

The Clerk read as follows:

H.R. 6162

*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 ''Secure Border Initiative Financial Accountability Act of 2006''.

**SEC. 2. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.**

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the

ability of small business to compete, or other high risk business practices.

(c) REPORT BY SECRETARY.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

(e) ACTION BY INSPECTOR GENERAL.—In the event the Inspector General becomes aware of any improper conduct or wrongdoing in accordance with the contract review required under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information related to such improper conduct or wrongdoing to the Secretary of Homeland Security or other appropriate official in the Department of Homeland Security for purposes of evaluating whether to suspend or debar the contractor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. ROGERS) and the gentleman from Florida (Mr. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this bill, and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 6162, the Secure Border Initiative Financial Accountability Act of 2006.

This bipartisan legislation will help to ensure that taxpayer funds dedicated to technologies to secure our Nation's borders are spent efficiently and effectively.

The ranking member of the Committee on Homeland Security, Mr. THOMPSON, and I have worked for almost a year on this important bill.

Last November, I introduced H.R. 4284, the Secure Border Financial Accountability Act of 2005. I was pleased that Chairman KING and Ranking Member THOMPSON were original cosponsors of that bill.

We also worked to include the language in the border security bill which the Committee on Homeland Security marked up on November 11, 2005. At that time, Mr. THOMPSON added a key funding trigger to ensure that the Inspector General had the necessary resources to respond quickly to major disasters.

This language ultimately was included in H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, which passed the House on December 16 of that same year. We again worked in a bipartisan manner to include this provision in H.R. 5814, the Department of Homeland Security Authorization Act for 2007, which the Committee on Homeland Security reported favorably in July of this year.

But, why is this bill so important? The Homeland Security Subcommittee on Management, Integration, and Oversight, which I chair, has held three hearings over the past year and a half on the existing border technology program.

We found the Integrated Surveillance Intelligence System, ISIS, and its remote video surveillance program, was plagued by mismanagement, operational problems and financial waste. On June 16, 2005, our committee heard from the GSA deputy inspector general that electronic surveillance equipment covered only 2 to 4 percent of the border and that over $200 million was paid by the Federal Government for poor, incomplete and never-delivered goods and services.

At our second hearing on December 16, 2005, the Department of Homeland Security Inspector General testified that cameras and sensors were not integrated, oversight of contractor performance was ineffective, numerous poles and cameras were never installed along the border, and millions of program dollars remained unspent at the GSA.

Our third hearing on February 16, 2006, examined the disciplinary actions taken by the Department against employees responsible for these problems at ISIS to ensure that those employees would not be involved in any future border technology contracts.

Last Thursday, Secretary Chertoff announced the contract for the technology component of the Secure Border Initiative, known as SBInet. This is a 6-year, multi-billion dollar contract, and it is designed to establish a virtual fence across 6,000 miles of our borders through a mix of poles, cameras, ground-based radar, aircraft and other aerial platforms.

My subcommittee intends to hold a fourth hearing on November 15 to review the SBInet contract. The purpose of this bill is to prevent the same type of financial mismanagement of ISIS from taking place in SBInet.

Specifically, this bill directs the Inspector General of the Department of Homeland Security to review each contract action related to the Department's Secure Border Initiative that is a contracting amount of $20 million or more. This contract review will determine whether each contract action fully complies with cost requirements, performance objectives, and timelines.

The bill further requires that the Homeland Security Inspector General report to the Secretary of Homeland Security on cost overruns, significant delays in contract execution, lack of rigorous contract management, insufficient financial oversight, and other high-risk business practices.

The Secretary of Homeland Security is then required to notify the Congress and take immediate steps to rectify the problems within 30 days.

To carry out this vigorous oversight, the bill includes a provision by Mr. THOMPSON that would authorize additional funds. SBInet will involve numerous large and small Federal contractors to implement the technology required to successfully secure our Nation's borders.

We look forward to working with the chairman of the Committee on Government Reform, Mr. TOM DAVIS, in the coming months to ensure that we have the best oversight process in place to ensure SBInet is cost effective.

A ''yes'' vote on this legislation will send a strong message to the contractor and to the Department that Congress intends to ''hold their feet to the fire'' in fulfilling these contract requirements.

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

Mr. MEEK of Florida. Mr. Speaker, I yield such time as he may consume to Mr. THOMPSON of Mississippi, the ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the ranking member of the subcommittee for allowing me to speak on this bill.

Mr. Speaker, I want to thank Mr. ROGERS for his commitment to stemming waste, fraud and abuse in the Department of Homeland Security.

This bill, H.R. 6162, would require the Department of Homeland Security Inspector General to immediately review any Secure Border Initiative contract valued at $20 million or more. By requiring a review once this amount has been triggered, the Inspector General can immediately review the cost requirement, performance objectives and timelines for the SBI project.

This trigger builds accountability into every contract made for the Secure Border Initiative and will provide the American public with some certainty about where their money is going. This bill also will allow the Inspector General to express its concerns if they find unsatisfactory practices early on.

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They will not have to wait until all the money is out the door and excuses are being made before they get involved in the oversight of this multi-billion dollar project.

Mr. Speaker, I also want to emphasize that this review would include the assessment of the inclusion of small, minority, and women-owned businesses in any subcontracting plans, an area of constant challenge for the Department.

I guess some people would wonder why this kind of oversight is necessary or whether we are being fair. Let me tell you why this kind of oversight is necessary for a project of this size.

First of all, SBInet is expected to cost around $2.5 billion. Under the predecessors to Secure Border, ISIS and American Shield, we have spent over $429 million and protected only 4 percent of the border. That is about $100 million for every 1 percent of the border. It is not an understatement to say that this has not been a cost-effective use of funds.

The Inspector General has found that the Department's failure in these past programs has been due to poor planning, bad equipment purchases, and spotty implementation. We are told once again that this program will solve the problems of our porous border through the use of integrated and coordinated technology and manpower. It seems like I have heard this before, Mr. Speaker.

We have not seen a detailed rendering of the Department's overall strategy. And in fact, this procurement allows the industry to pitch solutions based not on the Department's objectives. As I have said many times, I support the use of technology as a force-multiplier in the effort to secure our borders. However, I also support the effective use of our taxpayers' money. We all want to see this initiative fare better than its failed predecessors, but that will only happen with effective oversight and management of this program.

I commend Mr. ROGERS again and I commend my ranking member, Mr. MEEK, for their support of this legislation. I look forward not only to the passage of this legislation, but I look forward to working with both these gentlemen to make sure that with any other large contracts we provide similar oversight to make sure that the taxpayers' dollars are well spent.

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

I think folks can take from the dialogue here today that this committee, this full committee, and particularly this Management Subcommittee that the gentleman from Florida and I are the ranking member and Chair of, are going to be vigorous in our oversight of these contracts going forward to ensure that we do not have future problems like we saw with ISIS and American Shield.

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

Mr. MEEK of Florida. Mr. Speaker, I would like to yield 5 minutes to the distinguished gentlewoman from the great State of Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentlemen, the ranking member and the chairman of the Management Subcommittee on Homeland Security, that deal with these crucial issues.

I rise to support the Secure Border Initiative Financial Accountability Act and offer that there is an overall vision that this is a very important component of, and I hope that as we move this legislation along we still may have a window of opportunity to ensure that the Secure Border Initiative that Secretary Chertoff speaks of, that this is a major component of, is in place.

And I just want to thank both gentlemen for your leadership and acknowledge that, even with this Financial Accountability Act, we are still missing and need to move forward on: More agents to patrol our borders, secure our ports of entry and enforce immigration laws; expanded detention and removal capabilities to eliminate ''catch and release'' once and for all; a comprehensive and systematic upgrading of the technology used in controlling the border, including increased manned aerial assets, expanded use of UAVs, and next-generation detection technology; increased investment in infrastructure improvements at the border, providing additional physical security to sharply reduce illegal border crossings; and greatly increased interior enforcement of our immigration laws, including more robust work site enforcement; and, of course, an earned access to legalization.

We must not frighten America. Let them know that we are doing the job. But we can do both. We can account for everyone that is inside our borders, and we can work to protect and secure our northern and southern border. This initiative, the Financial Accountability, is crucial because it gives the Inspector General oversight and we, as the Management Subcommittee of the Homeland Security Committee, have seen the fractures in the oversight of spending money. This is an important way to provide the Department of Homeland Security's Inspector General to immediately review any Secure Border Initiative contract valued at $20 million or more.

Let me thank the two gentlemen, Mr. ROGERS and Mr. MEEK, who spent hours and hours reviewing some of the mishaps that have occurred with contracts that have not fulfilled the responsibility of securing America, contracts that have violated our trust. They have not had the right equipment, the technology. It hasn't worked. They haven't had the right staff.

This way, the Inspector General can make findings, including cost overruns, delays in contract execution, lack of rigorous contract management, insufficient Department oversight, and limitations on small business participation, which now will be able to be reported under this particular bill. Within 30 days of receiving the Inspector General's report, the Secretary must submit a corrective action plan to Congress, and as well we must ensure open opportunity.

Let me congratulate the ranking member, Mr. THOMPSON, and I joined him on these amendments that will highlight small businesses, automatically triggers oversight based on the award of contracts once a certain monetary amount has been reached, requires that the Inspector General conduct a review during the pendency of the project and requires that the Inspector General assess the inclusion of small, minority, and women-owned businesses in the SBI subcontracting plans as a factor in its review.

If that is not one of the larger pieces, everywhere we go, as this Department grows larger and larger and larger, Homeland Security spends more and more money, the question is, why can't the homegrown people do the job, the small businesses, the women-owned businesses, the minority-owned businesses? And the answer is a blank. We don't have an answer.

This committee has been in the leadership realm, this subcommittee with Chairman ROGERS and Ranking Member MEEK. You have been in the driver's seat on pushing the Homeland Security Department and our subcommittee in ensuring that the little guys get the work.

We are now suffering in Louisiana and the Gulf Region because the little guys have been ignored, and the jurisdictions down there say we have got the little guys willing to work but the big guys have thrown us out the door and not allowed us to be able to do an efficient, cost-efficient, good job. It has been the layered contracts with multinationals, and it never gets down to small business persons.

So I rise to support this initiative, the Secure Border Initiative Financial Accountability Act, and I want to thank Cherri Branson and Rosaline Cohen for their leadership of staff.

I thank the ranking member for yielding to me, and I ask my colleagues to support it. But our work is yet undone until we finish comprehensive immigration reform.

Mr. Speaker, I rise today in support of H.R. 6162, requiring financial accountability with respect to certain contract actions related to the Secure Border Initiative (SBI) of the Department of Homeland Security .

The Secure Border Initiative, SBI, is a comprehensive multi-year plan to secure America's borders and reduce illegal migration.

Homeland Security Secretary Michael Chertoff has announced an overall vision for the SBI which includes: more agents to patrol our borders, secure our ports of entry and enforce immigration laws; expanded detention and removal capabilities to eliminate ''catch and release'' once and for all; a comprehensive and systemic upgrading of the technology used in controlling the border, including increased manned aerial assets, expanded use of UAVs, and next-generation detection technology; increased investment in infrastructure improvements at the border—providing additional physical security to sharply reduce illegal border crossings; and greatly increased interior enforcement of our immigration laws—including more robust work site enforcement.

Mr. Speaker, an earlier version of this important bill passed the House as part of a border security measure in December 2005. Furthermore, the language of this bill also appears in fiscal year 2007 DHS authorization measure that passed the Committee on Homeland Security in July 2006.

This bill requires the DHS's Inspector General to immediately and automatically review any Secure Border Initiative contract valued at more than $20 million. This review necessarily entails examining the cost requirements, performance objectives, and program timelines set by the Department for the SBI project and requires an assessment of the inclusion of small, minority and women-owned businesses in any subcontracting plans.

The Inspector General's review must be completed within 60 days after its initiation and reported to the Secretary of DHS. Within 30 days of receiving the Inspector General's report, the Secretary of DHS must submit to the Committee on Homeland Security a report on the Inspector General's findings and the corrective action plan the Secretary has taken and plans to take.

This automatic triggering of oversight by the Inspector General for contracts greater than $20 million is critical to minimize the waste, abuse, and fraud, which unfortunately has plagued many of DHS's contracts. In addition, this review will occur during the pendency of the project rather than at its termination to minimize waste and ensure redemptive steps are taken expeditiously. The Inspector General's findings will include cost overruns, delays in contract execution, lack of rigorous Department contract management, insufficient Department financial oversight, limitations on small business participation, and other high risk business practices.

Moreover, this bill requires that the Inspector General assess the inclusion of small, minority and women-owned businesses in the SBI subcontracting plans as a factor in its review. Historically, small, minority and women-owned businesses have been disadvantaged in seeking and winning these types of contracts. There may be inherent disadvantages for these businesses, but it is clear their potential is tremendous. It is critical that DHS ensures that these businesses have the ability to compete fairly for these lucrative opportunities.

I am very proud that my district, Harris County and Houston ranks sixth and Texas ranks fifth in the country for the largest number of African-American owned firms, following New York, California, Florida, and Georgia. Minority and women-owned businesses across the country will appreciate the effort to preserve their opportunity to compete for these contracts. I encourage my colleagues to remember that there are a great many barriers to minority and women business professionals, and provisions such as these preserve equal access and open opportunities.

In the aftermath of Hurricanes Katrina, Rita and Wilma, small, minority and disadvantaged businesses from the region were shut out of disaster-related contracts because goals and preferences were not in place. Since the late 1960s, it has been the policy of the Federal Government to assist small businesses owned by minorities and women to become fully competitive, viable business concerns. As a result, the Small Business Administration has set forth government-wide goals to level the playing field for small and minority businesses seeking Federal Government contracts. Leveling the playing field continues to be a central concern for me and should continue to be a central concern for this Congress.

The oversight required in this bill is integral because SBInet is expected to be a $2.5 billion procurement and the contracts allocated through SBI will be substantial. For example, last week, DHS awarded a contract valued at $80 million to a team led by Boeing under the SBInet program. Furthermore, the predecessors to SBI—ISIS and American Shield—fell far short of expectations. The Department spent over $429 million and protected 4 percent of the border, which is about $100 million for every 1 percent of the border.

Similarly, the Inspector General has found that the Department's failure in these past programs has been due to poor planning, lax program management, inappropriate equipment purchases and spotty implementation.

This bill is the first step in requiring effective oversight. Realistically, effective oversight cannot be the sole province of Inspectors General. It is Congress's constitutional duty to conduct systematic oversight of the programs and activities of the executive branch. Just as the Department cannot contract out its responsibilities, neither can we.

Consequently, I urge my colleagues to support this important bill.

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

Mr. Speaker, I think we have identified the true essence of this bill; and I think also that it is very, very important. I want to take from not only Ms. JACKSON-LEE but also Mr. ROGERS and Ranking Member BENNIE THOMPSON in saying in this area, when we look at management and oversight of one of the fastest-growing Departments and the largest Department in the history of the world, that we have to put these parameters in place because we have the responsibility of article I, section 1 of the U.S. Constitution to make sure that we have the level of oversight that is needed.

I think the record reflects for itself that when oversight is not paramount the taxpayers lose; and I hope, like Mr. THOMPSON said, that we can expand this kind of theme throughout other programs in the Department of Homeland Security.

Now, the people that are happy today are members on this committee and, hopefully, the Members when they vote for this piece of legislation. But the Inspector General is very happy because the Inspector General, especially in the Department of Homeland Security, writes these reports, submits them to Congress, and then there is a foot-dragging process at the Department of Homeland Security.

Within this piece of legislation within 30 days they have to respond as it relates to corrective action. And it would hopefully bring about the kind of accountability not only that we look for on the economic side, Mr. Speaker, but also look for as it relates to protecting our borders. Two programs before this program, well over $400 million, $429 million, was spent. We are going back again with a contract with a different company that would take us to $2.5 billion. We had the Secretary before the full committee just yesterday, or the day before last, and this was the line of my questioning. Because we do not want to be after the fact; we want to be before it.

So, Mr. Speaker, I encourage the Members to vote an affirmative on this very good piece of legislation; and hopefully, just hopefully, Mr. Speaker, we could head further into other contracting matters not only within the Department of Homeland Security but I would also add the Department of Defense and other departments like it so we can do away with waste and having individuals watching over the shoulders of individuals that may not hold the taxpayers' dollars as high as we do as it relates to accountability.

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

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

I would like to sum up by emphasizing that it is critically important for the Members to recognize that we need to put these kinds of accountability measures in place so that we can ensure that as we go forward with the massive expenditures we are going to make to secure our borders that we don't have a repeat of the waste, fraud, and abuse that we have seen in the past.

With that, Mr. Speaker, I urge an ''aye'' vote for H.R. 6162.

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 Alabama (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 6162.

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.

## CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5574) to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Children's Hospital GME Support Reauthorization Act of 2006''.*

***SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.***

*(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—*

*(1) in subsection (a), by inserting ''and each of fiscal years 2007 through 2011'' after ''for each of fiscal years 2000 through 2005'';*

*(2) in subsection (e)(1), by striking ''26'' and inserting ''12'';*

*(3) in subsection (f)(1)(A)—*

*(A) in clause (ii), by striking ''and'' at the end;*

*(B) in clause (iii), by striking the period at the end and inserting ''; and''; and*

*(C) by adding at the end the following:*

*''(iv) for each of fiscal years 2007 through 2011, $110,000,000.''; and*

*(4) in subsection (f)(2)—*

*(A) in the matter before subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(B)'';*

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

*(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and*

*(D) by adding at the end the following:*

*''(D) for each of fiscal years 2007 through 2011, $220,000,000.''.*

*(b) REDUCTION IN PAYMENTS FOR FAILURE TO FILE ANNUAL REPORT.—Subsection (b) of section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—*

*(1) in paragraph (1), in the matter before subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and*

*(2) by adding at the end the following:*

*''(3) ANNUAL REPORTING REQUIRED.—*

*''(A) REDUCTION IN PAYMENT FOR FAILURE TO REPORT.—*

*''(i) IN GENERAL.—The amount payable under this section to a children's hospital for a fiscal year (beginning with fiscal year 2008 and after taking into account paragraph (2)) shall be reduced by 25 percent if the Secretary determines that—*

*''(I) the hospital has failed to provide the Secretary, as an addendum to the hospital's application under this section for such fiscal year, the report required under subparagraph (B) for the previous fiscal year; or*

*''(II) such report fails to provide the information required under any clause of such subparagraph.*

*''(ii) NOTICE AND OPPORTUNITY TO PROVIDE MISSING INFORMATION.—Before imposing a reduction under clause (i) on the basis of a hospital's failure to provide information described in clause (i)(II), the Secretary shall provide notice to the hospital of such failure and the Secretary's intention to impose such reduction and shall provide the hospital with the opportunity to provide the required information within a period of 30 days beginning on the date of such notice. If the hospital provides such information within such period, no reduction shall be made under clause (i) on the basis of the previous failure to provide such information.*

*''(B) ANNUAL REPORT.—The report required under this subparagraph for a children's hospital for a fiscal year is a report that includes (in a form and manner specified by the Secretary) the following information for the residency academic year completed immediately prior to such fiscal year:*

*''(i) The types of resident training programs that the hospital provided for residents described in subparagraph (C), such as general pediatrics, internal medicine/pediatrics, and pediatric subspecialties, including both medical subspecialties certified by the American Board of Pediatrics (such as pediatric gastroenterology) and non-medical subspecialties approved by other medical certification boards (such as pediatric surgery).*

*''(ii) The number of training positions for residents described in subparagraph (C), the number of such positions recruited to fill, and the number of such positions filled.*

*''(iii) The types of training that the hospital provided for residents described in subparagraph (C) related to the health care needs of different populations, such as children who are underserved for reasons of family income or geographic location, including rural and urban areas.*

*''(iv) The changes in residency training for residents described in subparagraph (C) which the hospital has made during such residency academic year (except that the first report submitted by the hospital under this subparagraph shall be for such changes since the first year in which the hospital received payment under this section), including—*

*''(I) changes in curricula, training experiences, and types of training programs, and benefits that have resulted from such changes; and*

*''(II) changes for purposes of training the residents in the measurement and improvement of the quality and safety of patient care.*

*''(v) The numbers of residents described in subparagraph (C) who completed their residency training at the end of such residency academic year and care for children within the borders of the service area of the hospital or within the borders of the State in which the hospital is located. Such numbers shall be disaggregated with respect to residents who completed residencies in general pediatrics or internal medicine/pediatrics, subspecialty residencies, and dental residencies.*

*''(C) RESIDENTS.—The residents described in this subparagraph are those who—*

*''(i) are in full-time equivalent resident training positions in any training program sponsored by the hospital; or*

*''(ii) are in a training program sponsored by an entity other than the hospital, but who spend more than 75 percent of their training time at the hospital.*

*''(D) REPORT TO CONGRESS.—Not later than the end of fiscal year 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit a report to the Congress—*

*''(i) summarizing the information submitted in reports to the Secretary under subparagraph (B);*

*''(ii) describing the results of the program carried out under this section; and*

*''(iii) making recommendations for improvements to the program.''.*

*(c) TECHNICAL AMENDMENTS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is further amended—*

*(1) in subsection (c)(2)(E)(ii), by striking ''described in subparagraph (C)(ii)'' and inserting ''applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year'';*

*(2) in subsection (e)(2), by striking the first sentence; and*

*(3) in subsection (e)(3), by striking ''made to pay'' and inserting ''made and pay''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Today, I rise in support of H.R. 5574, the Children's Hospital Graduate Medical Education Support Reauthorization Act of 2006, which is legislation to reauthorize the Children's Hospital Graduate Medical Education Payment Program for another 5 years.

Without question, Children's Hospitals are an integral part of this country's health care delivery system. They improve health outcomes by providing a unique set of specialized health care services and treatment options for children. The Children's Hospital Graduate Medical Education Payment Program is designed to provide financial assistance to children's teaching hospitals, which do not receive significant Federal support for their resident and intern training programs through Medicare because of their low Medicare patient volume.

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By reauthorizing this important but relatively young program, we are able to help ensure that the mission of these teaching hospitals is continued.

Mr. Speaker, I am proud to say that this legislation makes improvements to the program by strongly encouraging the participating hospitals to report important new data measures to the Department of Health and Human Services.

As my colleagues are aware, we originally considered this bill under suspension of the rules on June 21, and the legislation passed by a strong bipartisan vote of 421–4. We are here today to reconsider this legislation because the Senate passed this bill with an amendment by unanimous consent on Tuesday.

This legislation will keep the important reporting requirement reforms embodied in the House bill. I encourage my colleagues to support this bill today so that we can send this important legislation to the President for his signature.

I would like to thank the chairman of the Senate Health, Education, Labor and Pensions Committee, Senator ENZI of Wyoming, for his leadership and hard work in moving this bill through the Senate. I would like to thank the 20 members of the Energy and Commerce Committee who joined me as original cosponsors of the bill.

Mr. Speaker, I would also like to specifically commend Chairman DEBORAH PRYCE of Ohio and Chairman NANCY JOHNSON of Connecticut for their strong and continued leadership on this important issue.

I encourage my colleagues to support the legislation.

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

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

I also rise in support of H.R. 5574, the Children's Hospital GME Support Reauthorization Act of 2006. I do want to thank the ranking member of our health subcommittee, Mr. SHERROD BROWN, for his support on our side of the aisle. He was the person who really took the lead on this legislation.

The legislation, as you know, reauthorizes the Children's Hospital Graduate Medical Education program until 2011 to fund residency programs in Children's Hospitals. This program is designed to help Children's teaching hospitals that do not receive significant Federal support for their resident and intern training programs through the Medicare program because of their low volume of Medicare patients.

Full-service teaching hospitals receive funds for graduate medical education through Medicare payments, but prior to the enactment of this program, independent Children's teaching hospitals did not have a similar program to fund their resident training programs for physicians.

Thankfully, Congress recognized this inequity and the financial disadvantage it placed on Children's Hospital. Now, Mr. Speaker, money from this program helps to support the broad teaching goals of Children's teaching hospitals, including training health care professionals, providing rare and specialized clinical services, and innovative clinical care, providing care to the poor and underserved, and conducting biomedical research.

Teaching hospitals have higher costs than other hospitals because of the special services they provide. This legislation seeks to alleviate that burden. On June 21, 2005, the House overwhelmingly passed legislation authorizing $100 million a year for fiscal years 2007 through 2011, to offset direct medical education costs of graduate medical education in Children's Hospitals.

The Senate amended this legislation and increased that authorization for direct costs to $110 million a year for fiscal years 2007 through 2011.

The Senate also increased the funds authorized for the indirect medical education costs of graduate medical by $20 million, providing $220 million for fiscal years 2007 through 2011.

These commendable changes will provide needed funds to the Children's Hospital Graduate Medical Education program. Again, I want to thank the chairman who is here on the floor, our Republican chairman, Mr. DEAL, because this did end up being a bipartisan effort. I know you played a major role in making it a consensus bill. I urge all of my colleagues to support the legislation.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a long-time supporter of this program.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Georgia for yielding me time.

I rise in enthusiastic support of H.R. 5574, legislation that reauthorizes the Children's Hospital Graduate Medical Education program.

It is a little recognized fact that we support medical education through Medicare payments. And since there are not a lot of Medicare patients in Children's Hospitals, we found that we were providing inadequate support for the training of pediatricians, and especially as pediatrics became a specialty with the same spectrum of subspecialties as are common in the rest of medicine.

So in 1998 Congresswoman PRYCE from Ohio and I authored this program, and I really appreciate the good work of Chairman NATHAN DEAL from Georgia in bringing it to the floor with bipartisan support to reauthorize it for another 5 years.

When we first started this program, Federal GME support for Children's Hospitals was at .5 percent of what Medicare was providing for other teaching hospitals. Thanks to the legislation and the support over the years that Congress has given it, today Federal GME supports 80 percent of the cost of residencies in Children's Hospitals.

That is a wonderful thing, because as a result of that, Children's Hospitals have been able to increase the number of residents they train, including both general pediatricians and pediatric specialists, increase the number of training programs, improve the quality of the training programs, and strengthen the caliber of the residents they train.

The program works. It is improving the care available to our children across the country. The Children's GME Hospitals accounted for more than 80 percent of the growth in pediatric subspecialty training programs in the country, and more than 65 percent of the growth in the number of pediatric subspecialists trained. That has been critical at the time when many regions of the country, including major metropolitan areas, have experienced shortages of pediatric subspecialists: pediatric cardiologists, pediatric oncologists, and so it goes.

In Connecticut, the pediatric residency program at the University of Connecticut School of Medicine is currently training 57 residents at Connecticut's Children's Medical Center. These residents provide care to children in all hospital settings, including primary care, emergency care, inpatient care, critical care and subspecialty clinics.

Mr. Speaker, I want to thank my colleagues for authorizing this program for the full 5 years and recognize my colleague from Ohio, Congresswoman PRYCE, for her leadership in this work over the last 7 years. It has been a huge success for children across America, and we salute those hospitals that specialize in the complex care of children with very serious illnesses as we pass this legislation today.

Mr. PALLONE. Mr. Speaker, I have no additional speakers and yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I have no other requests for time.

In closing, I would like to express my appreciation to Mr. PALLONE, who was an original cosponsor of this legislation. And it is true that we have made a bipartisan effort. I think that is the way we should do more things around here. I appreciate the cooperative spirit with which this bill has now moved through both bodies.

Ms. PRYCE of Ohio. Mr. Speaker, I rise today in support of H.R. 5574, legislation that will reauthorize and strengthen the children's hospital graduate medical education program.

I want to thank Chairman BARTON and Chairman DEAL for their commitment to prioritizing this important measure this year—it's been a great team effort and I appreciate the Committee's support for children's health.

I also want to extend a special thanks to Congresswoman NANCY JOHNSON of Connecticut. We've been strong partners over the years on children's health issues—enactment of Children's Hospital GME back in 1999 is one of my proudest moments working together.

We've had great success increasing the Federal investment in this program ever since—from Members on both sides of the aisle.

The Ohio delegation has helped lead the charge—in no small part thanks to the efforts of our esteemed Chairman of the Labor HHS Appropriations Subcommittee, RALPH REGULA.

I am extremely fortunate to have an extraordinary children's hospital in my hometown of Columbus, OH. Strong leadership, a clear vision, and a compassionate team of medical professionals has made Columbus Children's one of the best hospitals in the nation caring for sick children.

The CHGME program has helped the hospital—and hospitals all across America—do what they do best—provide the best training to doctors to deliver the best patient care possible. And we can all agree that our children deserve nothing short of the very best.

A vote in favor of H.R. 5574 will send it to the President's desk and reauthorize this important program for another 5 years. I urge my colleagues to support this measure.

Mr. DEAL of Georgia. 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 Georgia (Mr. DEAL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5574.

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

A motion to reconsider was laid on the table.

## RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6143) 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, as amended.

The Clerk read as follows:

H.R. 6143

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Ryan White HIV/AIDS Treatment Modernization Act of 2006''.

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

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

Sec. 101. Establishment of program; general eligibility for grants.
Sec. 102. Type and distribution of grants; formula grants.
Sec. 103. Type and distribution of grants; supplemental grants.
Sec. 104. Timeframe for obligation and expenditure of grant funds.
Sec. 105. Use of amounts.
Sec. 106. Additional amendments to part A.
Sec. 107. New program in part A; transitional grants for certain areas ineligible under section 2601.
Sec. 108. Authorization of appropriations for part A.

TITLE II—CARE GRANTS

Sec. 201. General use of grants.
Sec. 202. AIDS Drug Assistance Program.
Sec. 203. Distribution of funds.
Sec. 204. Additional amendments to subpart I of part B.
Sec. 205. Supplemental grants on basis of demonstrated need.
Sec. 206. Emerging communities.
Sec. 207. Timeframe for obligation and expenditure of grant funds.
Sec. 208. Authorization of appropriations for subpart I of part B.
Sec. 209. Early diagnosis grant program.
Sec. 210. Certain partner notification programs; authorization of appropriations.

TITLE III—EARLY INTERVENTION SERVICES

Sec. 301. Establishment of program; core medical services.
Sec. 302. Eligible entities; preferences; planning and development grants.
Sec. 303. Authorization of appropriations.
Sec. 304. Confidentiality and informed consent.
Sec. 305. Provision of certain counseling services.
Sec. 306. General provisions.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

Sec. 401. Women, infants, children, and youth.
Sec. 402. GAO Report.

TITLE V—GENERAL PROVISIONS

Sec. 501. General provisions.

TITLE VI—DEMONSTRATION AND TRAINING

Sec. 601. Demonstration and training.
Sec. 602. AIDS education and training centers.
Sec. 603. Codification of minority AIDS initiative.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Hepatitis; use of funds.
Sec. 702. Certain references.

## TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

**SEC. 101. ESTABLISHMENT OF PROGRAM; GENERAL ELIGIBILITY FOR GRANTS.**

(a) IN GENERAL.—Section 2601 of the Public Health Service Act (42 U.S.C. 300ff–11) is amended by striking subsections (b) through (d) and inserting the following:

''(b) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that is an eligible area for a fiscal year continues to be an eligible area until the metropolitan area fails, for three consecutive fiscal years—

''(1) to meet the requirements of subsection (a); and

''(2) to have a cumulative total of 3,000 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(c) BOUNDARIES.—For purposes of determining eligibility under this part—

''(1) with respect to a metropolitan area that received funding under this part in fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that were in effect for such area for fiscal year 1994; or

''(2) with respect to a metropolitan area that becomes eligible to receive funding under this part in any fiscal year after fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that are in effect for such area when such area initially receives funding under this part.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff-11(a)) is amended—

(1) by striking ''through (d)'' and inserting ''through (c)''; and

(2) by inserting ''and confirmed by'' after ''reported to''.

(c) DEFINITION OF METROPOLITAN AREA.—Section 2607(2) of the Public Health Service Act (42 U.S.C. 300ff-17(2)) is amended—

(1) by striking ''area referred'' and inserting ''area that is referred''; and

(2) by inserting before the period the following: '', and that has a population of 50,000 or more individuals''.

**SEC. 102. TYPE AND DISTRIBUTION OF GRANTS; FORMULA GRANTS.**

(a) DISTRIBUTION PERCENTAGES.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(2)) is amended—

(1) in the first sentence—

(A) by striking ''50 percent of the amount appropriated under section 2677'' and inserting ''66⅔ percent of the amount made available under section 2610(b) for carrying out this subpart''; and

(B) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(2) by striking the last sentence.

(b) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(1) in subparagraph (B), by striking ''estimated living cases of acquired immune deficiency syndrome'' and inserting ''living cases of HIV/AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention)''; and

(2) by striking subparagraphs (C) through (E) and inserting the following:

''(C) LIVING CASES OF HIV/AIDS.—

''(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for an eligible area for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

''(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2010, an eligible area is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living names-based non-AIDS cases of HIV be reported unless—

''(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State in which the area is located, subject to clause (viii); or

''(II) no later than the beginning of fiscal year 2008, 2009, or 2010, the Secretary, in consultation with the chief executive of the State in which the area is located, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

''(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for an eligible area applies only if, by October 1, 2006—

''(I)(aa) the State in which the area is located had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

''(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

''(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

''(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for an eligible area applies only if, as of April 1, 2008, the State in which the area is located is substantially in compliance with the agreement under clause (iii)(II).

''(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009 or 2010, the Secretary may terminate an exemption under clause (ii) for an eligible area if the State in which the area is located submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

''(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

''(I) IN GENERAL.—With respect to an eligible area that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the eligible area in order to adjust for duplicative reporting in and among systems that use code-based reporting.

''(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for an eligible area shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the area.

''(vii) MULTIPLE POLITICAL JURISDICTIONS.—With respect to living non-AIDS cases of HIV, if an eligible area is not entirely within one political jurisdiction and as a result is subject to more than one reporting system for purposes of this subparagraph:

''(I) Names-based reporting under clause (i) applies in a jurisdictional portion of the area, or an exemption under clause (ii) applies in such portion (subject to applicable provisions of this subparagraph), according to whether names-based reporting or code-based reporting is used in such portion.

''(II) If under subclause (I) both names-based reporting and code-based reporting apply in the area, the number of code-based cases shall be reduced under clause (vi).

''(viii) LIST OF ELIGIBLE AREAS MEETING STANDARD REGARDING DECEMBER 31, 2005.—

''(I) IN GENERAL.—If an eligible area or portion thereof is in a State specified in subclause (II), the eligible area or portion shall

be considered to meet the standard described in clause (ii)(I). No other eligible area or portion thereof may be considered to meet such standard.

''(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

''(ix) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

''(I) CASES OF AIDS.—With respect to an eligible area that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

''(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (viii) may not be construed as having any legal effect for fiscal year 2011 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2010.

''(x) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.''.

(c) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)), as amended by subsection (b)(2) of this section, is amended by adding at the end the following subparagraph:

''(D) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT .—

''(i) IN GENERAL.—For each of the fiscal years 2007 through 2010, if code-based reporting (within the meaning of subparagraph (C)(vi)) applies in an eligible area or any portion thereof as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to this paragraph for such area for such fiscal year may not—

''(I) for fiscal year 2007, exceed by more than 5 percent the amount of the grant for the area that would have been made pursuant to this paragraph and paragraph (4) for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'; and

''(II) for each of the fiscal years 2008 and 2009, exceed by more than 5 percent the amount of the grant pursuant to this paragraph and paragraph (4) for the area for the preceding fiscal year.

''(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2010, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the fiscal year involved, subject to paragraph (4) and section 2610(d)(2).''.

(d) HOLD HARMLESS.—Section 2603(a) of the Public Health Service Act (42 U.S.C. 300ff-13(a)) is amended—

(1) in paragraph (3)(A)—

(A) in clause (ii), by striking the period at the end and inserting a semicolon; and

(B) by inserting after and below clause (ii) the following:

''which product shall then, as applicable, be increased under paragraph (4).''.

(2) by amending paragraph (4) to read as follows:

''(4) INCREASES IN GRANT.—

''(A) IN GENERAL.—For each eligible area that received a grant pursuant to this subsection for fiscal year 2006, the Secretary shall, for each of the fiscal years 2007 through 2009, increase the amount of the grant made pursuant to paragraph (3) for the area to ensure that the amount of the grant for the fiscal year involved is not less than the following amount, as applicable to such fiscal year:

''(i) For fiscal year 2007, an amount equal to 95 percent of the amount of the grant that would have been made pursuant to paragraph (3) and this paragraph for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'.

''(ii) For each of the fiscal years 2008 and 2009, an amount equal to 95 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for the preceding fiscal year.

''(B) SOURCE OF FUNDS FOR INCREASE.—

''(i) IN GENERAL.—From the amounts available for carrying out the single program referred to in section 2609(d)(2)(C) for a fiscal year (relating to supplemental grants), the Secretary shall make available such amounts as may be necessary to comply with subparagraph (A), subject to section 2610(d)(2).

''(ii) PRO RATA REDUCTION.—If the amounts referred to in clause (i) for a fiscal year are insufficient to fully comply with subparagraph (A) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to this subsection for the fiscal year, other than grants for eligible areas for which increases under subparagraph (A) apply. A reduction under the preceding sentence may not be made in an amount that would result in the eligible area involved becoming eligible for such an increase.

''(C) LIMITATION.—This paragraph may not be construed as having any applicability after fiscal year 2009.''.

**SEC. 103. TYPE AND DISTRIBUTION OF GRANTS; SUPPLEMENTAL GRANTS.**

Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Not later than'' and all that follows through ''the Secretary shall'' and inserting the following: ''Subject to subsection (a)(4)(B)(i) and section 2610(d), the Secretary shall'';

(B) in subparagraph (B), by striking ''demonstrates the severe need in such area'' and inserting ''demonstrates the need in such area, on an objective and quantified basis,'';

(C) by striking subparagraph (F) and inserting the following:

''(F) demonstrates the inclusiveness of affected communities and individuals with HIV/AIDS;'';

(D) in subparagraph (G), by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(H) demonstrates the ability of the applicant to expend funds efficiently by not having had, for the most recent grant year under subsection (a) for which data is available, more than 2 percent of grant funds under such subsection canceled or covered by any waivers under subsection (c)(3).''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''severe need'' and inserting ''demonstrated need'';

(B) by striking subparagraph (B) and inserting the following:

''(B) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of paragraph (1)(B) may include any or all of the following:

''(i) The unmet need for such services, as determined under section 2602(b)(4) or other community input process as defined under section 2609(d)(1)(A).

''(ii) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

''(iii) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

''(iv) The current prevalence of HIV/AIDS.

''(v) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

''(vi) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

''(vii) The prevalence of homelessness.

''(viii) The prevalence of individuals described under section 2602(b)(2)(M).

''(ix) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

''(x) The impact of a decline in the amount received pursuant to subsection (a) on services available to all individuals with HIV/AIDS identified and eligible under this title.''; and

(C) by striking subparagraphs (C) and (D) and inserting the following:

''(C) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this subsection to an eligible area to address the decline in services related to the decline in the amounts received pursuant to subsection (a) consistent with the grant award for the eligible area for fiscal year 2006, to the extent that the factor under subparagraph (B)(x) (relating to a decline in funding) applies to the eligible area.''.

**SEC. 104. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.**

Section 2603 of the Public Health Service Act (42 U.S.C. 300ff–13) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

''(1) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made pursuant to subsection (a) or (b) for a fiscal year are available for obligation by the eligible area involved through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the area (referred to in this subsection as the 'grant year for the award'), except as provided in paragraph (3)(A).

''(2) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (b) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award—

''(A) the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area; and

''(B) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after

the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under subparagraph (A) to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

''(3) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

''(A) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (a) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area, unless—

''(i) before the end of the grant year, the chief elected official of the area submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the area intends to expend the funds involved; and

''(ii) the Secretary approves the waiver.

''(B) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under subparagraph (A) that is approved for a balance that is unobligated as of the end of a grant year for an award:

''(i) The unobligated funds are available for expenditure by the eligible area involved for the one-year period beginning upon the expiration of the grant year (referred to in this subsection as the 'carryover year').

''(ii) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area.

''(C) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under subparagraph (A) or (B)(ii), the grant funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such subparagraph to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

''(D) CORRESPONDING REDUCTION IN FUTURE GRANT.—

''(i) IN GENERAL.—In the case of an eligible area for which a balance from a grant award under subsection (a) is unobligated as of the end of the grant year for the award—

''(I) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such subsection for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under subparagraph (A) has been approved with respect to such balance); and

''(II) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants pursuant to subsection (b) for such first fiscal year, subject to subsection (a)(4) and section 2610(d)(2);

except that this clause does not apply to the eligible area if the amount of the unobligated balance was 2 percent or less.

''(ii) RELATION TO INCREASES IN GRANT.—A reduction under clause (i) for an eligible area for a fiscal year may not be taken into account in applying subsection (a)(4) with respect to the area for the subsequent fiscal year.''.

**SEC. 105. USE OF AMOUNTS.**

Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended to read as follows:

**''SEC. 2604. USE OF AMOUNTS.**

''(a) REQUIREMENTS.—The Secretary may not make a grant under section 2601(a) to the chief elected official of an eligible area unless such political subdivision agrees that—

''(1) subject to paragraph (2), the allocation of funds and services within the eligible area will be made in accordance with the priorities established, pursuant to section 2602(b)(4)(C), by the HIV health services planning council that serves such eligible area;

''(2) funds provided under section 2601 will be expended only for—

''(A) core medical services described in subsection (c);

''(B) support services described in subsection (d); and

''(C) administrative expenses described in subsection (h); and

''(3) the use of such funds will comply with the requirements of this section.

''(b) DIRECT FINANCIAL ASSISTANCE TO APPROPRIATE ENTITIES.—

''(1) IN GENERAL.—The chief elected official of an eligible area shall use amounts from a grant under section 2601 to provide direct financial assistance to entities described in paragraph (2) for the purpose of providing core medical services and support services.

''(2) APPROPRIATE ENTITIES.—Direct financial assistance may be provided under paragraph (1) to public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area.

''(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under section 2601 for an eligible area for a grant year, the chief elected official of the area shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (1) and (5)(B)(i) of subsection (h), use not less than 75 percent to provide core medical services that are needed in the eligible area for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a chief elected official for a grant year if the Secretary determines that, within the eligible area involved—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing the chief elected official of an eligible area that a grant under section 2601 is being made for the area for a grant year, the Secretary shall inform the official whether a waiver under subparagraph (A) is in effect for such year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual), means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (e).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(d) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(e) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(f) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

''(2) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible

area a waiver of the requirement of paragraph (1) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

''(g) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

''(1) PROVISION OF SERVICE.—Subject to paragraph (2), the Secretary may not make a grant under section 2601(a) for the provision of services under this section in a State unless, in the case of any such service that is available pursuant to the State plan approved under title XIX of the Social Security Act for the State—

''(A) the political subdivision involved will provide the service directly, and the political subdivision has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

''(B) the political subdivision will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

''(2) WAIVER.—

''(A) IN GENERAL.—In the case of an entity making an agreement pursuant to paragraph (1)(B) regarding the provision of services, the requirement established in such paragraph shall be waived by the HIV health services planning council for the eligible area if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

''(B) DETERMINATION.—A determination by the HIV health services planning council of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the entity accepts voluntary donations for the purpose of providing services to the public.

''(h) ADMINISTRATION.—

''(1) LIMITATION.—The chief elected official of an eligible area shall not use in excess of 10 percent of amounts received under a grant under this part for administrative expenses.

''(2) ALLOCATIONS BY CHIEF ELECTED OFFICIAL.—In the case of entities and subcontractors to which the chief elected official of an eligible area allocates amounts received by the official under a grant under this part, the official shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

''(3) ADMINISTRATIVE ACTIVITIES.—For purposes of paragraph (1), amounts may be used for administrative activities that include—

''(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the development of a clinical quality management program as described in paragraph (5), the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

''(B) all activities associated with the grantee's contract award procedures, including the activities carried out by the HIV health services planning council as established under section 2602(b), the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

''(4) SUBCONTRACTOR ADMINISTRATIVE ACTIVITIES.—For the purposes of this subsection, subcontractor administrative activities include—

''(A) usual and recognized overhead activities, including established indirect rates for agencies;

''(B) management oversight of specific programs funded under this title; and

''(C) other types of program support such as quality assurance, quality control, and related activities.

''(5) CLINICAL QUALITY MANAGEMENT.—

''(A) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—From amounts received under a grant awarded under this subpart for a fiscal year, the chief elected official of an eligible area may use for activities associated with the clinical quality management program required in subparagraph (A) not to exceed the lesser of—

''(I) 5 percent of amounts received under the grant; or

''(II) $3,000,000.

''(ii) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under subparagraph (A) may not be considered administrative expenses for purposes of the limitation established in paragraph (1).

''(i) CONSTRUCTION.—A chief elected official may not use amounts received under a grant awarded under this part to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.''.

**SEC. 106. ADDITIONAL AMENDMENTS TO PART A.**

(a) REPORTING OF CASES.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff–11(a)) is amended by striking ''for the most recent period'' and inserting ''during the most recent period''.

(b) PLANNING COUNCIL REPRESENTATION.—Section 2602(b)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(2)(G)) is amended by inserting '', members of a Federally recognized Indian tribe as represented in the population, individuals co-infected with hepatitis B or C'' after ''disease''.

(c) APPLICATION FOR GRANT.—

(1) PAYER OF LAST RESORT.—Section 2605(a)(6)(A) of the Public Health Service Act (42 U.S.C. 300ff–15(a)(6)(A)) is amended by inserting ''(except for a program administered by or providing the services of the Indian Health Service)'' before the semicolon.

(2) AUDITS.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff-15(a)) is amended—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) that the chief elected official will submit to the lead State agency under section 2617(b)(4), audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this part every 2 years and shall include necessary client-based data to compile unmet need calculations and Statewide coordinated statements of need process.''.

(3) COORDINATION.—Section 2605(b) of the Public Health Service Act (42 U.S.C. 300ff–15(b)) is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) the manner in which the expected expenditures are related to the planning process for States that receive funding under part B (including the planning process described in section 2617(b)); and

''(6) the expected expenditures and how those expenditures will improve overall client outcomes, as described under the State plan under section 2617(b), and through additional outcomes measures as identified by the HIV health services planning council under section 2602(b).''.

**SEC. 107. NEW PROGRAM IN PART A; TRANSITIONAL GRANTS FOR CERTAIN AREAS INELIGIBLE UNDER SECTION 2601.**

(a) IN GENERAL.—Part A of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11) is amended—

(1) by inserting after the part heading the following:

**''Subpart I—General Grant Provisions''**; and

(2) by adding at the end the following:

**''Subpart II—Transitional Grants**

**''SEC. 2609. ESTABLISHMENT OF PROGRAM.**

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants for the purpose of providing services described in section 2604 in transitional areas, subject to the same provisions regarding the allocation of grant funds as apply under subsection (c) of such section.

''(b) TRANSITIONAL AREAS.—For purposes of this section, the term 'transitional area' means, subject to subsection (c), a metropolitan area for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 1,000, but fewer than 2,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

''(c) CERTAIN ELIGIBILITY RULES.—

''(1) FISCAL YEAR 2007.—With respect to grants under subsection (a) for fiscal year 2007, a metropolitan area that received funding under subpart I for fiscal year 2006 but does not for fiscal year 2007 qualify under such subpart as an eligible area and does not qualify under subsection (b) as a transitional area shall, notwithstanding subsection (b), be considered a transitional area.

''(2) CONTINUED STATUS AS TRANSITIONAL AREA.—

''(A) IN GENERAL.—Notwithstanding subsection (b), a metropolitan area that is a transitional area for a fiscal year continues, except as provided in subparagraph (B), to be a transitional area until the metropolitan area fails, for three consecutive fiscal years—

''(i) to qualify under such subsection as a transitional area; and

''(ii) to have a cumulative total of 1,500 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(B) EXCEPTION REGARDING STATUS AS ELIGIBLE AREA.—Subparagraph (A) does not

apply for a fiscal year if the metropolitan area involved qualifies under subpart I as an eligible area.

''(d) APPLICATION OF CERTAIN PROVISIONS OF SUBPART I.—

''(1) ADMINISTRATION; PLANNING COUNCIL.—

''(A) IN GENERAL.—The provisions of section 2602 apply with respect to a grant under subsection (a) for a transitional area to the same extent and in the same manner as such provisions apply with respect to a grant under subpart I for an eligible area, except that, subject to subparagraph (B), the chief elected official of the transitional area may elect not to comply with the provisions of section 2602(b) if the official provides documentation to the Secretary that details the process used to obtain community input (particularly from those with HIV) in the transitional area for formulating the overall plan for priority setting and allocating funds from the grant under subsection (a).

''(B) EXCEPTION.—For each of the fiscal years 2007 through 2009, the exception described in subparagraph (A) does not apply if the transitional area involved received funding under subpart I for fiscal year 2006.

''(2) TYPE AND DISTRIBUTION OF GRANTS; TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

''(A) FORMULA GRANTS; SUPPLEMENTAL GRANTS.—The provisions of section 2603 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I, subject to subparagraphs (B) and (C).

''(B) FORMULA GRANTS; INCREASE IN GRANT.—For purposes of subparagraph (A), section 2603(a)(4) does not apply.

''(C) SUPPLEMENTAL GRANTS; SINGLE PROGRAM WITH SUBPART I PROGRAM.—With respect to section 2603(b) as applied for purposes of subparagraph (A):

''(i) The Secretary shall combine amounts available pursuant to such subparagraph with amounts available for carrying out section 2603(b) and shall administer the two programs as a single program.

''(ii) In the single program, the Secretary has discretion in allocating amounts between eligible areas under subpart I and transitional areas under this section, subject to the eligibility criteria that apply under such section, and subject to section 2603(b)(2)(C) (relating to priority in making grants).

''(iii) Pursuant to section 2603(b)(1), amounts for the single program are subject to use under sections 2603(a)(4) and 2610(d)(1).

''(3) APPLICATION; TECHNICAL ASSISTANCE; DEFINITIONS.—The provisions of sections 2605, 2606, and 2607 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I.''.

(b) CONFORMING AMENDMENTS.—Subpart I of part A of title XXVI of the Public Health Service Act, as designated by subsection (a)(1) of this section, is amended by striking ''this part'' each place such term appears and inserting ''this subpart''.

**SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR PART A.**

Part A of title XXVI of the Public Health Service Act, as amended by section 106(a), is amended by adding at the end the following:

**''Subpart III—General Provisions**

**''SEC. 2610. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $604,000,000 for fiscal year 2007, $626,300,000 for fiscal year 2008, $649,500,000 for fiscal year 2009, $673,600,000 for fiscal year 2010, and $698,500,000 for fiscal year 2011. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

''(b) RESERVATION OF AMOUNTS.—

''(1) FISCAL YEAR 2007.—Of the amount appropriated under subsection (a) for fiscal year 2007, the Secretary shall reserve—

''(A) $458,310,000 for grants under subpart I; and

''(B) $145,690,000 for grants under section 2609.

''(2) SUBSEQUENT FISCAL YEARS.—Of the amount appropriated under subsection (a) for fiscal year 2008 and each subsequent fiscal year—

''(A) the Secretary shall reserve an amount for grants under subpart I; and

''(B) the Secretary shall reserve an amount for grants under section 2609.

''(c) TRANSFER OF CERTAIN AMOUNTS; CHANGE IN STATUS AS ELIGIBLE AREA OR TRANSITIONAL AREA.—Notwithstanding subsection (b):

''(1) If a metropolitan area is an eligible area under subpart I for a fiscal year, but for a subsequent fiscal year ceases to be an eligible area by reason of section 2601(b)—

''(A)(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for the first such subsequent year of not being an eligible area is deemed to be reduced by an amount equal to the amount of the grant made pursuant to section 2603(a) for the metropolitan area for the preceding fiscal year; and

''(ii)(I) if the metropolitan area qualifies for such first subsequent fiscal year as a transitional area under 2609, the amount reserved under paragraph (1)(B) or (2)(B) of subsection (b) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year; or

''(II) if the metropolitan area does not qualify for such first subsequent fiscal year as a transitional area under 2609, an amount equal to the amount of such reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623; and

''(B) if a transfer under subparagraph (A)(ii)(II) is made with respect to the metropolitan area for such first subsequent fiscal year, then—

''(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for such year is deemed to be reduced by an additional $500,000; and

''(ii) an amount equal to the amount of such additional reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

''(2) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year ceases to be a transitional area by reason of section 2609(c)(2) (and does not qualify for such subsequent fiscal year as an eligible area under subpart I)—

''(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of not being a transitional area is deemed to be reduced by an amount equal to the total of—

''(i) the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

''(ii) $500,000; and

''(B) an amount equal to the amount of the reduction under subparagraph (A) for such year is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

''(3) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year qualifies as an eligible area under subpart I—

''(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of becoming an eligible area is deemed to be reduced by an amount equal to the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

''(B) the amount reserved under subsection (b)(2)(A) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year.

''(d) CERTAIN TRANSFERS; ALLOCATIONS BETWEEN PROGRAMS UNDER SUBPART I.—With respect to paragraphs (1)(B)(i) and (2)(A)(ii) of subsection (c), the Secretary shall administer any reductions under such paragraphs for a fiscal year in accordance with the following:

''(1) The reductions shall be made from amounts available for the single program referred to in section 2609(d)(2)(C) (relating to supplemental grants).

''(2) The reductions shall be made before the amounts referred to in paragraph (1) are used for purposes of section 2603(a)(4).

''(3) If the amounts referred to in paragraph (1) are not sufficient for making all the reductions, the reductions shall be reduced until the total amount of the reductions equals the total of the amounts referred to in such paragraph.

''(e) RULES OF CONSTRUCTION REGARDING FIRST SUBSEQUENT FISCAL YEAR.—Paragraphs (1) and (2) of subsection (c) apply with respect to each series of fiscal years during which a metropolitan area is an eligible area under subpart I or a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year ceases to be such an area by reason of section 2601(b) or 2609(c)(2), respectively, rather than applying to a single such series. Paragraph (3) of subsection (c) applies with respect to each series of fiscal years during which a metropolitan area is a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year becomes an eligible area under subpart I, rather than applying to a single such series.''.

## TITLE II—CARE GRANTS

**SEC. 201. GENERAL USE OF GRANTS.**

(a) IN GENERAL.—Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended to read as follows:

**''SEC. 2612. GENERAL USE OF GRANTS.**

''(a) IN GENERAL.—A State may use amounts provided under grants made under section 2611 for—

''(1) core medical services described in subsection (b);

''(2) support services described in subsection (c); and

''(3) administrative expenses described in section 2618(b)(3).

''(b) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under section 2611 for a State for a grant year, the State shall, of the portion of the grant remaining after reserving amounts for purposes of subparagraphs (A) and (E)(ii)(I) of section 2618(b)(3), use not less than 75 percent to provide core medical services that are needed in the State for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a State for a grant year if the Secretary determines that, within the State—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing a State that a grant under section 2611 is being made to the State for a fiscal year, the Secretary shall inform the State whether a waiver under subparagraph (A) is in effect for the fiscal year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual infected with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (d).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(c) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this subsection, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) DEFINITION OF MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(d) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by States, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the State involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(e) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

''(2) WAIVER.—With respect to the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if such State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

''(f) CONSTRUCTION.—A State may not use amounts received under a grant awarded under section 2611 to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.''.

(b) HIV CARE CONSORTIA.—Section 2613 of the Public Health Service Act (42 U.S.C. 300ff–23) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking ''may use'' and inserting ''may, subject to subsection (f), use''; and

(B) by striking ''section 2612(a)(1)'' and inserting ''section 2612(a)''; and

(2) by adding at the end the following subsection:

''(f) ALLOCATION OF FUNDS; TREATMENT AS SUPPORT SERVICES.—For purposes of the requirement of section 2612(b)(1), expenditures of grants under section 2611 for or through consortia under this section are deemed to be support services, not core medical services. The preceding sentence may not be construed as having any legal effect on the provisions of subsection (a) that relate to authorized expenditures of the grant.''.

(c) TECHNICAL AMENDMENTS.—Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended—

(1) in section 2611—

(A) in subsection (a), by striking the subsection designation and heading; and

(B) by striking subsection (b);

(2) in section 2614—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''section 2612(a)(2)'' and inserting ''section 2612(b)(3)(J)''; and

(B) in subsection (c)(2)(B), by striking ''homemaker or'';

(3) in section 2615(a) by striking ''section 2612(a)(3)'' and inserting ''section 2612(b)(3)(F)''; and

(4) in section 2616(a) by striking ''section 2612(a)(5)'' and inserting ''section 2612(b)(3)(B)''.

**SEC. 202. AIDS DRUG ASSISTANCE PROGRAM.**

(a) REQUIREMENT OF MINIMUM DRUG LIST.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff–26) is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) ensure that the therapeutics included on the list of classes of core antiretroviral therapeutics established by the Secretary under subsection (e) are, at a minimum, the treatments provided by the State pursuant to this section;'';

(2) by redesignating subsection (e) as subsection (f); and

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

''(e) LIST OF CLASSES OF CORE ANTIRETROVIRAL THERAPEUTICS.—For purposes of subsection (c)(1), the Secretary shall develop and maintain a list of classes of core antiretroviral therapeutics, which list shall be based on the therapeutics included in the guidelines of the Secretary known as the Clinical Practice Guidelines for Use of HIV/AIDS Drugs, relating to drugs needed to manage symptoms associated with HIV. The preceding sentence does not affect the authority of the Secretary to modify such Guidelines.''.

(b) DRUG REBATE PROGRAM.—Section 2616 of the Public Health Service Act, as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

''(g) DRUG REBATE PROGRAM.—A State shall ensure that any drug rebates received on drugs purchased from funds provided pursuant to this section are applied to activities supported under this subpart, with priority given to activities described under this section.''.

**SEC. 203. DISTRIBUTION OF FUNDS.**

(a) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—

(1) STATE DISTRIBUTION FACTOR.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(A) in subparagraph (B), by striking ''estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved'' and inserting ''number of living cases of HIV/AIDS in the State involved''; and

(B) by amending subparagraph (D) to read as follows:

''(D) LIVING CASES OF HIV/AIDS.—

''(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for a State for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS in the State that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

''(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2010, a State is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living non-AIDS names-based cases of HIV be reported unless—

''(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State, subject to clause (vii); or

''(II) no later than the beginning of fiscal year 2008, 2009, or 2010, the Secretary, after consultation with the chief executive of the State, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

''(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for a State applies only if, by October 1, 2006—

''(I)(aa) the State had submitted to the Secretary a plan for making the transition

to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

''(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

''(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

''(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for a State applies only if, as of April 1, 2008, the State is substantially in compliance with the agreement under clause (iii)(II).

''(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009 or 2010, the Secretary may terminate an exemption under clause (ii) for a State if the State submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

''(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

''(I) IN GENERAL.—With respect to a State that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the State in order to adjust for duplicative reporting in and among systems that use code-based reporting.

''(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for a State shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the State.

''(vii) LIST OF STATES MEETING STANDARD REGARDING DECEMBER 31, 2005.—

''(I) IN GENERAL.—If a State is specified in subclause (II), the State shall be considered to meet the standard described in clause (ii)(I). No other State may be considered to meet such standard.

''(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

''(viii) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

''(I) CASES OF AIDS.—With respect to a State that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

''(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (vii) may not be construed as having any legal effect for fiscal year 2011 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2010.

''(ix) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.''.

(2) NON-EMA DISTRIBUTION FACTOR.—Section 2618(a)(2)(C) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(C)) is amended—

(A) in clause (i), by striking ''estimated number of living cases of acquired immune deficiency syndrome'' each place such term appears and inserting ''number of living cases of HIV/AIDS''; and

(B) in clause (ii), by amending such clause to read as follows:

''(ii) a number equal to the sum of—

''(I) the total number of living cases of HIV/AIDS that are within areas in such State that are eligible areas under subpart I of part A for the fiscal year involved, which individual number for an area is the number that applies under section 2601 for the area for such fiscal year; and

''(II) the total number of such cases that are within areas in such State that are transitional areas under section 2609 for such fiscal year, which individual number for an area is the number that applies under such section for the fiscal year.''.

(b) FORMULA AMENDMENTS GENERALLY.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking ''The amount referred to'' in the matter preceding clause (i) and all that follows through the end of clause (i) and inserting the following: ''For purposes of paragraph (1), the amount referred to in this paragraph for a State (including a territory) for a fiscal year is, subject to subparagraphs (E) and (F)—

''(i) an amount equal to the amount made available under section 2623 for the fiscal year involved for grants pursuant to paragraph (1), subject to subparagraph (G); and''; and

(B) in clause (ii)—

(i) in subclause (I)—

(I) by striking ''.80'' and inserting ''0.75''; and

(II) by striking ''and'' at the end;

(ii) in subclause (II)—

(I) by inserting ''non-EMA'' after ''respective''; and

(II) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(III) if the State does not for such fiscal year contain any area that is an eligible area under subpart I of part A or any area that is a transitional area under section 2609 (referred to in this subclause as a 'no-EMA State'), the product of 0.05 and the ratio of the number of cases that applies for the State under subparagraph (D) to the sum of the respective numbers of cases that so apply for all no-EMA States.'';

(2) by striking subparagraphs (E) through (H);

(3) by inserting after subparagraph (D) the following subparagraphs:

''(E) CODE-BASED STATES; LIMITATION ON INCREASE IN GRANT.—

''(i) IN GENERAL.—For each of the fiscal years 2007 through 2010, if code-based reporting (within the meaning of subparagraph (D)(vi)) applies in a State as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to paragraph (1) for the State may not for the fiscal year involved exceed by more than 5 percent the amount of the grant pursuant to this paragraph for the State for the preceding fiscal year, except that the limitation under this clause may not result in a grant pursuant to paragraph (1) for a fiscal year that is less than the minimum amount that applies to the State under such paragraph for such fiscal year.

''(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2010, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to section 2620, subject to subparagraph (H).

''(F) SEVERITY OF NEED.—

''(i) FISCAL YEARS BEGINNING WITH 2011.—If, by January 1, 2010, the Secretary notifies the appropriate committees of Congress that the Secretary has developed a severity of need index in accordance with clause (v), the provisions of subparagraphs (A) through (E) shall not apply for fiscal year 2011 or any fiscal year thereafter, and the Secretary shall use the severity of need index (as defined in clause (iv)) for the determination of the formula allocations, subject to the Congressional Review Act.

''(ii) SUBSEQUENT FISCAL YEARS.—If, on or before any January 1 that is subsequent to the date referred to in clause (i), the Secretary notifies the appropriate committees of Congress that the Secretary has developed a severity of need index, in accordance with clause (v), for each succeeding fiscal year, the provisions of subparagraphs (A) through (D) shall not apply for the subsequent fiscal year or any fiscal year thereafter, and the Secretary shall use the severity of need index (as defined in clause (iv)) for the determination of the formula allocations, subject to the Congressional Review Act.

''(iii) FISCAL YEAR 2013.—The Secretary shall notify the appropriate committees of Congress that the Secretary has developed a severity of need index by January 1, 2012, in accordance with clause (v), and the provisions of subparagraphs (A) through (D) shall not apply for fiscal year 2013 or any fiscal year thereafter, and the Secretary shall use the severity of need index (as defined in clause (iv)) for the determination of the formula allocations, subject to the Congressional Review Act.

''(iv) DEFINITION OF SEVERITY OF NEED INDEX.—In this subparagraph, the term 'severity of need index' means the index of the relative needs of individuals within the State, as identified by a variety of different factors, and is a factor that is multiplied by the number of living HIV/AIDS cases in the State, providing different weights to those cases based on their needs.

''(v) REQUIREMENTS FOR SECRETARIAL NOTIFICATION.—When the Secretary notifies the appropriate committees of Congress that the Secretary has developed a severity of need index, the Secretary shall provide the following:

''(I) Methodology for and rationale behind developing the severity of need index, including information related to the field testing of the severity of need index.

''(II) An independent contractor analysis of activities carried out under subclause (I).

''(III) Expected changes in funding allocations, given the application of the severity of need index and the elimination of the provisions of subparagraphs (A) through (D).

''(IV) Information regarding the process by which the Secretary received community input regarding the application and development of the severity of need index.

''(V) Timeline and process for the implementation of the severity of need index to ensure that it is applied in the following fiscal year.

''(vi) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of the Ryan White HIV/AIDS Treatment Modernization Act of 2006, and annually thereafter until the Secretary notifies Congress that the Secretary has developed a severity of need index in accordance with this subparagraph, the Secretary shall prepare and submit to the

appropriate committees of Congress a report—

''(I) that updates progress toward having client level data;

''(II) that updates the progress toward having a severity of need index, including information related to the methodology and process for obtaining community input; and

''(III) that, as applicable, states whether the Secretary could develop a severity of need index before fiscal year 2010.''; and

(4) by redesignating subparagraph (I) as subparagraph (G).

(c) SEPARATE ADAP GRANTS.—Section 2618(a)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(G)), as redesignated by subsection (b)(4) of this section, is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''section 2677'' and inserting ''section 2623'';

(B) in subclause (II), by striking the period at the end and inserting a semicolon; and

(C) by adding after and below subclause (II) the following:

''which product shall then, as applicable, be increased under subparagraph (H).'';

(2) in clause (ii)—

(A) by striking subclauses (I) through (III) and inserting the following:

''(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall award supplemental grants to States described in subclause (II) to enable such States to purchase and distribute to eligible individuals under section 2616(b) pharmaceutical therapeutics described under subsections (c)(2) and (e) of such section.

''(II) ELIGIBLE STATES.—For purposes of subclause (I), a State shall be an eligible State if the State did not have unobligated funds subject to reallocation under section 2618(d) in the previous fiscal year and, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under this clause. For purposes of determining severe need, the Secretary shall consider eligibility standards, formulary composition, the number of eligible individuals to whom a State is unable to provide therapeutics described in section 2616(a), and an unanticipated increase of eligible individuals with HIV/AIDS.

''(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that the State will make available (directly or through donations of public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant, except that the Secretary may waive this subclause if the State has otherwise fully complied with section 2617(d) with respect to the grant year involved. The provisions of this subclause shall apply to States that are not required to comply with such section 2617(d).''.

(B) in subclause (IV), by moving the subclause two ems to the left;

(C) in subclause (V), by striking ''3 percent'' and inserting ''5 percent''; and

(D) by striking subclause (VI); and

(3) by adding at the end the following clause:

''(iii) CODE-BASED STATES; LIMITATION ON INCREASE IN FORMULA GRANT.—The limitation under subparagraph (E)(i) applies to grants pursuant to clause (i) of this subparagraph to the same extent and in the same manner as such limitation applies to grants pursuant to paragraph (1), except that the reference to minimum grants does not apply for purposes of this clause. Amounts available as a result of the limitation under the preceding sentence shall be made available by the Secretary as additional amounts for grants under clause (ii) of this subparagraph.''.

(d) HOLD HARMLESS.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)), as amended by subsection (b)(4) of this section, is amended by adding at the end the following subparagraph:

''(H) INCREASE IN FORMULA GRANTS.—

''(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, the Secretary shall ensure, subject to clauses (ii) through (iv), that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 95 percent of such total for the State for the preceding fiscal year, except that any increase under this clause—

''(I) may not result in a grant pursuant to paragraph (1) that is more than 95 percent of the amount of such grant for the preceding fiscal year; and

''(II) may not result in a grant pursuant to subparagraph (G) that is more than 95 percent of the amount of such grant for such preceding fiscal year.

''(ii) FISCAL YEAR 2007.—For purposes of clause (i) as applied for fiscal year 2007, the references in such clause to subparagraph (G) are deemed to be references to subparagraph (I) as such subparagraph was in effect for fiscal year 2006.

''(iii) SOURCE OF FUNDS FOR INCREASE.—

''(I) IN GENERAL.—From the amount reserved under section 2623(b)(2) for a fiscal year, and from amounts available for such section pursuant to subsection (d) of this section, the Secretary shall make available such amounts as may be necessary to comply with clause (i).

''(II) PRO RATA REDUCTION.—If the amounts referred to in subclause (I) for a fiscal year are insufficient to fully comply with clause (i) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to paragraph (1) for the fiscal year, other than grants for States for which increases under clause (i) apply and other than States described in paragraph (1)(A)(i)(I). A reduction under the preceding sentence may not be made in an amount that would result in the State involved becoming eligible for such an increase.

''(iv) APPLICABILITY.—This paragraph may not be construed as having any applicability after fiscal year 2009.''.

(e) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT.—Section 2618(b) of the Public Health Service Act (42 U.S.C. 300ff–28(b)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6);

(2) in paragraph (2) (as so redesignated)—

(A) by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

(B) by striking ''paragraph (6)'' and inserting ''paragraph (5)'';

(3) in paragraph (3) (as so redesignated)—

(A) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Subject to paragraph (4,) and except as provided in paragraph (5), a State may not use more than 10 percent of amounts received under a grant awarded under section 2611 for administration.'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

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

''(B) ALLOCATIONS.—In the case of entities and subcontractors to which a State allocates amounts received by the State under a grant under section 2611, the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).'';

(D) in subparagraph (C) (as so redesignated), by inserting before the period the following: '', including a clinical quality management program under subparagraph (E)''; and

(E) by adding at the end the following:

''(E) CLINICAL QUALITY MANAGEMENT.—

''(i) REQUIREMENT.—Each State that receives a grant under section 2611 shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(ii) USE OF FUNDS.—

''(I) IN GENERAL.—From amounts received under a grant awarded under section 2611 for a fiscal year, a State may use for activities associated with the clinical quality management program required in clause (i) not to exceed the lesser of—

''(aa) 5 percent of amounts received under the grant; or

''(bb) $3,000,000.

''(II) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under clause (i) may not be considered administrative expenses for purposes of the limitation established in subparagraph (A).'';

(4) in paragraph (4) (as so redesignated)—

(A) by striking ''paragraph (6)'' and inserting ''paragraph (5)''; and

(B) by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (2) and (3)''; and

(5) in paragraph (5) (as so redesignated), by striking ''paragraphs (3)'' and all that follows through ''(5),'' and inserting the following: ''paragraphs (2) and (3), may, notwithstanding paragraphs (2) through (4),''.

(f) REALLOCATION FOR SUPPLEMENTAL GRANTS.—Section 2618(d) of the Public Health Service Act (42 U.S.C. 300ff–28(d)) is amended to read as follows:

''(d) REALLOCATION.—Any portion of a grant made to a State under section 2611 for a fiscal year that has not been obligated as described in subsection (c) ceases to be available to the State and shall be made available by the Secretary for grants under section 2620, in addition to amounts made available for such grants under section 2623(b)(2).''.

(g) DEFINITIONS; OTHER TECHNICAL AMENDMENTS.—Section 2618(a) of the Public Health Service Act (42 U.S.C. 300ff–28(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''section 2677'' and inserting ''section 2623'';

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking ''each of the several States and the District of Columbia'' and inserting ''each of the 50 States, the District of Columbia, Guam, and the Virgin Islands (referred to in this paragraph as a 'covered State')''; and

(B) in clause (i)—

(i) in subclause (I), by striking ''State or District'' and inserting ''covered State''; and

(ii) in subclause (II)—

(I) by striking ''State or District'' and inserting ''covered State''; and

(II) by inserting ''and'' after the semicolon; and

(3) in paragraph (1)(B), by striking ''each territory of the United States, as defined in paragraph (3),'' and inserting ''each territory other than Guam and the Virgin Islands'';

(4) in paragraph (2)(C)(i), by striking ''or territory''; and

(5) by striking paragraph (3).

**SEC. 204. ADDITIONAL AMENDMENTS TO SUBPART I OF PART B.**

(a) REFERENCES TO PART B.—Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by striking ''this part'' each place such term appears and inserting ''section 2611''.

(b) HEPATITIS.—Section 2614(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–24(a)(3)) is amended by inserting '', including specialty care and vaccinations for hepatitis co-infection,'' after ''health services''.

(c) APPLICATION FOR GRANT.—

(1) COORDINATION.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff–27(b)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3), the following:

''(4) the designation of a lead State agency that shall—

''(A) administer all assistance received under this part;

''(B) conduct the needs assessment and prepare the State plan under paragraph (3);

''(C) prepare all applications for assistance under this part;

''(D) receive notices with respect to programs under this title;

''(E) every 2 years, collect and submit to the Secretary all audits, consistent with Office of Management and Budget circular A133, from grantees within the State, including audits regarding funds expended in accordance with this part; and

''(F) carry out any other duties determined appropriate by the Secretary to facilitate the coordination of programs under this title.'';

(C) in paragraph (5) (as so redesignated)—

(i) in subparagraph (E), by striking ''and'' at the end; and

(ii) by inserting after subparagraph (F) the following:

''(G) includes key outcomes to be measured by all entities in the State receiving assistance under this title; and''; and

(D) in paragraph (7) (as so redesignated), in subparagraph (A)—

(i) by striking ''paragraph (5)'' and inserting ''paragraph (6)''; and

(ii) by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

(2) NATIVE AMERICAN REPRESENTATION.—Section 2617(b)(6) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before ''representatives of grantees'' the following: ''members of a Federally recognized Indian tribe as represented in the State,''.

(3) PAYER OF LAST RESORT.—Section 2617(b)(7)(F)(ii) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before the semicolon the following: ''(except for a program administered by or providing the services of the Indian Health Service)''.

(d) MATCHING FUNDS; APPLICABILITY OF REQUIREMENT.—Section 2617(d)(3) of the Public Health Service Act (42 U.S.C. 300ff–27(d)(3)) is amended—

(1) in subparagraph (A), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''; and

(2) in subparagraph (C), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''.

**SEC. 205. SUPPLEMENTAL GRANTS ON BASIS OF DEMONSTRATED NEED.**

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended—

(1) by redesignating section 2620 as section 2621; and

(2) by inserting after section 2619 the following:

**''SEC. 2620. SUPPLEMENTAL GRANTS.**

''(a) IN GENERAL.—For the purpose of providing services described in section 2612(a), the Secretary shall make grants to States—

''(1) whose applications under section 2617 have demonstrated the need in the State, on an objective and quantified basis, for supplemental financial assistance to provide such services; and

''(2) that did not, for the most recent grant year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) for which data is available, have more than 2 percent of grant funds under such sections canceled or covered by any waivers under section 2622(c).

''(b) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of subsection (a)(1) may include any or all of the following:

''(1) The unmet need for such services, as determined under section 2617(b).

''(2) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

''(3) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

''(4) The current prevalence of HIV/AIDS.

''(5) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

''(6) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

''(7) The prevalence of homelessness.

''(8) The prevalence of individuals described under section 2602(b)(2)(M).

''(9) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

''(10) The impact of a decline in the amount received pursuant to section 2618 on services available to all individuals with HIV/AIDS identified and eligible under this title.

''(c) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this section to a State to address the decline in services related to the decline in the amounts received pursuant to section 2618 consistent with the grant award to the State for fiscal year 2006, to the extent that the factor under subsection (b)(10) (relating to a decline in funding) applies to the State.

''(d) CORE MEDICAL SERVICES.—The provisions of section 2612(b) apply with respect to a grant under this section to the same extent and in the same manner as such provisions apply with respect to a grant made pursuant to section 2618(a)(1).

''(e) APPLICABILITY OF GRANT AUTHORITY.—The authority to make grants under this section applies beginning with the first fiscal year for which amounts are made available for such grants under section 2623(b)(1).''.

**SEC. 206. EMERGING COMMUNITIES.**

Section 2621 of the Public Health Service Act, as redesignated by section 205(1) of this Act, is amended—

(1) in the heading for the section, by striking ''**SUPPLEMENTAL GRANTS**'' and inserting ''**EMERGING COMMUNITIES**'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) agree that the grant will be used to provide funds directly to emerging communities in the State, separately from other funds under this title that are provided by the State to such communities; and''.

(3) by striking subsections (d) and (e) and inserting the following:

''(d) DEFINITIONS OF EMERGING COMMUNITY.—For purposes of this section, the term 'emerging community' means a metropolitan area (as defined in section 2607) for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 500, but fewer than 1,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

''(e) CONTINUED STATUS AS EMERGING COMMUNITY.—Notwithstanding any other provision of this section, a metropolitan area that is an emerging community for a fiscal year continues to be an emerging community until the metropolitan area fails, for three consecutive fiscal years—

''(1) to meet the requirements of subsection (d); and

''(2) to have a cumulative total of 750 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(f) DISTRIBUTION.—The amount of a grant under subsection (a) for a State for a fiscal year shall be an amount equal to the product of—

''(1) the amount available under section 2623(b)(1) for the fiscal year; and

''(2) a percentage equal to the ratio constituted by the number of living cases of HIV/AIDS in emerging communities in the State to the sum of the respective numbers of such cases in such communities for all States.''.

**SEC. 207. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.**

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.), as amended by section 205, is further amended by adding at the end the following:

**''SEC. 2622. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.**

''(a) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G), or under section 2620 or 2621, are available for obligation by the State through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the State (referred to in this section as the 'grant year for the award'), except as provided in subsection (c)(1).

''(b) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(2)(G)(ii), or under section 2620 or 2621, has an unobligated balance as of the end of the grant year for the award—

''(1) the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State; and

''(2) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under paragraph (1) to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

''(c) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

''(1) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State, unless—

''(A) before the end of the grant year, the State submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the State intends to expend the funds involved; and

''(B) the Secretary approves the waiver.

''(2) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under paragraph (1) that is approved for a balance that is unobligated as of the end of a grant year for an award:

''(A) The unobligated funds are available for expenditure by the State involved for the one-year period beginning upon the expiration of the grant year (referred to in this section as the 'carryover year').

''(B) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State.

''(3) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under paragraph (1) or (2)(B), the grant funds involved shall be made available by the Secretary as additional amounts for grants under section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such paragraph to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

''(4) CORRESPONDING REDUCTION IN FUTURE GRANT.—

''(A) IN GENERAL.—In the case of a State for which a balance from a grant award made pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) is unobligated as of the end of the grant year for the award—

''(i) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such section for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under paragraph (1) has been approved with respect to such balance); and

''(ii) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants under section 2620 for such first fiscal year, subject to section 2618(a)(2)(H);

except that this subparagraph does not apply to the State if the amount of the unobligated balance was 2 percent or less.

''(B) RELATION TO INCREASES IN GRANT.—A reduction under subparagraph (A) for a State for a fiscal year may not be taken into account in applying section 2618(a)(2)(H) with respect to the State for the subsequent fiscal year.

''(d) TREATMENT OF DRUG REBATES.—For purposes of this section, funds that are drug rebates referred to in section 2616(g) may not be considered part of any grant award referred to in subsection (a).''.

**SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR SUBPART I OF PART B.**

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.), as amended by section 207, is further amended by adding at the end the following:

**''SEC. 2623. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $1,195,500,000 for fiscal year 2007, $1,239,500,000 for fiscal year 2008, $1,285,200,000 for fiscal year 2009, $1,332,600,000 for fiscal year 2010, and $1,381,700,000 for fiscal year 2011. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

''(b) RESERVATION OF AMOUNTS.—

''(1) EMERGING COMMUNITIES.—Of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve $5,000,000 for grants under section 2621.

''(2) SUPPLEMENTAL GRANTS.—

''(A) IN GENERAL.—Of the amount appropriated under subsection (a) for a fiscal year in excess of the 2006 adjusted amount, the Secretary shall reserve ⅓ for grants under section 2620, except that the availability of the reserved funds for such grants is subject to section 2618(a)(2)(H) as applied for such year, and except that any amount appropriated exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(G)) is not subject to this subparagraph.

''(B) 2006 ADJUSTED AMOUNT.—For purposes of subparagraph (A), the term '2006 adjusted amount' means the amount appropriated for fiscal year 2006 under section 2677(b) (as such section was in effect for such fiscal year), excluding any amount appropriated for such year exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(I), as so in effect).''.

**SEC. 209. EARLY DIAGNOSIS GRANT PROGRAM.**

Section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33) is amended to read as follows:

**''SEC. 2625. EARLY DIAGNOSIS GRANT PROGRAM.**

''(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, acting through the Centers for Disease Control and Prevention, shall make grants to such States for the purposes described in subsection (c).

''(b) DESCRIPTION OF COMPLIANT STATES.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if, under such laws or regulations (including programs carried out pursuant to the discretion of State officials), both of the policies described in paragraph (1) are in effect, or both of the policies described in paragraph (2) are in effect, as follows:

''(1)(A) Voluntary opt-out testing of pregnant women.

''(B) Universal testing of newborns.

''(2)(A) Voluntary opt-out testing of clients at sexually transmitted disease clinics.

''(B) Voluntary opt-out testing of clients at substance abuse treatment centers.

The Secretary shall periodically ensure that the applicable policies are being carried out and recertify compliance.

''(c) USE OF FUNDS.—A State may use funds provided under subsection (a) for HIV/AIDS testing (including rapid testing), prevention counseling, treatment of newborns exposed to HIV/AIDS, treatment of mothers infected with HIV/AIDS, and costs associated with linking those diagnosed with HIV/AIDS to care and treatment for HIV/AIDS.

''(d) APPLICATION.—A State that is eligible for the grant under subsection (a) shall submit an application to the Secretary, in such form, in such manner, and containing such information as the Secretary may require.

''(e) LIMITATION ON AMOUNT OF GRANT.—A grant under subsection (a) to a State for a fiscal year may not be made in an amount exceeding $10,000,000.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to pre-empt State laws regarding HIV/AIDS counseling and testing.

''(g) DEFINITIONS.—In this section:

''(1) The term 'voluntary opt-out testing' means HIV/AIDS testing—

''(A) that is administered to an individual seeking other health care services; and

''(B) in which—

''(i) pre-test counseling is not required but the individual is informed that the individual will receive an HIV/AIDS test and the individual may opt out of such testing; and

''(ii) for those individuals with a positive test result, post-test counseling (including referrals for care) is provided and confidentiality is protected.

''(2) The term 'universal testing of newborns' means HIV/AIDS testing that is administered within 48 hours of delivery to—

''(A) all infants born in the State; or

''(B) all infants born in the State whose mother's HIV/AIDS status is unknown at the time of delivery.

''(h) AUTHORIZATION OF APPROPRIATIONS.—Of the funds appropriated annually to the Centers for Disease Control and Prevention for HIV/AIDS prevention activities, $30,000,000 shall be made available for each of the fiscal years 2007 through 2011 for grants under subsection (a), of which $20,000,000 shall be made available for grants to States with the policies described in subsection (b)(1), and $10,000,000 shall be made available for grants to States with the policies described in subsection (b)(2). Funds provided under this section are available until expended.''.

**SEC. 210. CERTAIN PARTNER NOTIFICATION PROGRAMS; AUTHORIZATION OF APPROPRIATIONS.**

Section 2631(d) of the Public Health Service Act (42 U.S.C. 300ff–38(d)) is amended by striking ''there are'' and all that follows and inserting the following: ''there is authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011.''.

## TITLE III—EARLY INTERVENTION SERVICES

**SEC. 301. ESTABLISHMENT OF PROGRAM; CORE MEDICAL SERVICES.**

(a) IN GENERAL.—Section 2651 of the Public Health Service Act (42 U.S.C. 300ff–51) is amended to read as follows:

**''SEC. 2651. ESTABLISHMENT OF A PROGRAM.**

''(a) IN GENERAL.—For the purposes described in subsection (b), the Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private entities specified in section 2652(a).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to expend the grant only for—

''(A) core medical services described in subsection (c);

''(B) support services described in subsection (d); and

''(C) administrative expenses as described in section 2664(g)(3).

''(2) EARLY INTERVENTION SERVICES.—An applicant for a grant under subsection (a) shall expend not less than 50 percent of the amount received under the grant for the services described in subparagraphs (B) through (E) of subsection (e)(1) for individuals with HIV/AIDS.

''(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under subsection (a) to an applicant for a fiscal year, the applicant shall, of the portion

of the grant remaining after reserving amounts for purposes of paragraphs (3) and (5) of section 2664(g), use not less than 75 percent to provide core medical services that are needed in the area involved for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) The Secretary shall waive the application of paragraph (1) with respect to an applicant for a grant if the Secretary determines that, within the service area of the applicant—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing an applicant that a grant under subsection (a) is being made for a fiscal year, the Secretary shall inform the applicant whether a waiver under subparagraph (A) is in effect for the fiscal year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments under section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (e).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(d) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) DEFINITION OF MEDICAL OUTCOMES.—In this section, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(e) SPECIFICATION OF EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—The early intervention services referred to in this section are—

''(A) counseling individuals with respect to HIV/AIDS in accordance with section 2662;

''(B) testing individuals with respect to HIV/AIDS, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from HIV/AIDS;

''(C) referrals described in paragraph (2);

''(D) other clinical and diagnostic services regarding HIV/AIDS, and periodic medical evaluations of individuals with HIV/AIDS; and

''(E) providing the therapeutic measures described in subparagraph (B).

''(2) REFERRALS.—The services referred to in paragraph (1)(C) are referrals of individuals with HIV/AIDS to appropriate providers of health and support services, including, as appropriate—

''(A) to entities receiving amounts under part A or B for the provision of such services;

''(B) to biomedical research facilities of institutions of higher education that offer experimental treatment for such disease, or to community-based organizations or other entities that provide such treatment; or

''(C) to grantees under section 2671, in the case of a pregnant woman.

''(3) REQUIREMENT OF AVAILABILITY OF ALL EARLY INTERVENTION SERVICES THROUGH EACH GRANTEE.—

''(A) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that each of the early intervention services specified in paragraph (2) will be available through the grantee. With respect to compliance with such agreement, such a grantee may expend the grant to provide the early intervention services directly, and may expend the grant to enter into agreements with public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area, under which the entities provide the services.

''(B) OTHER REQUIREMENTS.—Grantees described in—

''(i) subparagraphs (A), (D), (E), and (F) of section 2652(a)(1) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of paragraph (1) directly and on-site or at sites where other primary care services are rendered; and

''(ii) subparagraphs (B) and (C) of section 2652(a)(1) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in paragraph (1)(C), and for follow-up concerning such referrals.''.

(b) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT PROGRAM.—Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), by amending the paragraph to read as follows:

''(3) the applicant will not expend more than 10 percent of the grant for administrative expenses with respect to the grant, including planning and evaluation, except that the costs of a clinical quality management program under paragraph (5) may not be considered administrative expenses for purposes of such limitation;''; and

(2) in paragraph (5), by inserting ''clinical'' before ''quality management''.

**SEC. 302. ELIGIBLE ENTITIES; PREFERENCES; PLANNING AND DEVELOPMENT GRANTS.**

(a) MINIMUM QUALIFICATION OF GRANTEES.—Section 2652(a) of the Public Health Service Act (42 U.S.C. 300ff–52(a)) is amended to read as follows:

''(a) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—The entities referred to in section 2651(a) are public entities and nonprofit private entities that are—

''(A) federally-qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

''(B) grantees under section 1001 (regarding family planning) other than States;

''(C) comprehensive hemophilia diagnostic and treatment centers;

''(D) rural health clinics;

''(E) health facilities operated by or pursuant to a contract with the Indian Health Service;

''(F) community-based organizations, clinics, hospitals and other health facilities that provide early intervention services to those persons infected with HIV/AIDS through intravenous drug use; or

''(G) nonprofit private entities that provide comprehensive primary care services to populations at risk of HIV/AIDS, including faith-based and community-based organizations.

''(2) UNDERSERVED POPULATIONS.—Entities described in paragraph (1) shall serve underserved populations which may include minority populations and Native American populations, ex-offenders, individuals with comorbidities including hepatitis B or C, mental illness, or substance abuse, low-income populations, inner city populations, and rural populations.''.

(b) PREFERENCES IN MAKING GRANTS.—Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''; and

(B) in subparagraph (D), by inserting before the semicolon the following: ''and the number of cases of individuals co-infected with HIV/AIDS and hepatitis B or C''; and

(2) in subsection (d)(2), by striking ''special consideration'' and inserting ''preference''.

(c) PLANNING AND DEVELOPMENT GRANTS.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''HIV''; and

(B) in subparagraph (B), by striking ''HIV'' and inserting ''HIV/AIDS''; and

(2) in paragraph (3), by striking ''or underserved communities'' and inserting ''areas or to underserved populations''.

**SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking ''such sums'' and all that follows through ''2005'' and inserting '', $218,600,000 for fiscal year 2007, $226,700,000 for fiscal year 2008, $235,100,000 for fiscal year 2009, $243,800,000 for fiscal year 2010, and $252,800,000 for fiscal year 2011''.

**SEC. 304. CONFIDENTIALITY AND INFORMED CONSENT.**

Section 2661 of the Public Health Service Act (42 U.S.C. 300ff–61) is amended to read as follows:

**''SEC. 2661. CONFIDENTIALITY AND INFORMED CONSENT.**

''(a) CONFIDENTIALITY.—The Secretary may not make a grant under this part unless, in the case of any entity applying for a grant under section 2651, the entity agrees to ensure that information regarding the receipt of early intervention services pursuant to the grant is maintained confidentially in a manner not inconsistent with applicable law.

''(b) INFORMED CONSENT.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in testing an individual for HIV/AIDS, the applicant will test an individual only after the individual confirms that the decision of the individual with respect to undergoing such testing is voluntarily made.''.

**SEC. 305. PROVISION OF CERTAIN COUNSELING SERVICES.**

Section 2662 of the Public Health Service Act (42 U.S.C. 300ff–62) is amended to read as follows:

**''SEC. 2662. PROVISION OF CERTAIN COUNSELING SERVICES.**

''(a) COUNSELING OF INDIVIDUALS WITH NEGATIVE TEST RESULTS.—The Secretary may

not make a grant under this part unless the applicant for the grant agrees that, if the results of testing conducted for HIV/AIDS indicate that an individual does not have such condition, the applicant will provide the individual information, including—

''(1) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, hepatitis C, and other sexually transmitted diseases;

''(2) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C;

''(3) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

''(4) the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases;

''(5) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

''(6) information regarding the availability of hepatitis B vaccine and information about hepatitis treatments.

''(b) COUNSELING OF INDIVIDUALS WITH POSITIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing for HIV/AIDS indicate that the individual has such condition, the applicant will provide to the individual appropriate counseling regarding the condition, including—

''(1) information regarding—

''(A) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, and hepatitis C;

''(B) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C; and

''(C) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

''(2) reviewing the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases; and

''(3) providing counseling—

''(A) on the availability, through the applicant, of early intervention services;

''(B) on the availability in the geographic area of appropriate health care, mental health care, and social and support services, including providing referrals for such services, as appropriate;

''(C)(i) that explains the benefits of locating and counseling any individual by whom the infected individual may have been exposed to HIV/AIDS, hepatitis B, or hepatitis C and any individual whom the infected individual may have exposed to HIV/AIDS, hepatitis B, or hepatitis C; and

''(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV/AIDS, hepatitis B, or hepatitis C; and

''(D) on the availability of the services of public health authorities with respect to locating and counseling any individual described in subparagraph (C);

''(4) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

''(5) information regarding the availability of hepatitis B vaccine.

''(c) ADDITIONAL REQUIREMENTS REGARDING APPROPRIATE COUNSELING.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in counseling individuals with respect to HIV/AIDS, the applicant will ensure that the counseling is provided under conditions appropriate to the needs of the individuals.

''(d) COUNSELING OF EMERGENCY RESPONSE EMPLOYEES.—The Secretary may not make a grant under this part to a State unless the State agrees that, in counseling individuals with respect to HIV/AIDS, the State will ensure that, in the case of emergency response employees, the counseling is provided to such employees under conditions appropriate to the needs of the employees regarding the counseling.

''(e) RULE OF CONSTRUCTION REGARDING COUNSELING WITHOUT TESTING.—Agreements made pursuant to this section may not be construed to prohibit any grantee under this part from expending the grant for the purpose of providing counseling services described in this section to an individual who does not undergo testing for HIV/AIDS as a result of the grantee or the individual determining that such testing of the individual is not appropriate.''.

**SEC. 306. GENERAL PROVISIONS.**

(a) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2663 of the Public Health Service Act (42 U.S.C. 300ff–63) is amended by striking ''will, without'' and all that follows through ''be carried'' and inserting ''with funds appropriated through this Act will be carried''.

(b) ADDITIONAL REQUIRED AGREEMENTS.—Section 2664(a) of the Public Health Service Act (42 U.S.C. 300ff–64(a)) is amended—

(1) in paragraph (1)—

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

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

(C) by adding at the end the following:

''(C) information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process described in section 2602) and for States funded under part B (including the planning process described in section 2617(b)); and

''(D) a specification of the expected expenditures and how those expenditures will improve overall client outcomes, as described in the State plan under section 2617(b);'';

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(3) the applicant agrees to provide additional documentation to the Secretary regarding the process used to obtain community input into the design and implementation of activities related to such grant; and

''(4) the applicant agrees to submit, every 2 years, to the lead State agency under section 2617(b)(4) audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this title and shall include necessary client level data to complete unmet need calculations and Statewide coordinated statements of need process.''.

(c) PAYER OF LAST RESORT.—Section 2664(f)(1)(A) of the Public Health Service Act (42 U.S.C. 300ff–64(f)(1)(A)) is amended by inserting ''(except for a program administered by or providing the services of the Indian Health Service)'' before the semicolon.

## TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

**SEC. 401. WOMEN, INFANTS, CHILDREN, AND YOUTH.**

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended to read as follows:

## ''PART D—WOMEN, INFANTS, CHILDREN, AND YOUTH

**''SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.**

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public and nonprofit private entities (including a health facility operated by or pursuant to a contract with the Indian Health Service) for the purpose of providing family-centered care involving outpatient or ambulatory care (directly or through contracts) for women, infants, children, and youth with HIV/AIDS.

''(b) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—Funds provided under grants awarded under subsection (a) may be used for the following support services:

''(1) Family-centered care including case management.

''(2) Referrals for additional services including—

''(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

''(B) referrals for other social and support services, as appropriate.

''(3) Additional services necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection including services designed to recruit and retain youth with HIV.

''(4) The provision of information and education on opportunities to participate in HIV/AIDS-related clinical research.

''(c) COORDINATION WITH OTHER ENTITIES.—A grant awarded under subsection (a) may be made only if the applicant provides an agreement that includes the following:

''(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act, including programs promoting the reduction and elimination of risk of HIV/AIDS for youth.

''(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

''(3) The applicant will every 2 years submit to the lead State agency under section 2617(b)(4) audits regarding funds expended in accordance with this title and shall include necessary client-level data to complete unmet need calculations and Statewide coordinated statements of need process.

''(d) ADMINISTRATION; APPLICATION.—A grant may only be awarded to an entity under subsection (a) if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. Such application shall include the following:

''(1) Information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process outlined in section 2602) and for States funded under part B (including the planning process outlined in section 2617(b)).

''(2) A specification of the expected expenditures and how those expenditures will improve overall patient outcomes, as outlined as part of the State plan (under section 2617(b)) or through additional outcome measures.

''(e) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

''(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

''(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

''(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

''(2) EVALUATIONS.——The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

''(f) ADMINISTRATIVE EXPENSES.—

''(1) LIMITATION.—A grantee may not use more than 10 percent of amounts received under a grant awarded under this section for administrative expenses.

''(2) CLINICAL QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(g) TRAINING AND TECHNICAL ASSISTANCE.—From the amounts appropriated under subsection (i) for a fiscal year, the Secretary may use not more than 5 percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

''(h) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE EXPENSES.—The term 'administrative expenses' means funds that are to be used by grantees for grant management and monitoring activities, including costs related to any staff or activity unrelated to services or indirect costs.

''(2) INDIRECT COSTS.—The term 'indirect costs' means costs included in a Federally negotiated indirect rate.

''(3) SERVICES.—The term 'services' means—

''(A) services that are provided to clients to meet the goals and objectives of the program under this section, including the provision of professional, diagnostic, and therapeutic services by a primary care provider or a referral to and provision of specialty care; and

''(B) services that sustain program activity and contribute to or help improve services under subparagraph (A).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated, $71,800,000 for each of the fiscal years 2007 through 2011.''.

**SEC. 402. GAO REPORT.**

Not later than 24 months after the date of enactment of this Act, the Comptroller General of the Government Accountability Office shall conduct an evaluation, and submit to Congress a report, concerning the funding provided for under part D of title XXVI of the Public Health Service Act to determine—

(1) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, for individuals with HIV/AIDS;

(2) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, to family members of women, infants, children, and youth infected with HIV/AIDS;

(3) how funds are used to provide family-centered care involving outpatient or ambulatory care authorized under section 2671(a) of such title;

(4) how funds are used to provide additional services authorized under section 2671(b) of such title; and

(5) how funds are used to help identify HIV-positive pregnant women and their children who are exposed to HIV and connect them with care that can improve their health and prevent perinatal transmission.

## TITLE V—GENERAL PROVISIONS

**SEC. 501. GENERAL PROVISIONS.**

Part E of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–80 et seq.) is amended to read as follows:

## ''PART E—GENERAL PROVISIONS

**''SEC. 2681. COORDINATION.**

''(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Centers for Medicare & Medicaid Services coordinate the planning, funding, and implementation of Federal HIV programs (including all minority AIDS initiatives of the Public Health Service, including under section 2693) to enhance the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for assistance under this title.

''(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease.

''(c) INTEGRATION BY STATE.—As a condition of receipt of funds under this title, a State shall provide assurances to the Secretary that health support services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV/AIDS is enhanced.

''(d) INTEGRATION BY LOCAL OR PRIVATE ENTITIES.—As a condition of receipt of funds under this title, a local government or private nonprofit entity shall provide assurances to the Secretary that services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV is enhanced.

**''SEC. 2682. AUDITS.**

''(a) IN GENERAL.—For fiscal year 2009, and each subsequent fiscal year, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.

''(b) POSTING ON THE INTERNET.—All audits that the Secretary receives from the State lead agency under section 2617(b)(4) shall be posted, in their entirety, on the Internet website of the Health Resources and Services Administration.

**''SEC. 2683. PUBLIC HEALTH EMERGENCY.**

''(a) IN GENERAL.—In an emergency area and during an emergency period, the Secretary shall have the authority to waive such requirements of this title to improve the health and safety of those receiving care under this title and the general public, except that the Secretary may not expend more than 5 percent of the funds allocated under this title for sections 2620 and section 2603(b).

''(b) EMERGENCY AREA AND EMERGENCY PERIOD.—In this section:

''(1) EMERGENCY AREA.—The term 'emergency area' means a geographic area in which there exists—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

''(B) a public health emergency declared by the Secretary pursuant to section 319.

''(2) EMERGENCY PERIOD.—The term 'emergency period' means the period in which there exists—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

''(B) a public health emergency declared by the Secretary pursuant to section 319.

''(c) UNOBLIGATED FUNDS.—If funds under a grant under this section are not expended for an emergency in the fiscal year in which the emergency is declared, such funds shall be returned to the Secretary for reallocation under sections 2603(b) and 2620.

**''SEC. 2684. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.**

''None of the funds appropriated under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

**''SEC. 2685. PRIVACY PROTECTIONS.**

''(a) IN GENERAL.—The Secretary shall ensure that any information submitted to, or collected by, the Secretary under this title excludes any personally identifiable information.

''(b) DEFINITION.—In this section, the term 'personally identifiable information' has the meaning given such term under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

**''SEC. 2686. GAO REPORT.**

''The Comptroller General of the Government Accountability Office shall biennially submit to the appropriate committees of Congress a report that includes a description of Federal, State, and local barriers to HIV program integration, particularly for racial and ethnic minorities, including activities carried out under subpart III of part F, and recommendations for enhancing the continuity of care and the provision of prevention services for individuals with HIV/AIDS

or those at risk for such disease. Such report shall include a demonstration of the manner in which funds under this subpart are being expended and to what extent the services provided with such funds increase access to prevention and care services for individuals with HIV/AIDS and build stronger community linkages to address HIV prevention and care for racial and ethnic minority communities.

**"SEC. 2687. DEFINITIONS.**

''For purposes of this title:

''(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

''(2) CO-OCCURRING CONDITIONS.—The term 'co-occurring conditions' means one or more adverse health conditions in an individual with HIV/AIDS, without regard to whether the individual has AIDS and without regard to whether the conditions arise from HIV.

''(3) COUNSELING.—The term 'counseling' means such counseling provided by an individual trained to provide such counseling.

''(4) FAMILY-CENTERED CARE.—The term 'family-centered care' means the system of services described in this title that is targeted specifically to the special needs of infants, children, women and families. Family-centered care shall be based on a partnership between parents, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care for children, women, and families with HIV/AIDS.

''(5) FAMILIES WITH HIV/AIDS.—The term 'families with HIV/AIDS' means families in which one or more members have HIV/AIDS.

''(6) HIV.—The term 'HIV' means infection with the human immunodeficiency virus.

''(7) HIV/AIDS.—

''(A) IN GENERAL.—The term 'HIV/AIDS' means HIV, and includes AIDS and any condition arising from AIDS.

''(B) COUNTING OF CASES.—The term 'living cases of HIV/AIDS', with respect to the counting of cases in a geographic area during a period of time, means the sum of—

''(i) the number of living non-AIDS cases of HIV in the area; and

''(ii) the number of living cases of AIDS in the area.

''(C) NON-AIDS CASES.—The term 'non-AIDS', with respect to a case of HIV, means that the individual involved has HIV but does not have AIDS.

''(8) HUMAN IMMUNODEFICIENCY VIRUS.—The term 'human immunodeficiency virus' means the etiologic agent for AIDS.

''(9) OFFICIAL POVERTY LINE.—The term 'official poverty line' means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

''(10) PERSON.—The term 'person' includes one or more individuals, governments (including the Federal Government and the governments of the States), governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, receivers, trustees, and trustees in cases under title 11, United States Code.

''(11) STATE.—

''(A) IN GENERAL.—The term 'State' means each of the 50 States, the District of Columbia, and each of the territories.

''(B) TERRITORIES.—The term 'territory' means each of American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

''(12) YOUTH WITH HIV.—The term 'youth with HIV' means individuals who are 13 through 24 years old and who have HIV/AIDS.''.

**TITLE VI—DEMONSTRATION AND TRAINING**

**SEC. 601. DEMONSTRATION AND TRAINING.**

Subpart I of part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended to read as follows:

**"Subpart I—Special Projects of National Significance**

**"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.**

''(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D for each fiscal year, the Secretary shall use the greater of $20,000,000 or an amount equal to 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer special projects of national significance to—

''(1) quickly respond to emerging needs of individuals receiving assistance under this title; and

''(2) to fund special programs to develop a standard electronic client information data system to improve the ability of grantees under this title to report client-level data to the Secretary.

''(b) GRANTS.—The Secretary shall award grants under subsection (a) to entities eligible for funding under parts A, B, C, and D based on—

''(1) whether the funding will promote obtaining client level data as it relates to the creation of a severity of need index under section 2618(a)(2)(E), including funds to facilitate the purchase and enhance the utilization of qualified health information technology systems;

''(2) demonstrated ability to create and maintain a qualified health information technology system;

''(3) the potential replicability of the proposed activity in other similar localities or nationally;

''(4) the demonstrated reliability of the proposed qualified health information technology system across a variety of providers, geographic regions, and clients; and

''(5) the demonstrated ability to maintain a safe and secure qualified health information system; or

''(6) newly emerging needs of individuals receiving assistance under this title.

''(c) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

''(d) PRIVACY PROTECTION.—The Secretary may not make a grant under this section for the development of a qualified health information technology system unless the applicant provides assurances to the Secretary that the system will, at a minimum, comply with the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(e) REPLICATION.—The Secretary shall make information concerning successful models or programs developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance for grantees funded under this part.''.

**SEC. 602. AIDS EDUCATION AND TRAINING CENTERS.**

(a) AMENDMENTS REGARDING SCHOOLS AND CENTERS.—Section 2692(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''and Native Americans'' after ''minority individuals''; and

(B) by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(C) train or result in the training of health professionals and allied health professionals to provide treatment for hepatitis B or C co-infected individuals.''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR SCHOOLS, CENTERS, AND DENTAL PROGRAMS.—Section 2692(c) of the Public Health Service Act (42 U.S.C. 300ff–111(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) SCHOOLS; CENTERS.—For the purpose of awarding grants under subsection (a), there is authorized to be appropriated $34,700,000 for each of the fiscal years 2007 through 2011.

''(2) DENTAL SCHOOLS.—For the purpose of awarding grants under subsection (b), there is authorized to be appropriated $13,000,000 for each of the fiscal years 2007 through 2011.''.

**SEC. 603. CODIFICATION OF MINORITY AIDS INITIATIVE.**

Part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended by adding at the end the following:

**"Subpart III—Minority AIDS Initiative**

**"SEC. 2693. MINORITY AIDS INITIATIVE.**

''(a) IN GENERAL.—For the purpose of carrying out activities under this section to evaluate and address the disproportionate impact of HIV/AIDS on, and the disparities in access, treatment, care, and outcomes for, racial and ethnic minorities (including African Americans, Alaska Natives, Latinos, American Indians, Asian Americans, Native Hawaiians, and Pacific Islanders), there are authorized to be appropriated $131,200,000 for fiscal year 2007, $135,100,000 for fiscal year 2008, $139,100,000 for fiscal year 2009, $143,200,000 for fiscal year 2010, and $147,500,000 for fiscal year 2011.

''(b) CERTAIN ACTIVITIES.—

''(1) IN GENERAL.—In carrying out the purpose described in subsection (a), the Secretary shall provide for—

''(A) emergency assistance under part A;

''(B) care grants under part B;

''(C) early intervention services under part C;

''(D) services through projects for HIV-related care under part D; and

''(E) activities through education and training centers under section 2692.

''(2) ALLOCATIONS AMONG ACTIVITIES.—Activities under paragraph (1) shall be carried out by the Secretary in accordance with the following:

''(A) For competitive, supplemental grants to improve HIV-related health outcomes to reduce existing racial and ethnic health disparities, the Secretary shall, of the amount appropriated under subsection (a) for a fiscal year, reserve the following, as applicable:

''(i) For fiscal year 2007, $43,800,000.

''(ii) For fiscal year 2008, $45,400,000.

''(iii) For fiscal year 2009, $47,100,000.

''(iv) For fiscal year 2010, $48,800,000.

''(v) For fiscal year 2011, $50,700,000.

''(B) For competitive grants used for supplemental support education and outreach services to increase the number of eligible racial and ethnic minorities who have access to treatment through the program under section 2616 for therapeutics, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

''(i) For fiscal year 2007, $7,000,000.

''(ii) For fiscal year 2008, $7,300,000.

''(iii) For fiscal year 2009, $7,500,000.

''(iv) For fiscal year 2010, $7,800,000.

''(v) For fiscal year 2011, $8,100,000.

''(C) For planning grants, capacity-building grants, and services grants to health care providers who have a history of providing culturally and linguistically appropriate care and services to racial and ethnic minorities, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

''(i) For fiscal year 2007, $53,400,000.

''(ii) For fiscal year 2008, $55,400,000.

''(iii) For fiscal year 2009, $57,400,000.

''(iv) For fiscal year 2010, $59,500,000.

''(v) For fiscal year 2011, $61,800,000.

''(D) For eliminating racial and ethnic disparities in the delivery of comprehensive, culturally and linguistically appropriate care services for HIV disease for women, infants, children, and youth, the Secretary shall, of the amount appropriated under subsection (a), reserve $18,500,000 for each of the fiscal years 2007 through 2011.

''(E) For increasing the training capacity of centers to expand the number of health care professionals with treatment expertise and knowledge about the most appropriate standards of HIV disease-related treatments and medical care for racial and ethnic minority adults, adolescents, and children with HIV disease, the Secretary shall, of the amount appropriated under subsection (a), reserve $8,500,000 for each of the fiscal years 2007 through 2011.

''(c) CONSISTENCY WITH PRIOR PROGRAM.—With respect to the purpose described in subsection (a), the Secretary shall carry out this section consistent with the activities carried out under this title by the Secretary pursuant to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002 (Public Law 107–116).''.

**TITLE VII—MISCELLANEOUS PROVISIONS**

**SEC. 701. HEPATITIS; USE OF FUNDS.**

Section 2667 of the Public Health Service Act (42 U.S.C. 300ff–67) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(4) shall provide information on the transmission and prevention of hepatitis A, B, and C, including education about the availability of hepatitis A and B vaccines and assisting patients in identifying vaccination sites.''.

**SEC. 702. CERTAIN REFERENCES.**

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is amended—

(1) by striking ''acquired immune deficiency syndrome'' each place such term appears, other than in section 2687(1) (as added by section 501 of this Act), and inserting ''AIDS'';

(2) by striking ''such syndrome'' and inserting ''AIDS''; and

(3) by striking ''HIV disease'' each place such term appears and inserting ''HIV/AIDS''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, because I believe that we must reform the unacceptable status quo for the benefit of those suffering from HIV/AIDS across our great Nation.

As my colleagues are aware, the Ryan White CARE Act was first authorized in 1990 and was reauthorized in 1996 and 2000. And although the legislative authority expired on September 30, 2005, the program continues to operate at its current funding level.

The outcomes and treatments for HIV and AIDS have changed over the years, and so have the needs of those who suffer from the disease. For example, persons with HIV now live longer due to advances in drug therapies.

However, many patients are on waiting lists for these life-saving drugs, because Ryan White funds are being spent on nonmedical services. Those include services not covered for Medicare or Medicaid beneficiaries, including buddy and companion services, dog walking, therapeutic touching, and housing assistance.

Dog walking? Therapeutic touching? Is this what the Federal Government really wants to pay for? The Ryan White CARE Act program is designed to provide needed medical services to people suffering from HIV/AIDS. If we do not pass this bill, the status quo will remain.

The AIDS Drug Assistance Program, ADAP, provides needed life-saving therapies to those suffering from HIV/AIDS. These are crucial medications that extend and prolong life.

Next year, funds to supplement States' ADAP spending will be used for hold-harmless payments based on an old, inaccurate case count. Patients will not receive needed drug therapies if the status quo remains. Currently, there is a 50 percent difference in funding for AIDS cases for some areas of the country over other areas due to outdated formulas.

Some States cannot find enough doctors to write prescriptions for needed medications, while others are paying for buddy and companion services. If we do not pass this legislation, the status quo will remain.

Mr. Speaker, the status quo to me is unacceptable, and I think it is unacceptable to the taxpayers, and it is unacceptable to those suffering from AIDS/HIV.

Mr. Speaker, I urge my colleagues to support this needed and timely legislation.

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

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

Mr. Speaker, it is with great regret that I rise in opposition to this bill. Unlike previous reauthorizations of the Ryan White CARE Act, I believe the legislation before us has the potential to do great harm to systems of care around the country and place HIV/AIDS patients at risk.

In my home State of New Jersey, for example, we have tremendous need for CARE Act dollars. We have the highest proportion of cumulative AIDS cases in women. We rank third in cumulative pediatric AIDS cases, and fifth in overall cumulative AIDS cases. In the early days of this epidemic when the Federal Government refused to help, New Jersey stepped forward and did the right thing.

Ever since then, we have remained at the forefront of this battle working hard to provide the medical and support services HIV/AIDS patients need to live longer.

But that will all change if this bill is enacted. This bill will punish States like New Jersey for keeping people alive and preventing new infections. It sets up a very perverse disincentive. It says to States: you will be penalized for doing a good job. This is not the message that Washington should be sending back home.

Mr. Speaker, there are a number of reasons why this bill is flawed. The most obvious is that it is woefully underfunded. As a result, it sets up a vicious system of winners and losers. This bill pits AIDS against HIV, urban centers against rural communities. This is not how you treat a public health emergency.

If Republicans would stop draining the Treasury to help pay for the tax cuts, we would have the resources necessary to adequately address this epidemic. Ultimately this bill is flawed, Mr. Speaker. It has no business being considered in the waning days of the session on this Suspension Calendar.

Mr. Speaker, it needs to be fixed so that every State has the resources to treat their HIV/AIDS patients. I urge my colleagues to oppose this bill. Instead, let's pass a temporary reauthorization that holds every State harmless so that we can work out these problems.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Mrs. BONO), the original sponsor of this legislation.

Mrs. BONO. Mr. Speaker, I rise today in strong support of the Ryan White HIV/AIDS Treatment Modernization Act. Its consideration on the floor today is testament to the bipartisan nature of this legislation.

HIV/AIDS is a disease that has virtually touched all of us in all parts of our great Nation. Since its inception, the purpose of the Ryan White CARE Act has been to provide care.

As we discuss this specifics of this legislation, and the more technical aspects of the funding formulas, it is my

hope that each of us will bear in mind the true purpose of this legislation. It is critical that we recognize the significant steps that have been made towards ensuring that the funding we are providing here today is going to real people to meet very real and very imminent needs.

□ 1430

In bringing together systems of care from across the Nation, significant compromises have been made, and I assure you that they have been made in the interest of providing care to the individuals who need it the most. Every attempt has been made to ensure that funds are directed to areas of greatest need and are balanced by provisions that limit the loss of funds for jurisdictions.

I believe that none of us want to reduce funding for HIV services in any jurisdictions, but I ask you to consider carefully the existing disparities in funding and services, to bear in mind our solemn duty to serve people with HIV regardless of where they live and to support the effort of the Modernization Act to address those disparities.

In California's 45th district, I have had the opportunity to work closely with an exceptional provider of this care, the Desert AIDS Project. It has been my privilege to see firsthand what caring and dedicated people do with the funds and framework that have been provided in the Ryan White CARE Act. Their input throughout this process has been invaluable to me, and their work has been and continues to be inspiring. I would like to express my personal thanks to the great people of the Desert AIDS Project.

I would also like to express my deep appreciation to Chairman BARTON, Chairman DEAL and Ranking Member DINGELL for bringing this bill to the floor today.

This reauthorization has been the product of bipartisan and bicameral efforts. I would like to thank the committee staff who have dedicated so much time to this effort from both sides of the Capitol and from both sides of the aisle: Melissa Bartlett, John Ford, Shana Christrup and Connie Garner. And, finally, I would like to thank my personal staff, both past, Katherine Martin, and present, Taryn Nader, for their hard work and tireless efforts on behalf of the Ryan White CARE Act.

The goal of each Member of this body is to serve their constituencies and all citizens of this great country by passing legislation that meets the needs of our citizens. The CARE Act has for 16 years been a cornerstone of the care, treatment and support services necessary for the lives of people living with HIV and AIDS. It is vitally important to maintain its support and modernize its approach to ensure it continues to sustain the lives of people with HIV and AIDS.

I ask my colleagues for their support, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), who has been a leader on this Ryan White CARE Act from the very beginning.

Mr. WAXMAN. Mr. Speaker, I rise in very reluctant opposition to this Ryan White HIV/AIDS Treatment Modernization Act of 2006.

I was the original sponsor of the legislation, and I have been a long-time supporter of it, but I think we find ourselves in a tragic situation today because the basis of the problem is that the population of those needing services has grown, but the funds for the Ryan White program have not grown with it. This program is chronically underfunded.

Well, that means if we want to give to some people who are very deserving, we are going to have to take it from others who are very deserving. This should not be the choice of the body in Congress today.

I recognize that a failure to pass the legislation could put many States, like my own, that have been collecting HIV data by code, at a severe risk of a loss of funding. Obviously, this is a situation in which we wish we would not find ourselves in, but if we adopt this bill we are agreeing to a long-term system that does not treat fairly States which must now begin to implement a whole new system for finding and reporting persons with HIV.

The bill favors States and cities that collected HIV data by name over those that collected it by code; and, as a result, many areas of the country will see drastic losses of funding. This is unfair.

Large and diverse code-based States, like California, would have to start from scratch, converting their approximately 40,000 code-based cases of HIV to names, and under California law, these cases cannot simply be retallied under a new names-based system. The State would have to contact 40,000 individuals. I do not think California will be able to get all of those individuals entered into the names-based system in 3 years.

So I cannot support legislation that would take critical dollars away from California simply because its data system is incomplete. We will have the same number of persons with HIV needing services. They should not lose needed services because of an unrealistic data requirement.

I wish I could support this bill. I would support it if this problem could be addressed, and I am hopeful that when this bill gets to the Senate and there are further deliberations we can get a better bill. I do not want to see no bill pass, particularly with the threat that we are hearing from the administration that they are going to penalize the code-based States, but I do not want to vote for a bill that I do not think is a good enough bill.

The Ryan White program has had a long history of broad bipartisan support. It did not pit interests of one area of the country against another. It did not ask cities and States to give up critical funds to treat people in their areas. Ultimately, we must find the will to direct the necessary dollars to this problem. The people who continue to suffer from this epidemic deserve no less.

Mr. Speaker, I have to be reluctant and vote ''no'' and hope that we can get a better bill when this legislation passes the House and there are further deliberations with the Senate.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that I be given control of the time on the majority side.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) has 14½ minutes remaining, and the gentleman from New Jersey (Mr. PALLONE) has 14 minutes remaining.

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006. This legislation was introduced by Congresswoman BONO. It is the product of a year of bipartisan, bicameral negotiations. The bill reauthorizes and reforms the Ryan White program, the Federal Government's largest discretionary grant program specifically designed for people with HIV/AIDS.

We know that HIV/AIDS disproportionately affects people in poverty and racial/ethnic populations who are underserved by health care and prevention systems. We know that the most likely users of Ryan White services are persons with no or limited sources of health care. We know that Ryan White services keeps these people out of hospitals, increases their access to health care and improves their quality of life.

Here is what we also know about the current Ryan White program. We know that due to outdated, hold-harmless and double-counting provisions in the current law persons are not treated similarly across this country. We know that, under the current formula, there is reportedly a 50 percent increase in funding per AIDS case for some areas of the country over other areas of the country who get no increase or little increase at all. We know that sometimes this huge inequity occurs within the same State. We know that one city in particular is greatly advantaged by an outdated, hold-harmless formula, one that may allow even for deceased persons, someone who is no longer living, counted for current funding purposes. I do not think anyone would think that is right. In fact, I would say that is not right.

The Ryan White program was established to be the payor of last resort for

needed medical services for those suffering from HIV/AIDS. Then and now, that is a noble cause and one worth supporting. However, we know that in many States, including my own State of Texas, Ryan White dollars, Federal taxpayer dollars, are being used for nonhealth care services. What kind of services? For example, buddy/companion services, child care services, housing, transportation and many other types of services similar to these are being provided with Ryan White dollars. While some of these services may, arguably, be necessary to get people to health care and keep people in health care, others are misuses of Ryan White dollars under the current formula and need to be fixed.

The use of Ryan White funds for such services should be put into check. We should be asking the question, why are there waiting lists in some parts of the country to get lifesaving drugs? And why in some parts of the country are there no physicians to even write prescriptions for these lifesaving drugs? Again, this is just not right. It is not fair.

The bill before us would begin to right those wrongs. The bill before us would begin to treat people across the country in a fair and equitable fashion so that, no matter where you live, if you are eligible for Ryan White assistance, you will get access to health care, you will get access to treatment, you will get access to drugs.

This bill requires cities, States and providers to start making the right decisions when it comes to how to spend their Ryan White dollars by requiring that they spend at least 75 percent on core medical services. I repeat, they must spend at least 75 percent on core medical services. HIV/AIDS is, first and foremost, a medical condition and providing medical care should be the primary focus of the Federal bill.

I know that the bill is not perfect. I know that there have been significant compromises made by all parties at the table. I know that had any one party decided to write a reauthorization bill the bill would look different than it does today. This bill, though, reflects over a year of intense negotiations by all of the stakeholders. It reflects the input of many stakeholder groups and the Bush administration. The bill advances important consensus policy reforms.

The bill is also coming to this floor at a critical time for the Ryan White program. In just 3 days, again, 3 days from today, current law dictates that many areas of this country, including several large States, will not be able to include their HIV case counts to receive the appropriate Federal funding to provide services to persons in their States.

What does this mean? This means that thousands of HIV persons may have their health care needs put in jeopardy. This means that, under current law, the drug grant program will be reduced by 3 percent to pay for any existing hold harmless. So, at a time when there are people on waiting lists for drugs in some parts of the country, access to drugs in other parts of the country will be hindered, be reduced. These drug dollars will come up short. According to the Department of Health and Human Services, there will be about a $40 million shortfall. Those are real dollars that otherwise would go to help real people. I cannot underscore the urgency of passing this bill today to prevent these cuts.

I want to commend Congresswoman BONO for her leadership in preventing these losses. I also want to thank Congressman DINGELL, Senator KENNEDY and Senator ENZI in the other body for their hard work on this consensus bill to reauthorize the program.

At the staff level, I want to thank John Ford on the minority staff and Melissa Bartlett on the majority staff for their hard work in dedicating themselves during the last several months and the last year to produce the legislation that is before us today.

Finally, I want to thank the Legislative Counsel's office and, in particular, Pete Goodloe. He has worked very, very hard on this.

It is critical that we act today in a positive fashion so that we can prevent the cuts that go into effect 3 days from today.

The bill before us passed the Energy and Commerce Committee on a 38–10 bipartisan vote last week. If it passes this body under suspension, it will go to the other body, and we will work very hard to get it passed over there in the next 2 days. Because it is on suspension, it takes a two-thirds vote, which, if everyone is present and voting, we will need 291 Members to vote in favor of reauthorization of the Ryan White HIV/AIDS Act. I hope we get that vote later this afternoon.

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

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

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

Mr. ENGEL. Mr. Speaker, I thank my friend from New Jersey for yielding to me; and, first of all, Mr. Speaker, I want to express my extreme displeasure that this bill comes here today on consent calendar, a bill with more than $2 billion in this bill and we have 40 minutes to debate it. This is not a bill that should be under a suspension calendar. This is a bill that should have full and open debate among the Congress with not a 40-minute time limitation.

This is not a consensus bill. This is a contentious bill, and many of us are very, very upset. We are upset about the bill, and we are upset at the manner that this leadership brings this bill to the House floor.

This bill will destabilize established systems and care and will have a devastating effect on the ability of high prevalent communities to address need; and, unfortunately, as home to 17 percent, which is one-sixth of the Nation's AIDS population, New York is just so upset that this bill has come out the way it has. This is profoundly important to our State. That is why all 29 Members of the New York delegation, Democrats and Republicans alike, have signed a letter opposing this bill and pledging to vote against the bill.

New York remains the epicenter of the HIV/AIDS crisis, leading the Nation in both the number of persons living with HIV/AIDS and number of new cases of HIV/AIDS each year.

But what does this bill do? It has been estimated that New York State stands to lose more than $78 million in the first 4 years of the reauthorization. New York City will likely lose $17 million in the first year alone.

□ 1445

This bill will result in deep cuts in medications and services for people living with HIV/AIDS throughout the State.

It reminds me of homeland security. Sometimes we need to use a little common sense. Homeland security, everyone knows, unfortunately, that New York City remains the number one terrorist target and Washington number two. So what did we have when we had the Department of Homeland Security come up with its budget? They cut New York City by 30 percent and cut Washington by 30 percent. The two biggest terrorist threats. That made no sense at all.

What happens here? New York City remains the epicenter of the AIDS epidemic, and what does this bill do? It cuts $78 million for New York and $17 million for New York City. It is shameful and disgraceful.

And despite what some may say, the HIV/AIDS epidemic has not shifted. It has expanded. One-half of all people living with AIDS reside in five States: New York, New Jersey, Florida, Texas, and California. Three of these States, New York, New Jersey and Florida, will face devastating losses under this reauthorization.

There is no question that other States have mounting epidemics and they are absolutely entitled and deserving of more funding. A good Ryan White bill would have ensured that every State had enough money to meet their needs; that every State would be held harmless; that every State would not be a winner or a loser, but that every State would have the resources needed to combat the scourge of AIDS.

I offered amendments in committee to increase funding for the bill with Mr. TOWNS, Ms. ESHOO, and Mrs. CAPPS. It failed on essentially a party-line vote. So I strongly urge my colleagues to vote against this bill.

Where are our spending priorities? We continue to pass irresponsible tax cuts in a time of war, and yet shortchange cities and states who are just trying to provide lifesaving services. We're truly talking about life and death

here, and it is shameful that we are pittinstates against each other for scarce funding.

Compounding the funding problem is that a proposed Severity of Need Index, expected to be implemented in this reauthorization, may consider state and local resources in determining how much federal funding to grant to states.

This is not the right message to send to NY that has more HIV/AIDS cases than any other state in the nation and spends more of its state dollars on care for HIV/AIDS patients than any other state in the nation. We have always viewed caring for our HIV/AIDS patients as a partnership between the local, state and federal governments. The Severity of Need Index is a powerful disincentive for states and local areas to take action.

It is with great sadness that I will vote against this bill today. But NY needs to make sure that we can keep helping the nearly 110,000 people living in our state with HIV/AIDS. We need to make sure we can keep providing life saving drugs and healthcare services which are preventing the transmission of HIV, preventing the progression from HIV to AIDS and ultimately keeping people from dying. This bill compromises our ability to do this.

This is why Mayor Bloomberg opposes this bill, this is why Gov. Pataki opposes this bill and this is why I must as well. Our nation deserves better than the underlying bill before us and it is a disgrace that this is all it will get.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for the time.

Mr. Speaker, this bill seeks to offer services by primary care providers for the uninsured and less fortunate individuals. We have to work together to improve the quality and the availability of care for persons living with HIV/AIDS.

In my congressional district of Miami-Dade County, we had the second highest rate of AIDS, major cases of AIDS of all the cities in 2004. And the number of people suffering with HIV/AIDS has reached epidemic proportions, especially within my district with minority communities. There are over 12,000 people living with AIDS in Miami-Dade County and almost 10,000 living with HIV.

We have got to remain vigilant in our efforts to provide for and protect the HIV infected, affected, and at-risk individuals living in this country, especially through prevention and education; and this bill seeks to do that.

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

Mr. TOWNS. Mr. Speaker, I thank the gentleman for yielding. This bill, maybe if we changed the name of it, maybe it might help some folks, because this is called the winner-loser bill. Calling it Ryan White is a misnomer. I think that is a shame, that we would move legislation without the opportunity to amend it and to try to make it better and to be able to deal with the States that are getting hurt.

We act as if we are not talking about human beings. New York State would lose $17 million. And, of course, the Governor of the State has said he is against the bill and the mayor of the city indicated that he is against the bill. And every Member of the New York State delegation, New York City delegation has indicated that they are actually against this legislation.

I don't understand why we have to rush this and put this kind of bill on suspension. It seems to me that this is a bill that we would bring up and give people an opportunity to amend it and make it as strong as possible, because we are talking about lives. So the reauthorization does not have to be brought up this kind of way.

And let us be candid, Brooklyn itself would lose approximately $3 million, and that is the epicenter of the disease. So I don't understand why we can't take our time and provide help for the people that truly need help. Of course I am against this bill in every way, and I am hoping that my colleagues understand that we can do a much better job and that we need to do a much better job. What we have to do now is to defeat it and then let us go back and come up with a bill that is going to improve the quality of life for people that need it. I hope the Members of this body will understand that.

These States that are losing, and there are quite a few of them, I think that we would want to do something and do it right on behalf of the people. So I urge my colleagues to vote ''no'' on this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise in strong support of the Ryan White CARE Act and the great care that it offers for those suffering from HIV/AIDS. But today I reluctantly rise in opposition to this legislation because it contains flawed provisions with harsh and negative effects for New York's Hudson Valley and New York State.

I represent Dutchess County, New York, and the eligible metropolitan area in that county. If this bill is passed, Dutchess County would lose up to 5 percent the first year, and then incrementally more in the second and third year. And by the fourth year, all funds for title I would be eliminated for Dutchess County.

Title I money goes for support and services for people living with HIV/AIDS. The patients benefiting from these services simply will not get their needed medication because the program won't exist. If the funds to Dutchess County disappear, there is absolutely nowhere near where the HIV/AIDS patients would be able to go for support, services, and medication because the entire State is suffering from the cuts for New York that this bill calls for.

This means over 1,600 people in Dutchess County alone will lose out with the passage of the Ryan White CARE Act in its current form. This is unacceptable, and that is why I reluctantly ask that you vote against H.R. 6143 at this time. This legislation should be brought up under regular order so that amendments can be offered.

And while I strongly support the Ryan White Act, the HIV/AIDS problem is a problem that requires resources to fight. While we recognize the need to direct attention to those communities where this is an emerging problem, we must not do so at the cost of the places that need it the most. People in my district and the people of New York need these lifesaving funds. Please don't take away from them. Vote against H.R. 6143.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I am not reluctant to vote against this bill. I voted against it in committee because it is not the right measure we should be approving today. In fact, I supported some of our alternative amendments that were presented by folks on our side of the aisle.

For my community, this is devastating. We see an increase in communities like East Los Angeles, the hub of the Hispanic community in the San Gabriel Valley, that fought over 20 years to combat this disease, yet it continues to be on the rise. Yet you want to take away very important funding and reappropriate it to other parts of the country.

We need to expand the pie. We need to make sure people are covered everywhere. And I am glad to hear from my colleagues that while we know that this is not a good solution, but we are really working toward a deadline of October 1, we should hold off, make some rational decisions, and when we come back in November do the right thing for those afflicted by this disease.

I am very concerned, because a large number of Latinas, almost 20 to 25 percent, are now faced with this disease, and it is through heterosexual relationships. We have yet to understand what the cultural dichotomies are that exist in our communities. We have to understand that, get information tools out there, a campaign to combat this disease, and put all the resources that are necessary there.

I am glad that we were able to get some semblance of these concepts in the bill, but it is still not good enough. Places like Los Angeles and San Francisco and other epicenters that we heard of in New York and Miami, they are affected. Our communities need this funding.

So I just want to say to my colleagues that don't know much about this, because it is on suspension, take a very close look at what is going on in your district. All of my groups, the minority groups that I represent, are saying that they also are urging us to vote ''no'' on this bill.

The reauthorization of the Ryan White CARE Act has enormous implications for people living with HIV and AIDS, and the communities providing related health services.

The communities I represent in East Los Angeles and the San Gabriel Valley have fought this disease since its onset over 20 years ago.

Los Angeles is an epicenter of the HIV and AIDS epidemic, with between 50,000 and 60,000 persons living with HIV/AIDS.

As the epidemic grows, communities of color are disproportionately at risk.

Although only 14 percent of the U.S. population, Latinos constitute almost 20 percent of the AIDS cases diagnosed since the start of the epidemic.

I am proud of the work that has been accomplished to codify the Minority AIDS Initiative in this reauthorization, a priority of the TriCaucus.

I am pleased that the committee agreed to report language recognizing the importance of language services to persons with limited English proficiency at risk of and living with HIV and AIDS.

However, I cannot support this legislation.

We are being pushed to vote on this legislation because of an arbitrary October 1 deadline.

We could move to extend this deadline and create better, sounder policy, as my good friend Mr. PALLONE has suggested, but instead we are being pushed to vote on legislation that risks too much for the health of too many.

This bill considers language services a support service, when in reality, for many racial and ethnic minorities, language services are necessary to ensure proper HIV/AIDS related health care.

This bill also bases future funding levels on questionable runs and conflicting data.

I believe that, while we need to address the increasing incidence of HIV and AIDS in the south and rural areas, we must do this without risking those communities such as mine which have historically had large populations and which continue to struggle.

The position we are in today is not enviable, but we have the opportunity to work through the needs of our States and communities by rejecting the arbitrary deadlines.

I am rejecting this risky bill and encouraging my colleagues to join with me. Let's give our suffering communities a better policy for a brighter, healthier future.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 4½ minutes remaining, and the gentleman from New Jersey has 7 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to put into the RECORD a letter dated September 19, 2006, from the County of Los Angeles signed by Reginald Todd, the Chief Legislative Representative for that county to Congresswoman BONO, where he states strong support of the current bill before us, and I want to read one sentence from this letter:

''The county understands that absent this legislation the Health Resources and Services Administration will count only HIV cases for States with mature named-based HIV reporting systems in allocating Federal fiscal year 2007 Ryan White CARE Act funds. This would have a devastating fiscal impact on California and the County of Los Angeles. The proposed CARE Act reauthorization effectively addresses many of the concerns raised by the County's Board of Supervisors in its August 30, 2006, letter to you.''

COUNTY OF LOS ANGELES,
WASHINGTON, DC LEGISLATIVE OFFICE,
*Washington, DC, September 19, 2006.*

Hon. MARY BONO,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE BONO: I am writing to communicate Los Angeles County's support for the Ryan White HIV/AIDS Treatment Modernization Act of 2006, which is due to be marked up by the House Energy and Commerce Committee on September 20, 2006.

This Ryan White CARE Act reauthorization legislation would allow states, such as California, which have converted or are converting to a names-based HIV reporting system to use the data collected through their code-based HIV reporting system. As you know, this is extremely important for California and Los Angeles County, which is the nation's second most HIV/AIDS impacted local jurisdiction. The Centers for Disease Control and Prevention (CDC) currently does not count California's HIV cases, as it does not consider the State's name-based HIV reporting system to be mature. While hard work lies ahead for California to fully implement its names-based HIV reporting system, we are confident that this provision in the legislation will adequately protect existing systems of care for its residents who live with HIV and AIDS.

The County understands that, absent this legislation, the Health Resources and Services Administration (HRSA) will count only HIV cases for states with mature name-based HIV reporting systems in allocating Federal Fiscal Year 2007 Ryan White CARE Act funds. This would have a devastating fiscal impact on California and the County. The proposed CARE Act reauthorization legislation effectively addresses many of the concerns raised by the County's Board of Supervisors in its August 30, 2006 letter to you. To further strengthen this legislation, the County encourages you to support efforts to extend the hold harmless provision for a total of 4 years, and a provision that counts HIV cases in states working toward mature HIV surveillance systems in periods when a hold harmless provision is not in effect.

Thank you for your assistance to the County on this important issue.

Sincerely,

REGINALD N. TODD,
*Chief Legislative Representative.*

What we have before us, Mr. Speaker, is a classic case of a formula funding fight. Those States and those cities that were the epicenter of the AIDS epidemic 10 to 15 years ago benefit greatly from the current formula. However, the AIDS/HIV epidemic is moving. It is actually, luckily, thankfully, declining in some of the areas where it began; but, unfortunately, it is growing in other areas where it wasn't prevalent 10 or 15 years ago.

The proposed legislation reallocates the funds based on HIV cases and AIDS cases. The old formula only counts AIDS cases. The old formula only counts what is called a named-base case. The new formula would allow for, in addition to named-based cases, also what are called code-based cases, where individuals still have to be counted, but they are not collectively sent to HHS.

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

Ms. WATERS. Mr. Speaker, I thank the gentleman from New Jersey for the time.

Mr. Speaker, I came to this floor really intending to support this bill. But, you know, I am not going to do it. I am not going to support this bill. It is not worth the paper it is written on.

Here we are fighting with each other, people from New York and California and places fighting with people from the South because we have a piece of legislation that is pitting us against each other instead of funding what needs to be funded with HIV and AIDS.

Over 1 million people in the United States have HIV/AIDS. African Americans are only 13 percent of the population, but we account for a half of all the new AIDS cases. African American women represent 71 percent of the new AIDS cases among women, and African American teenagers represent 66 percent of the new AIDS cases among teenagers.

The Congressional Black Caucus has been struggling and working, and I have been working on this for 15 years. We are spending $2 billion a week in Iraq. We only need $1 billion more to fund all of these programs adequately. What are we doing? Let's not play with this. Don't accept this. Don't pit yourself against your friends and your colleagues. Tear it up. It is not worth the paper it is written on. Vote ''no'' on this bill. Throw it out and let's start all over again next year.

I am with my friends from New York. I support the South. But let's not be scrambling over pennies. People are dying. And don't tell me we don't have the resources to deal with it. Even if you didn't spend $2 billion a week in Afghanistan, in Iraq, we would be able to fund this adequately.

Somebody does not care that Americans are dying. Somebody doesn't give a darn that it is decimating black populations. Let's stop playing the game. Let's stop it today. Stop this bill. Don't think you're so desperate you have to vote for anything in order to get a little something. Throw it out. It's not worth it.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 30 seconds.

I appreciate the gentlewoman's passion, but I just want to point out the facts. If we don't pass this bill today, the City of Los Angeles, in 3 days, is going to lose over $4 million, and the State is going to lose over $6 million. The State could lose up to 21 percent of its AIDS funds.

Now, those are the facts.

□ 1500

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to my colleague from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I rise today, Mr. Speaker, in strong opposition to the legislation before us. It reduces vital funding for States that are most heavily impacted.

I absolutely disagree with the Chair. He is wrong when he says that this problem has shifted. The epidemic has expanded. It has not shifted. There are more areas that are involved, and we should be fair to all areas besides New York, California, Florida, Texas and New Jersey. I can't support that idea. If Ryan White resources are to follow the epidemic, they must continue to flow to all jurisdictions, and be increased.

It is irresponsible to take an already inadequate pot of money and cover new areas with it, taking it away from the areas of need. If you don't understand what the need is in those five States that I recognize, I will give you the flat statistics: They are not diminishing in any sense of the imagination whatsoever. I don't know what facts you are looking at.

Under the proposed bill in the House, Mr. Speaker, funding for New Jersey will be cut by $13 million. I looked at the numbers in New Jersey. I have worked on this problem for 15 years. I don't know where this gentleman is coming from when he says that the problem is less in those five States that I mentioned and increased in other areas. It just is not so. It is not true. Sixty thousand of these dollars will go directly to the two counties that I am involved in, a cut of 40 percent in the funding.

I urge you to vote against this proposed legislation. It will hurt all EMA and the States most affected by the devastating effects of HIV.

Mr. BARTON of Texas. Mr. Speaker, I reserve my time.

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

Mr. Speaker, I think if you have listened to those in opposition to this bill, you recognize that there is not a consensus. One of the things that disturbs me the most today is that this is on the suspension calendar. This does not belong on the suspension calendar because it is obviously a very controversial piece of legislation.

Let me tell you, I heard my colleague from New Jersey (Mr. PASCRELL). I went to one of the centers in my State in my district that treats AIDS and HIV patients, and I want to tell you, people are scared about this. They are very, very concerned that if this legislation passes in its current form that we are just not going to have the funding to deal with the AIDS and HIV cases in my State.

Really, when you have a situation where so many people are worried about the impact this is going to have, and we have clear indication that this is not going to be enough money, this is simply not the way to go.

I have no reason to believe if this bill goes to the other body that it is actually going to end up in something that goes to the President's desk. It is simply a mistake to deal with this on the suspension calendar with all the controversy that exists over it.

Mr. Speaker, again, I want to stress again those of us who are in opposition to this bill, why we feel so strongly about it. The problem is that it is woefully underfunded. No one is suggesting that more money doesn't need to go to other parts of the country, that maybe the formula needs to be changed in some fashion. But the problem is there just isn't enough money to go around. So you have a situation where we are pitting one State against another or even different parts of the State of one State against other. It just isn't right.

My colleagues on this side of the aisle have pointed out over and over again how we are spending money in Iraq, we are spending money on tax cuts. The problem here is the Republicans, those on the other side of the aisle, are not prioritizing funding where it should go. It should go to health care. It should go in this case to not only the AIDS patients but also those with HIV.

The problem is we tried many times in committee to add through various amendments on our side of the aisle amendments that would increase the funding, hold harmless those States and those localities that need this funding under the current formula. Every time we tried to do that we were not successful because of the Republican leadership and the opposition, if you will, to the suggestions that we were making.

I can't stress enough, there is not enough funding in this bill. We really should go back to day one. One of the amendments that I had was simply reauthorize the program the way it is for another year and hold us harmless for a year as we tried to find a solution that would be acceptable to everyone. That did not happen; and, instead, instead of having a normal debate and allowing amendments on the floor in the normal course of procedure, we stand here today with this bill on the suspension calendar.

It shouldn't be here. The consensus doesn't exist. I urge my colleagues to vote against this legislation, and let's bring it back on an occasion when we can actually have a full debate and have amendments.

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

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

Mr. Speaker, I will include for the RECORD a list of over 20 organizations that have endorsed the bill, as well as a letter from the AIDS Institute dated September 28, 2006, signed by Dr. Gene Copello.

Mr. Speaker, I want to read from the AIDS Institute endorsement letter that was dated September 28 by Dr. Gene Copello. I won't read the entire letter, but I want to read parts of it.

It says, ''Dear Representative: The AIDS Institute,'' and this is a nonpartisan institute, ''urges you to vote 'yes' today on the Ryan White HIV/AIDS Treatment Modernization Act, H.R. 6143.

''While no bill that is crafted through a series of compromises is perfect, the AIDS Institute strongly supports its immediate passage because it would better direct limited resources throughout the country in a more equitable fashion. Additionally, it contains a number of important reforms that seek to update the law to better reflect today's epidemic.

''If the bill is not passed this week, a number of States and the District of Columbia will lose funding, and the important reforms contained in the bill will not be allowed to be implemented for the coming year.''

Mr. Speaker, the bill before us is the result of bipartisan, bicameral negotiations over a several year period. It is not perfect, but it is a better bill and better legislation than current law. It more equitably allocates the funds not just for AIDS patients but also for HIV patients.

The States that lose in the new formula are guaranteed 95 percent of their current year funding for 3 years, 95 percent. And then, in the fourth or fifth year, they are allowed to petition through a supplemental fund to make up for these losses under the old baseline formula.

This is a very fair compromise. It begins to treat all States on an equal footing; and it also, for the first time, begins to count HIV cases as well as AIDS cases. It deserves to be supported.

Please vote ''yes.'' We do need a two-thirds vote to pass this, because it is on the suspension calendar. So we need more than a majority vote.

Please vote ''yes'' on H.R. 6143.

ORGANIZATIONS THAT SUPPORT THE RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

AbsoluteCare Medical Center.
ADAP Coalition.
AIDS Action Coalition; Huntsville, AL.
AIDS Alabama, Inc.
AIDS Healthcare Foundation.
AIDS Outreach of East Alabama Medical Center.
Alaska Native Tribal Health Consortium.
American Academy of HIV Medicine.
American Dietetic Association.
Am I My Brother's Keeper, Inc.
Brother 2 Brother.
Carepoint Adult, Child and Family.
Catholic Charities Diocese of Fort Worth.
First Ladies Summit.
Harabee Empowerment Center.
HIV Medicine Association.
Latino Coalition.
League of United Latin American Citizens (LULAC).
Log Cabin Republicans.
Lowcountry Infectious Diseases.
Montgomery AIDS Outreach.
National Black Chamber of Commerce.
National Coalition of Pastors Spouses.
National Minority Health Month.
New Black Leadership Coalition.
President's Advisory Council on HIV/AIDS.
Rep. Linda Upmeyer (Iowa State Rep, District 12).
South Alabama Cares.

Southern AIDS Coalition.

THE AIDS INSTITUTE,
*September 28, 2006.*

Re: Vote ''yes'' on Ryan White HIV/AIDS Treatment Modernization Act.

DEAR REPRESENTATIVE: The AIDS Institute urges YOU to vote ''yes'' today on the Ryan White HIV/AIDS Treatment Modernization Act (H.R. 6143). This important bill would reauthorize the Ryan White CARE Act for the next five years. Ryan White CARE Act programs provide lifesaving medical care, drug treatment, and support services to over 535,000 low-income people living with HIV/AIDS throughout the nation. The bill is the result of three long years of work and has been carefully crafted in an unprecedented bi-partisan, bicameral fashion.

While no bill that is crafted through a series of compromises is perfect, The AIDS Institute strongly supports its immediate passage because it would better direct limited resources throughout the country in a more equitable fashion. Additionally, it contains a number of important reforms that seek to update the law to better reflect today's epidemic.

The bill prioritizes medical core services, including medications; takes into account HIV case counts, in addition to AIDS cases; and addresses such issues as co-morbidities, unspent funds, accountability, and coordination of services. While at the same time, the existing title structure and the AIDS service infrastructure together with the social service component of AIDS care and treatment remain.

If the bill is not passed this week, a number of states and the District of Columbia will lose funding, and the important reforms contained in the bill will not be allowed to be implemented for this coming year.

This reauthorization process has been long and divisive for all those involved. Unfortunately, it has pitted HIV/AIDS patients from one part of the country against another. Congress has to do what is best for the entire nation; just not one state or region.

The AIDS Institute urges you to vote ''yes'' on H.R. 6143.

We thank you for your interest in this legislation, and look forward to working with you to adequately fund Ryan White CARE Act programs to meet the growing domestic need for HIV/AIDS care and treatment. The AIDS Institute is extremely disappointed the bill provides absolutely no increase next year for the nation's AIDS Drug Assistance Programs (ADAPs). We hope you will join us in seeking new additional money for ADAP in FY07 as part of the Labor, HHS Appropriations bill.

Should you have any questions or comments, please feel free to contact me or Carl Schmid, Director Federal Affairs for The AIDS Institute at (202) 462–3042 or cschmid@theaidsinstitute.org.

Sincerely,

DR. A. GENE COPELLO,
*Executive Director, The AIDS Institute.*

Ms. LEE. Mr. Speaker, I must reluctantly rise in opposition to H.R. 6143.

As the Co-chair of the Congressional Black Caucus Global AIDS Taskforce, I have consistently fought for more funding for our HIV/AIDS programs.

Along with my colleagues in the CBC, we have helped lead efforts to raise awareness about HIV/AIDS in the African American community, and last year the House passed my resolution supporting Black HIV/AIDS Awareness Day.

I have also tried to do my part to encourage wider testing for HIV, introducing several resolutions on the subject, and just yesterday by getting tested with my colleagues in the CBC.

With my colleagues I have also worked to dramatically scale up U.S. foreign assistance on HIV/AIDS, provide the framework for the creation of the Global Fund, and focus assistance on orphans vulnerable to this disease.

Unfortunately today I must stand against this bill because it significantly cuts HIV/AIDS funding in my district in Alameda County. In its current form, this bill will force the consolidation and closure of AIDS service organizations who are on the front lines in fighting this disease.

I do believe there are some strengths to this bill. In particular the inclusion of the Minority AIDS Initiative—an initiative created through the leadership of my colleague MAXINE WATERS, the CBC, and President Clinton—should be applauded.

But without changes to the current formulas, or increased appropriations to fund these programs, I cannot support this bill in its current form.

Mr. LANTOS. Mr. Speaker, I rise in reluctant opposition to H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006. I fear that this bill due to be reauthorized last year is now in danger of being rushed through to a vote just before a recess before an election.

The bill, in its current form, does not adequately address the challenge of HIV/AIDS. Because tax cuts for the wealthiest Americans have contributed to extraordinary deficits, we are forced to pinch pennies when it comes to saving the lives of millions of Americans. Rather than provide needed increases for the Ryan White program, this bill reduces funding in larger metropolitan areas and redistributes those funds to rural and suburban areas faced with an increase in the number of HIV/AIDS patients.

I am very concerned that all of those in need receive the necessary and appropriate treatment whether they live in urban, suburban, or rural communities. I firmly believe that the localities facing this increasing challenge should get the funds they need to care for their citizens. However, that should not come at the cost of taking away from cities like San Francisco, which has the highest per capita prevalence of people living with AIDS, and other cities such as Los Angeles, Chicago or New York. Saving our neighbors and loved ones from this epidemic should not come from a policy of robbing Peter to pay Paul.

The Ryan White Act and all of those afflicted by HIV/AIDS needs our attention and our support for additional funds. Short-changing this program insults its namesake, it insults the millions who have died from AIDS, it insults those who are currently living with it day in and day out, and it insults their families. There are millions of Americans who rely on this program to receive the services they so desperately need to live. I recognize that they are not just from San Francisco or New York, but they are also from Dubuque and Omaha, Charleston and Boise. I do not question the need for services and care. Geography should not determine whether you live or die from AIDS and that is why we should do more than simply shift money around.

Mr. Speaker, I had hoped that we would be able to succeed in passing legislation that would help benefit all the victims of this illness. Instead, a bill may pass today that does not accomplish this goal. Rather it will help some and hurt others, especially I fear in the San Francisco Bay area. I urge my colleagues to take the needed time and bring us a bill we can all support wholeheartedly knowing that it will benefit all Americans with HIV/AIDS.

Mr. NADLER. Mr. Speaker, I rise today in reluctant opposition to H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006. The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act is the centerpiece of the federal government's response to the HIV and AIDS epidemic. H.R. 6143 woefully under-funds the HIV/AIDS resources the CARE Act provides; this bill is a deeply flawed shadow of what it could and should be.

The Chairman has argued here today that the epicenter of the AIDS epidemic has shifted, and that the number of AIDS cases is on the wane. Therefore, he says, fewer resources are needed to fight the disease, and those funds can be spread around. I don't know where he gets his figures, Mr. Speaker. The Chairman is flatly wrong.

The fact is that New York State has the most HIV cases and the most AIDS cases of any other state in the nation—almost 17 percent of HIV/AIDS cases nationwide. More than half of people living with HIV in the United States reside in five states—New York, Florida, Texas, California, and New Jersey. The fact is that New York City has the oldest, largest, and most complex HIV/AIDS epidemic in the United States. New York City accounts for one of every six reported AIDS cases in the United States, and each year reports more AIDS cases than Los Angeles, San Francisco, Miami, and Washington, D.C. combined. And the fact is that the number of people who so desperately need the services in this bill has been and continues growing.

But the funding has not. The programs the CARE Act covers have been level funded for years, despite increases in healthcare costs and inflation. And this bill unfortunately continues that trend. Under the flawed funding formula in this bill, three of the highest prevalence states in the nation—New York, Florida, and New Jersey—will lose significant funding. The City of New York predicts a $17.8 million loss in the first year alone, and more losses in each of the remaining 4 years of the reauthorization; New York State anticipates a loss of $118 million over the life of this bill.

This will be unspeakably detrimental to the state's ability to care for the HIV/AIDS population. The reductions in funding will require cost containment measures, including deep cuts in covered drugs and services. In the first year alone, this will translate to the elimination of nutritional, housing, mental health, and transportation services, as well as increased out-of-pocket costs for participants. This will also lead to a major reduction and/or removal of entire classes of drugs from the state's pharmaceutical formularies.

We have a choice. We can go back to the table and negotiate a compromise. My friend from New Jersey, Representative PALLONE, has introduced legislation (H.R. 6191) that would temporarily reauthorize the program for one year to allow Congress to continue working on a bill that would not unfairly reduce funds for any state. Additionally, H.R. 6191 would increase authorized appropriation levels for all titles of the CARE Act so we can get the services and treatment to people who need it while we craft a bill that works. This is the bill we should be voting on today.

Mr. Speaker, my district has been on the frontline of the fight of this epidemic for over 20 years. I know a good approach when I see one, and the bill we are debating on the floor today isn't it. I urge a ''no'' vote on H.R. 6143.

Mr. McGOVERN. Mr. Speaker, it's hard to believe, but it's been 25 years since the first AIDS case was reported in the United States. Growing from a cluster of cases in Los Angeles in 1981, this disease spread throughout every segment of our society—no one was left untouched, and we were all forced to watch helplessly as AIDS transformed into a worldwide pandemic. In all, there have been 1.6 million cases of HIV infection in the United States including over 26,000 in Massachusetts.

Thanks to research and medical advancements, we began to make great strides in HIV treatment. By 1987, the first antiviral drug was approved by the Food and Drug Administration (FDA), and 3 years later, in 1990, Congress passed the Ryan White CARE Act, which helped to improve the quality and availability of care for persons with HIV/AIDS. Gradually, with adequate care and treatment, those infected with HIV began to live longer, healthier lives.

Today, there are over 1 million people living with HIV/AIDS in the United States, the highest number in the history of this disease. But, with these improvements has come a greater need for the health care services and drug treatment provided by the CARE Act.

Each year, 40,000 people are infected with HIV in the United States. But rather than increasing funding for these programs, Congress has flat funded the CARE Act for a number of years. And unfortunately, the bill that this House is considering today, H.R. 6143, which reauthorizes the Ryan White CARE Act, once again fails to provide the necessary funds to meet the needs of this growing population. Instead, it shifts funds around—robbing Peter to pay Paul—while placing an even greater strain on the program's limited resources. As a result, vital medical and supportive services stand to be severely underfunded without any consideration for the human lives at risk.

A number of amendments were offered in Committee to increase funding for Title I, the Emergency Relief Grant Program, and Title II, the Care Grant Program. But, unfortunately, they were defeated by a largely party-line vote.

And, today, rather than allowing these and other amendments to be brought before the full House for consideration, this Republican-controlled Congress has closed off the process, providing us with only a mere up or down vote on this bill.

For these reasons, I oppose H.R. 6143, and I urge my colleagues to join me in voting no.

Mr. DINGELL. Mr. Speaker, I support H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, but I also support providing significantly more funding for it. Since 1990, the Ryan White funding has been an integral part of our domestic response to the HIV/AIDS epidemic, helping metropolitan areas, States, and territories pay for essential healthcare services and medications for people living with and affected by HIV/AIDS.

This is another program hurt by the majority's budget priorities. For every millionaire that gets a large tax cut, there are many people with HIV/AIDS not getting the help they need. And this underfunding means that the reforms in this bill hurt some States and cities that have borne the brunt of this crisis.

Nonetheless, the bill before us has many improvements, and is worthy of support at this point even though authorization levels are too low. This bill recognizes the changing demographics of the HIV/AIDS epidemic in our Nation. It expands access, improves quality, and provides additional services to help target healthcare services and other support services to communities throughout our Nation that need them most.

The policy of this bill may be adequate, but it is only a paper promise without sufficient funding. As this bill goes to conference, the majority will have one more chance to recognize the human cost of their budget priorities and properly fund this program.

Ms. PELOSI. Mr. Speaker, 19 years ago, I came to Congress to fight AIDS, a disease that has taken nearly 18,000 lives in my city of San Francisco alone.

We have lost friends, family, and loved ones, but we have not lost our will to fight this terrible disease. This year, we mark the 25th anniversary of the first diagnosis of AIDS—a stark reminder that this epidemic is still among us, and that our work is not done.

Yet as we grieve for those we have lost, we are filled with hope as we see the strength of those who are fighting and living full lives with HIV and AIDS. This would not be possible without the help of the Federal Government through initiatives such as the Ryan White CARE Act. The act has been instrumental in our fight to defeat AIDS. It has greatly improved the quality and availability of health care services for people living with and affected by HIV and AIDS. I was proud to be a part of the creation of the Ryan White CARE Act.

Unfortunately, I must rise in opposition to this reauthorization.

There are a number of good provisions in this bill, including the recognition of emerging communities and the use of actual living AIDS counts rather than estimated living AIDS cases. That change will benefit many communities, including my constituents in San Francisco.

However, when it comes to meeting the needs of people living with AIDS, our mantra should be the same as the physicians who care for all patients: first, do no harm. The primary problem with this legislation is that it fails to provide adequate funding for the treatment of HIV/AIDS patients.

Had this Administration and the Republican-controlled Congress made a priority of funding the Ryan White program over the last several years, I would be standing here in strong support of this bill. But they have not, and I cannot support this bill.

Yet funding in this bill simply won't be able to meet the current demand for HIV/AIDS care in the United States. Under this reauthorization, San Francisco, with the highest per capita caseload of people living with AIDS in the country, stands to lose almost $30 million over the next 5 years.

That is a far cry from the bipartisan consensus we were able to achieve on this issue between 1993 and 2001. During that time, funding—adjusted for both inflation and caseload growth—under the Ryan CARE Act increased by 70 percent.

Since 2001, funding has declined by 35 percent.

The problem is not that one part of the country gets too much money and some other parts of the country are left behind. Instead, people suffering from this disease—and those caring for them—are being forced to compete for pieces of an ever-shrinking pie.

If funding for this Act had simply kept pace with the number of people with AIDS and inflation, my city and all other cities and States would be getting increases in funding instead of grappling with how they can stretch—and where they will have to sacrifice—in meeting the growing demand for services.

In fact, the impact of the cuts will be compounded, because in San Francisco, these funds form the basis for matching funds from the city.

Due in no small part to this Federal, State and local investment, more people are living with HIV and AIDS now than dying from it. That is remarkable.

As the epicenter of the epidemic, San Francisco has experienced terrible loss of life—but from that loss, my city has created a standard of care that has been a model for the Nation.

But our problem has not gone away. There are more people living with AIDS in the San Francisco's area than at any point in the epidemic's history.

This legislation has far-reaching implications for the stability of HIV/AIDS funding in our State and cities. The programs funded by the Ryan White CARE Act have literally been lifesavers for people who live with HIV/AIDS.

It has provided critical support to the cities that have been the center of the epidemic, and to States that have been funding critical drug and support programs to treat the disease. This cut in funding to San Francisco means a loss in services for patients receiving primary medical care, a lack of access to counseling, support, outreach services, transitional and emergency housing and emergency payments for health care costs.

Where do these people go? What do we tell them when their ability to receive support to fight HIV/AIDS is cut off?

In prior reauthorizations of the Ryan White CARE Act, the changes that have been made were made at the margins in order to deal with emerging problems and developments; these changes did not, however, disrupt an initiative that was working.

Unlike those past reauthorizations, this bill would have a drastic destabilizing effect on many of the hardest-hit areas of the country, including California.

A basic goal of this reauthorization must be to ensure that the actions we take do not destabilize systems already in place. Unfortunately, the bill fails to meet this goal and jeopardizes the critical funding of areas throughout the country, in general, and the State and cities of California in particular.

In addition, the bill prematurely incorporates HIV reporting into the allocation formula, eliminates the hold harmless provision just when San Francisco and California need it the most, and allows the Administration to devise and implement a whole new funding formula without Congressional approval.

It is for these reasons, I must oppose this bill. And I will submit the entirety of my statement for the record.

The second major problem with this legislation is that there is simply no way to incorporate data on HIV cases into the funding formula on a consistent and comparable basis

across jurisdictions. The 2000 reauthorization of the Act included a requirement that HIV cases be incorporated into the funding distribution by no later than 2007. At that time, HIV reporting systems were in various stages of development across the country; although some states and cities had been reporting HIV cases by name since 1985, others had yet to implement an HIV-reporting system at all. Given this landscape, the drafters understood the need to provide sufficient time to allow states and cities to begin collecting HIV cases. At the time, they believed seven years to be adequate for such a transition. As it turns out, it was not.

As HIV reporting systems were developed, variations among these systems across jurisdictions emerged. Some areas reported HIV by the individual's name along with other identifying information. Others, like California, as a means of protecting the individual's confidentiality, opted not to report the person's name at all, and instead included only a unique code identifying the individual. The 2000 reauthorization of the Ryan White Act did not specify which type of reporting system jurisdictions were required to use and nothing in the law prohibited this kind of variation. So long as the Secretary found that the data on HIV cases was ''sufficiently accurate and reliable,'' jurisdictions were free to report cases by name or by code. Thus, whether an area began collecting HIV by name or by code, they were on equally solid ground under the law.

It was not until December 2005, that CDC first gave a clear indication that it would deem only cases reported by name to be ''sufficiently accurate and reliable.'' In a letter to all code-based States, CDC set forth its strong recommendation that those States convert their systems to names-based—it did not, however, establish any sort of legal requirement. At that point, 13 States used some form of a code-based reporting system. In response to CDC's announcement, almost all code-based States began the process of converting. their HIV reporting systems to names-based systems.

The reported bill would rely exclusively on names-based HIV and AIDS cases in making funding allocations starting in fiscal year 2011. In order to meet this deadline, and have all of their names-based HIV cases counted for funding purposes, code-based jurisdictions will be required to have completely converted to names-based systems in less than 3 years.

For large and diverse code-based States with several very large cities, like California, this is simply not enough time to make this change. California essentially has to start from scratch. In its code-based system, California currently has approximately 40,000 cases of HIV (non-AIDS). Under California law, these cases cannot simply be re-tallied under the new names-based system. In order to incorporate these cases into the new system, the State must contact each of these 40,000 individuals, and ask them to come in to a testing site to be re-tested. Some of these individuals are homeless. Some are drug-abusers. Many don't speak English. When personnel and resources are already strained, California will simply not be able to get all of these individuals entered into the names-based system in 3 years.

The experience of other large code-based systems provides a sense of the difficulty of this task. New York, for example, converted to a names-based system in 2000 and is now considered by CDC to be mature. However, it is widely acknowledged that New York's current names-based HIV count severely undercounts the true burden of HIV in the State simply because it has not had enough time to find and report all of its HIV cases.

I cannot support legislation that would disadvantage my State and city and take large amounts of dollars away simply because the data system is incomplete. The number of persons with HIV and with need for services remains. They should not lose needed services because of an unrealistic data requirement.

Under the language of the proposal, it is also unclear on what basis the funds will be allocated. GAO and the State of California, both of which have modeled the bill, have quite different case counts for the same State and city. The proposed language says code-based numbers are used to determine funding allocations. HRSA numbers used by GAO in their estimates are not code-based numbers. Those numbers purport to show need—not any scientific way of counting cases and a method which surely varies from jurisdiction to jurisdiction depending on how much the grantee estimated. What assurance is there that the GAO numbers will be used to allocate funds in fiscal year 2007 and the out years? This does not pass the test of good government.

Under the proposed language, the case count used in 2010 and 2011 in making the allocation to San Francisco will be substantially less than the actual number of HIV positive individuals who currently live in San Francisco. That simply is unfair and is not good policy.

Because HIV reporting systems across the country remain in a state of flux, it is critical that this reauthorization protect against severe losses in funding when the bill requires that the funding be based on HIV cases. The most effective way to accomplish this protection is to incorporate a hold-harmless provision for the entire life of the bill. Unfortunately, the current bill protects a jurisdiction's funding for only the first 3 years. This is not enough.

California faces the most drastic cuts at the very time the hold harmless under the bill comes to an end. By California's estimates, the State stands to lose nearly 25 percent of its total Ryan White Care Act funding during the 5th year of the bill alone. Our State simply cannot sustain these kinds of losses.

In year 5, when transition to names-based reporting becomes mandatory, California (and all other jurisdictions moving to names-based reporting) will lose substantially. The amount of loss is difficult to ascertain, because it will depend entirely upon how quickly California and other jurisdictions can transition to names-based reporting.

The elimination of the hold harmless will have a devastating impact on the provision of HIV/AIDS services in San Francisco. The hold harmless was adopted to protect the epicenters of this disease from experiencing drastic reductions in CARE funding from year to year that would disrupt the systems of care in place, and eliminating it now would cause this very consequence. As you may know, the city of San Francisco consistently has invested local funds into the fight against this disease and the care of those living with HIV/AIDS. San Francisco has been conscientiously preparing to absorb cuts as a result of the eventual loss of the hold harmless, but the more than one-third cut in funding proposed is punitive and will eliminate critical care for thousands of people living with HIV/AIDS.

Finally, I cannot support the bill's inclusion of the so-called ''severity of need index'' (SONI). The bill requires the Secretary to develop a SONI to measure the relative needs of individuals living with HIV/AIDS, but fails to specify the factors that should be incorporated into this index, leaving it entirely up to the Secretary. Further, the bill then permits the Secretary to completely discard the current funding formula and distribute funding on the basis of this SONI beginning as early as FY 2011 without Congressional action. This is unacceptable. Congress—not the Administration—should be solely responsible for making such a drastic shift in the way funds are distributed under the Act.

Mr. GENE GREEN of Texas. I rise in support of this legislation to reauthorize the Ryan White CARE Act. Initially enacted in 1990, the Ryan White CARE Act provides critical medical treatment to individuals living with HIV and AIDS. The Ryan White program is essentially a payer of last resort and specifically targets uninsured and medically underserved individuals living with HIV and AIDS.

In my community in Harris County, our Hospital District utilizes more than $26 million each year to coordinate essential health care and support services for more than 21,000 individuals in our community living with HIV and AIDS. The importance of this program cannot be overestimated; without CARE Act funds, many Americans living with HIV and AIDS would have no other source for treatment.

This reauthorization bill includes an important change in the criteria used to formulate funding under the Ryan White program. Thus far, funding was determined based on a grantee's estimated number of living AIDS cases, with a jurisdiction's number of HIV cases not included in funding determinations.

As the HIV/AIDS epidemic has shifted geographically, our funding formulas must change to meet increased need for care in certain areas. Southern States and rural areas are seeing higher numbers of individuals with HIV, for whom treatment is necessary. I wholeheartedly support the use of HIV counts in CARE Act funding formulas to provide these areas with the support they need to develop appropriate systems of care. However, it is important that the funding formula recognize that urban areas—particularly those in New York—continue to be the epicenter of the AIDS epidemic. Unfortunately, this bill does not provide the necessary assurances that communities with a high prevalence of HIV/AIDS will have the resources to maintain their systems of care.

In this kind of formula fight, the battle lines are drawn geographically rather than ideologically. I appreciate the work of Chairman BARTON, Ranking Member DINGELL, and their staffs, who worked tirelessly for more than 6 months to develop a bi-partisan, consensus bill that sought to address great need in every area of this country. Nevertheless, in this type of bill there are always winners and losers. This bill contains more winners than losers, and my State of Texas comes out a winner, relatively speaking. For that reason, I am happy to support this legislation and encourage my colleagues to do the same.

Mr. CROWLEY. Mr. Speaker, I rise in opposition to the Ryan White HIV/AIDS Treatment Modernization Act of 2006.

Today as we debate the Ryan White HIV/AIDS Treatment Modernization Act of 2006 we must take into account one fact. The fact is that New York is the epicenter of the HIV/AIDS epidemic, and while New York has the highest prevalence of HIV/AIDS in the country, they have made the most progress in battling this disease.

Now, in a normal situation, New York would be rewarded with more funds to battle this epidemic, and be set as an example for the rest of the country, however under this bill they would not be. In fact, the opposite would occur. Under the current proposal, New York City would lose a whopping $17 million the first year, and New York State would lose an estimated total of $78 million over the course of the 4 years of the reauthorization.

My district, in New York has one of the highest prevalence of HIV/AIDS in all of New York City. This bill would take precious funds away from individuals in my districts, as well as New York State, California, New Jersey, and Florida and other states that are on the front line of this fight.

To add insult to injury, the Republican Congress refuses to give this bill the due diligence it deserves. Instead they are debating this bill under Suspension of the rules, with no opportunity for Members to offer amendments and a short debate schedule.

This is unacceptable for New York, this is unacceptable for New Jersey, this is unacceptable for Florida, and most importantly this is unacceptable for the millions of people who will have to suffer as a result.

I urge my colleagues to vote ''no'' on this legislation. Instead let's continue to negotiate so New York, New Jersey, Florida and other states that stand to lose millions can be spared.

Mr. SOUDER. Mr. Speaker, as the nation's largest AIDS-specific care program, the Ryan White CARE Act plays a critical role in providing HIV/AIDS treatment and support equally to all U.S. citizens needing such medical care. Ryan White, as many of you know, was a fellow Hoosier and a heroic young man and this program that so many depend upon to stay health and alive is a great tribute to him.

Currently, the federal government is funding wasteful and unnecessary programs that would otherwise be held in check if this reauthorization had already been law. This bill would require that 75 percent of CARE Act funds be spent on primary medical care and medication. This is important because in the past, funds were misspent on unnecessary and dubious programs while thousands living with HIV were on waiting lists for AIDS medications.

Let me give a recent example of government waste that would have been better spent treating those with HIV but without access to treatment.

According to the Department of Health and Human Services, $405,000 in federal funds was provided this month to the National Minority AIDS Council for its annual U.S. Conference on AIDS. Held at a beachside resort in Hollywood, Florida, the conference featured a ''sizzling'' fashion show, beach party, and ''Latin Fiesta.'' Indirect costs are not yet available from HHS regarding the cost of sending 67 employees from the Centers for Disease Control and Prevention, 5 employees from the National Institutes of Health (NIH), and one NIH contractor.

While such spending strikes one as strange, the examples don't end there. The New York Times reported that New York was paying for dog walking and candle-lit dinners with AIDS funds, while other areas of the country do not even have sufficient funds to pay for medications for those living with HIV. Hot lunches, haircuts, art classes, and even tickets to Broadway shows were financed by federal funding.

Indeed, although the federal government spends over $21 billion on HIV/AIDS annually, up to a staggering 59 percent of Americans with HIV are not in regular care. This misallocation of funds is great cause for concern and should motivate Members of Congress to respond by supporting the reauthorization of the Ryan White CARE Act. By doing so, greater oversight in funding would be provided.

The reauthorization of this act would prioritize medical care and treatment over less essential services and programs. I ask my colleagues to support this reauthorization.

Ms. ESHOO. Mr. Speaker, when Congress passed the Ryan White CARE Act in 1990, we sent hope to millions of Americans who were living under a death sentence that came with a diagnosis of HIV or AIDS. In large part because of Ryan White, outcomes have dramatically improved.

This bill fails to uphold the hopeful tradition of the original legislation because it creates a system of winner and losers in the allocation of federal resources. This major reauthorization of our federal HIV/AIDS policy is also being considered under suspension of the rules, prohibiting Members from offering amendments to address the serious deficiencies in the bill.

Last week, I offered an amendment with several of my colleagues from the California, New York and New Jersey delegations to increase the overall authorization levels in the bill which would helps address the needs of communities more recently affected by the epidemic. Our amendment also extended the hold harmless provisions of the bill by two years to ensure that the historic epicenters of the disease do not experience precipitous declines in funding levels from year to year. Our amendment was defeated by a single vote.

Today we can't offer that amendment or any other. Instead, we're left with a ''take it or leave it'' proposed that doesn't adequately respond to the real needs of people suffering from HIV and AIDS.

Congress has responsibility to address the imminent crisis facing emerging communities, but we can't abandon the infrastructure of care already in place. By eliminating the hold harmless provision after three years in order to free up funding for emerging communities, some localities will experience sharp funding declines.

The bill also doesn't allow sufficient time for states to transit HIV code-based reporting systems to the more efficient names-based system. Although California is making enormous strides to comply, Governor Schwarzenegger reports that the state will likely miss the 2009 deadline, sustaining a loss of up to $50 million, or 23 percent, of its total funding in FY2011. Such a loss has the potential to derail the entire state's HIV/AIDS care system.

Given my serious concerns about the ability of this bill to preserve current infrastructure of care while extending assistance to areas of the country newly affected by the HIV/AIDS epidemic, and with no opportunity to address these concerns with amendments, I reluctantly oppose this bill.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 6143, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## FORT McDOWELL INDIAN COMMUNITY WATER RIGHTS SETTLEMENT REVISION ACT OF 2006

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2464) to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

The Clerk read as follows:

S. 2464

*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 ''Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—The term ''Fort McDowell Water Rights Settlement Act'' means the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101–628; 104 Stat. 4480).

(2) NATION.—The term ''Nation'' means the Fort McDowell Yavapai Nation, formerly known as the ''Fort McDowell Indian Community''.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

**SEC. 3. CANCELLATION OF REPAYMENT OBLIGATION.**

(a) CANCELLATION OF OBLIGATION.—The obligation of the Nation to repay the loan made under section 408(e) of the Fort McDowell Water Rights Settlement Act (104 Stat. 4489) is cancelled.

(b) EFFECT OF ACT.—

(1) RIGHTS OF NATION UNDER FORT MCDOWELL WATER RIGHTS SETTLEMENT ACT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act alters or affects any right of the Nation under the Fort McDowell Water Rights Settlement Act.

(B) EXCEPTION.—The cancellation of the repayment obligation under subsection (a) shall be considered—

(i) to fulfill all conditions required to achieve the full and final implementation of the Fort McDowell Water Rights Settlement Act; and

(ii) to relieve the Secretary of any responsibility or obligation to obtain mitigation

property or develop additional farm acreage under section 410 the Fort McDowell Water Rights Settlement Act (104 Stat. 4490).

(2) ELIGIBILITY FOR SERVICES AND BENEFITS.—Nothing in this Act alters or affects the eligibility of the Nation or any member of the Nation for any service or benefit provided by the Federal Government to federally recognized Indian tribes or members of such Indian tribes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Speaker, S. 2464, or the Fort McDowell Indian Community Water Rights Settlement Revision Act, is companion legislation to H.R. 5299, a bill I introduced on May 4 of this year. This legislation codifies an important agreement struck between the Fort McDowell Yavapai Indian Community and the Department of the Interior through the Bureau of Reclamation and will provide a financial savings to both parties involved. The House Resources Committee held a legislative hearing on H.R. 5299 on July 12 of this year, at which time both the tribe and the Bureau of Reclamation expressed their strong support for this bill.

This agreement represents the last step to full implementation of the Fort McDowell Indian Community Water Rights Settlement Act of 1990. The 1990 Act requires the Department of the Interior to comply with all applicable environmental laws throughout implementation of the Act and to bear the cost of mitigation associated with that compliance.

Subsequently, the Secretary removed 227 acres originally included in the settlement as a result of review conducted under the National Environmental Policy Act. The Department of the Interior acknowledges that it has not yet complied with its obligation to provide and develop adequate replacement land for the tribe. The Department currently estimates the cost of developing the 227 acres lost through the NEPA process at $5.6 million.

Mr. Speaker, the agreement before us today provides for the cancellation of the Department's obligation to supply the 227 replacement acres currently estimated at the aforementioned $5.6 million in exchange for the tribe being granted loan forgiveness on a 50-year, no-interest loan extended to the tribe as part of the 1990 Act. The Congressional Budget Office estimates the worth of this 50-year loan at $4 million.

Mr. Speaker, this bill makes sense. It saves the Fort McDowell community money. It saves American taxpayers money. I urge its swift passage.

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

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

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

Mr. PALLONE. Mr. Speaker, S. 2464 will allow the Fort McDowell Yavapai Nation and the Department of the Interior to revise their respective responsibilities under the 1990 Fort McDowell Indian Water Rights Settlement Act in a mutually acceptable way.

I want to indicate that I have been actually at the Fort McDowell Reservation and we support this legislation and have no objection to its consideration on the suspension calendar today.

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

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

Mr. Speaker, I thank my friend from New Jersey for visiting us in Arizona from time to time. I would also note that President Raphael Bear of the Fort McDowell Yavapai community worked very hard on this, coming to see me personally and giving great testimony here on July 12.

Mr. Speaker, I have no additional speakers, would urge passage of this legislation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the Senate bill, S. 2464.

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.

□ 1515

## RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT AMENDMENT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4545) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4545

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

**SECTION 1. AUTHORIZATION OF LOS ANGELES COUNTY WATER SUPPLY AUGMENTATION DEMONSTRATION PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**"SEC. 16___. LOS ANGELES COUNTY WATER SUPPLY AUGMENTATION DEMONSTRATION PROJECT.**

"(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the Los Angeles and San Gabriel Rivers Watershed Council, is authorized to participate in the planning, design, construction, and assessment of a neighborhood demonstration project to—

"(1) demonstrate the potential for infiltration of stormwater runoff to recharge groundwater by retrofitting one or more sites in the Los Angeles area with features designed to reflect state-of-the-art best management practices for water conservation, pollution reduction and treatment, and habitat restoration; and

"(2) through predevelopment and postdevelopment monitoring, assess—

"(A) the potential new water supply yield based on increased infiltration; and

"(B) the value of the new water.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—No Federal funds shall be used for the operation and maintenance of the project described in subsection (a). For purposes of this subsection, pre- and post-development monitoring for not more than 2 years before and after project installation for project assessment purposes shall not be considered operation and maintenance.

"(d) SUNSET OF AUTHORITY.—- The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16___ the following:

"Sec. 16___. Los Angeles County Water Supply Augmentation Demonstration Project".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

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

H.R. 4545 authorizes the Secretary of the Interior, in cooperation with the Los Angeles and San Gabriel Rivers Watershed Council, to participate in the design, planning, and construction of a water recharge demonstration project in Southern California. To meet the needs of future population growth in this arid region, capturing stormwater runoff and recharging groundwater could substantially increase local water supplies.

I urge my colleagues to support this bill.

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

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

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

Mr. PALLONE. We strongly support H.R. 4545, championed by our colleague from Lakewood, California (Ms. LINDA T. SÁNCHEZ). This authorization will authorize Federal financial assistance for a unique water reuse and conservation project in the Los Angeles area. The project will demonstrate that small-scale neighborhood projects can be built to increase local water supplies and reduce urban water pollution.

Projects like this can help residents of southern California increase local water supplies and reduce their dependence on imported water from northern California and the Colorado River.

This is an innovative project and a good bill that deserves our support. Again, I want to congratulate my friend, LINDA SÁNCHEZ, for her hard work on this bill.

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

Mr. PALLONE. Mr. Speaker, I would now yield as much time as she would consume to the gentlewoman who is the sponsor of the bill.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, let me begin by thanking Resources Committee Chairman RICHARD POMBO and Ranking Member NICK RAHALL as well as Water and Power Subcommittee Chairman GEORGE RADANOVICH for recognizing the importance of this bill, H.R. 4545, the Southern California Water Augmentation Study.

I would also like to especially thank my colleague GRACE NAPOLITANO, the ranking member of the Water and Power Subcommittee. She has served in that position with distinction and established herself as an advocate for sound water policy in her home State of California and across the Nation. Representative NAPOLITANO has supported this bill, and she has utilized many efforts in shepherding it through the legislative process.

I became interested in this effort because California and other parts of this country need to move forward on two very important issues: First, we must increase our groundwater drinking supplies, and we can do this by improving the safe infiltration of surface water. And, second, we must reduce urban stormwater runoff that can carry trash and contamination to our beaches and oceans.

The water augmentation study was created to address important economic and scientific questions about water quality and water supply. Simply put, this project is about taking the water that we lose and turning it into water that we can use.

This study will assess the potential of urban stormwater infiltration to augment water supplies. This water augmentation study will determine the benefits, costs, and risks of infiltration. It will help us understand what conditions we need to make infiltration work and assess the potential for larger water supply. At the same time, it will show us how to reduce water pollution and create additional environmental and social benefits.

Mr. Speaker, this bill is designed to make southern California more water self-sufficient and less reliant on imported water from our neighbors in the central and northern parts of our State. I am also very pleased that President Bush has included funding for the water augmentation study in his last three budgets, including this year. This is a bipartisan effort in which there is agreement on the merits of the project throughout our government.

Also, the California staff of the Bureau of Reclamation has been very supportive of this project. In fact, they helped create it in the year 2000, because they see it as helping solve a real problem we face in California and, shall I say, other water-challenged States across the country.

Again, I would like to thank Chairman POMBO and Ranking Member RAHALL, as well as the great staff on the House Resources Committee, and to Representative NAPOLITANO for her unyielding support of this bill. I urge all my colleagues to join us in supporting H.R. 4545.

Mr. PALLONE. Mr. Speaker, I have no additional speakers. I would yield back my time.

Mr. HAYWORTH. Likewise, Mr. Speaker, with that note of unanimity, being from a water-challenged State the gentlewoman from California spoke of earlier, I would simply like to say I likewise have no additional speakers.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 4545, 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.

## GENERAL LEAVE

Mr. HAYWORTH. 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 two bills just considered.

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

There was no objection.

## WOODROW WILSON PRESIDENTIAL LIBRARY AUTHORIZATION ACT

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4846) to authorize a grant for contributions toward the establishment of the Woodrow Wilson Presidential Library, as amended.

The Clerk read as follows:

H.R. 4846

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

**SECTION 1. GRANTS FOR ESTABLISHMENT OF THE WOODROW WILSON PRESIDENTIAL LIBRARY.**

(a) GRANTS AUTHORIZED.—Subject to subsections (b), (c), and (d), the Archivist of the National Archives and Records Administration may make grants to contribute funds for the establishment in Staunton, Virginia, of a library to preserve and make available materials related to the life of President Woodrow Wilson and to provide interpretive and educational services that communicate the meaning of the life of Woodrow Wilson.

(b) LIMITATION.—A grant may be made under subsection (a) only from funds appropriated to the Archivist specifically for that purpose.

(c) CONDITIONS ON GRANTS.—

(1) MATCHING REQUIREMENT.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Archivist that funds have been raised from non-Federal sources for use to establish the library in an amount equal to at least double the amount of the grant.

(2) RELATION TO OTHER WOODROW WILSON SITES AND MUSEUMS.—The Archivist shall further condition a grant under subsection (a) on the agreement of the grant recipient to operate the resulting library in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Woodrow Wilson. Cooperative efforts to promote and interpret the life of Woodrow Wilson may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(d) PROHIBITION OF CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the library.

(e) NON-FEDERAL OPERATION.—The Archivist shall have no involvement in the actual operation of the library, except at the request of the non-Federal entity responsible for the operation of the library.

(f) AUTHORITY THROUGH FISCAL YEAR 2011.—The Archivist may not use the authority provided under subsection (a) after September 30, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I might consume.

Woodrow Wilson was this Nation's 28th President, and today I rise in support of a bill that honors his life and his legacy.

As both a statesman and a scholar, President Wilson was a champion of democracy and freedom. He was a fierce advocate of using diplomacy as a tool for foreign policy, and when he led America to fight against Germany in World War I, he did so saying, ''The world must be safe for democracy.''

H.R. 4846, as amended, will enable the construction of a Presidential Library and Museum at President Wilson's birthplace in Staunton, Virginia. This facility would provide educational services honoring the ideals and beliefs President Wilson promoted throughout

his life, and I urge all Members to join me in supporting it.

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

Mr. DAVIS of Illinois. Mr. Speaker, I would yield myself such time as I might consume.

Mr. Speaker, this bill creates, for the first time, a matching grant program administered by the National Archives for the construction of a private Presidential library. I am pleased that the Woodrow Wilson Library Foundation is expanding, and I hope it can develop into a vital research center.

While I fully support the private Presidential libraries and will not oppose this bill, I do, however, want to raise two concerns about this method of funding these libraries.

First, I want us to be clear that we are not establishing a precedent here. Private Presidential libraries have always sought funds from private donors and have been successful in doing so. I do not want passage of this bill to encourage them to turn away from these sources of funding in favor of the Federal Government. The Federal Government simply does not have the resources to support all private Presidential libraries.

Secondly, I have been concerned that this grant would cut into the operating funds of the Archives. The National Archives is the Nation's depository of all valuable and preserved documents and materials created in the course of business conducted by the Federal Government. This is a huge responsibility that must be met with its limited budget.

The bill before us is different from the introduced version, and I want to thank the sponsors of the bill for revising the bill to give the Archivist discretion regarding the provision of the grant. This provision ensures that any grant made to the Woodrow Wilson Library Foundation does not jeopardize any of the Archives' important work because it ensures that any grant to the library must be from funds appropriated specifically for that purpose.

Mr. Speaker, with these expressions of concerns and provisions, I would support this legislation.

I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I would like to yield 4 minutes to the gentleman from the Commonwealth of Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in support of H.R. 4846, the Woodrow Wilson Presidential Library Authorization Act, which will authorize grants from the National Archives for the establishment of a Presidential library to provide educational and interpretive service to honor the life of Woodrow Wilson.

As a statesman, scholar and President, Woodrow Wilson faced economic crisis, democratic decay, and a world war. Presidential historians agree that World War I and President Wilson's leadership radically altered the role of diplomacy as a tool of foreign policy, a policy that established a new path for America's role in promoting democracies throughout the world. So, too, did Wilson's high-minded ideals craft a legacy that shaped the powers and responsibilities of the executive branch in times of war.

Mr. Speaker, as a professor and President of Princeton University, Wilson created a more selective and accountable system for higher education. By instituting curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world.

Due to Wilson's legacy at Princeton, I am pleased to have the support of the current Princeton President, Shirley Tilghman, as we establish this library.

H.R. 4846 gives the National Archives the authority to make pass-through grants for the establishment of a Presidential library in Staunton, Virginia, Woodrow Wilson's birthplace, and does not create a new program.

In addition, to ensure that a public-private partnership exits, this legislation mandates that no grant shall be available for the establishment of this library until a private entity has raised at least twice the amount to be allocated by the archives.

Quite frankly, more Federal public-private programs should operate in this manner.

Finally, and to ensure that the Woodrow Wilson Presidential Library is not part of the Presidential library's system, this legislation states that the Federal Government shall have no role or responsibility for the ongoing operation of the library.

I am also pleased to have the support of several other Presidential sites throughout the Commonwealth of Virginia, known as the Birthplace of Presidents, including Monticello, Poplar Forest, Montpelier, Ash-Lawn, and Mount Vernon.

Mr. Speaker, in order to increase the awareness and understanding of the life and principles and accomplishments of the 28th President of the United States, I ask that you join me in voting for this legislation in the 150th anniversary of Woodrow Wilson's birth year.

I would also like to thank the Woodrow Wilson Library Foundation for their help in this cause, including Eric Vettel, Don Wilson, honorary officers, board members, and trustees. I want to thank House leadership for scheduling this bill today, cosponsors, which includes the entire Virginia delegation and the staff of the Government Reform Committee and the Office of Legislative Counsel for their assistance in crafting this bill.

Mr. GOODE. Mr. Speaker, I rise in support of H.R. 4846, which authorizes a grant for contributions toward the establishment of the Woodrow Wilson Presidential Library in Staunton, Virginia.

Thomas Woodrow Wilson was born in Staunton, Virginia on December 28, 1856. He later lived in Charlottesville, Virginia while studying law at the University of Virginia. When elected President of the United States in 1912, Wilson became the eighth person born in Virginia to ascend to the Presidency, more than any other state in the nation.

As President, Wilson promoted numerous social and economic reforms including the Federal Reserve Act of 1913.

H.R. 4846 authorizes a matching grant program to establish the Wilson Library at the President's birthplace in Staunton. I have had the pleasure of visiting the museum there on many occasions and my nephew, Brett, especially enjoyed seeing the fully restored Pierce-Arrow limousine that was used to transport President Wilson from New York to Washington upon his return from France in 1919 after negotiating the Treaty of Versailles.

I commend the gentleman from Virginia, Mr. GOODLATTE, for this legislation and urge my colleagues to support H.R. 4846.

□ 1530

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

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the passage of H.R. 4846, 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 Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 4846, as amended.

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

The title of the bill was amended so as to read: ''A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library.''.

A motion to reconsider was laid on the table.

## EXTENDING RELOCATION EXPENSES TEST PROGRAMS FOR FEDERAL EMPLOYEES

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2146) to extend relocation expenses test programs for Federal employees.

The Clerk read as follows:

S. 2146

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

**SECTION 1. EXTENSION OF RELOCATION EXPENSES TEST PROGRAMS.**

(a) IN GENERAL.—Section 5739 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking ''for a period not to exceed 24 months''; and

(2) in subsection (e), by striking ''7 years'' and inserting ''11 years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 112 Stat. 2350).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 2146, which was introduced by Homeland Security and Government Affairs Committee Chairwoman Susan Collins last December.

This legislation would extend the authority for the General Services Administration to conduct relocation expenses test programs for Federal employees for an additional 4 years.

The Customs and Border Patrol agency has long supported this legislation to help them relocate Border Patrol agents in a cost-efficient and timely manner, thereby allowing the transferee to get settled and focused on the new assignment as soon as possible. The capability to efficiently relocate personnel, while simultaneously minimizing costs, would be a significant benefit to the Federal agencies as they continue to recruit and retain a highly skilled workforce.

Mr. Speaker, I would also like to note that the CBO estimates an extension of the pilot program reauthorization would produce savings to the Federal Government of approximately $15 million annually.

It is rare within the Federal personnel world to come across a program that produces a savings for the government and is valued by the workforce.

I urge my colleagues to support S. 2146.

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 rise in support of S. 2146. This bill would provide the authority of the General Services Administration to extend pilot programs on the relocation expenses of Federal employees for an additional 4 years. The Federal Government spends more than $800 million each year to relocate its employees, and reducing those expenses has long been a goal of Congress.

Under the pilot program, agencies are given the flexibility to experiment on how to reimburse relocation expenses. Two agencies are currently participating in the pilot program. These agencies generally provide lump-sum payments so employees are not required to keep receipts and then be reimbursed.

This test program has shown promise in reducing relocation expenses so the House should join the Senate in extending this pilot.

I urge my colleagues to support S. 2146.

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

Mr. WESTMORELAND. Mr. Speaker, I urge Members to support passage of S. 2146, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the Senate bill, S. 2146.

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.

## SUPPORTING THE GOALS AND IDEALS OF GYNECOLOGIC CANCER AWARENESS MONTH

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 473) supporting the goals and ideals of Gynecologic Cancer Awareness Month.

The Clerk read as follows:

H. CON. RES. 473

Whereas the Gynecologic Cancer Foundation marks its 15th anniversary in 2006;

Whereas the Gynecologic Cancer Foundation was founded by the Society of Gynecologic Oncologists in 1991;

Whereas the mission of the Gynecologic Cancer Foundation is to raise awareness about the prevention, early detection, and treatment of reproductive cancers;

Whereas the Gynecologic Cancer Foundation raises funds to support training and research grants;

Whereas over 77,000 American women will be diagnosed with a reproductive cancer in 2006;

Whereas there are screening tests and warning signs for reproductive cancers, and early detection leads to improved survival for all female reproductive cancers;

Whereas gynecologic oncologists are board-certified obstetrician-gynecologists with an additional three to four years in training in the comprehensive care of women with reproductive cancers;

Whereas the Gynecologic Cancer Foundation works with gynecologic oncologists, survivors, and advocates throughout the year to increase knowledge about reproductive cancers, so that these cancers can be prevented or detected at their earliest, most curable stage; and

Whereas September is widely recognized as Gynecologic Cancer Awareness Month: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) supports the goals and ideals of Gynecologic Cancer Awareness Month; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe Gynecologic Cancer Awareness Month with appropriate educational programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. 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 concurrent resolution currently under consideration.

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

There was no objection.

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

Mr. Speaker, research indicates that more than 77,000 women in the United States will be diagnosed with reproductive cancer in 2006. The Gynecologic Cancer Foundation works with oncologists, cancer survivors and advocates so that one day these cancers can be prevented or detected at their earliest stages.

I am pleased to speak on behalf of this resolution honoring the 15th anniversary of the Gynecologic Cancer Foundation as well as this mission to raise awareness about the prevention, early detection, and treatment of reproductive cancers.

I urge all Members to join me in supporting the goals and ideals of Gynecologic Cancer Awareness Month by agreeing to H. Con. Res. 473.

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

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

The mission of the Gynecologic Cancer Foundation is to ensure public awareness, early diagnosis, and proper treatment of gynecologic cancer preventions and to support research and training related to gynecologic cancers.

For 15 years, GCF has advanced this mission by increasing public and private funds that aid in the development and implementation of programs to meet these worthy goals.

This year, over 77,000 American women will be diagnosed with a reproductive cancer. In 2002, more than 27,000 women died from some form of gynecologic cancer. GCF works with gynecologic oncologists, survivors, and advocates throughout the year to increase the public's knowledge about reproductive cancers, so that these cancers can be either prevented or detected at their earliest and most curable stage.

September is Gynecologic Cancer Awareness Month, so it is an appropriate time to recognize the efforts of the GCF, gynecologic oncologists, and all those who work to save lives by educating Americans about gynecologic cancers. This is indeed a worthy piece of legislation.

I urge my colleagues to support this resolution.

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

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

Mr. ISSA. Mr. Speaker, it is with pride I rise today in support of H. Con. Res. 473, supporting the goals and ideals of Gynecologic Cancer Awareness Month and particularly the Gynecologic Cancer Foundation.

This marks the 15th anniversary in 2006 of the Gynecologic Cancer Foundation. It is that foundation that has such a long and proud history of serving women in America through educational programs and to provide up-to-date information on the prevention and early detection and treatment of these reproductive cancers, cancers that will affect over 77,000 American women this year alone.

It was in 1999 that September was first declared Gynecologic Cancer Awareness Month, and each September since then the Gynecologic Cancer Foundation has embarked on an intensive education program to reach women with an important message:

First, get to know your family history. Second, conduct a cancer-risk assessment. Third, ask questions, educate yourself about these deadly cancers. Last, make an appointment for an annual gynecologic cancer screening test.

Mr. Speaker, every 7 minutes a woman is diagnosed with gynecologic cancer. In 2006, over 77,000 women will be diagnosed with gynecologic cancer; and, unfortunately, over 27,000 women will die, many of them because they didn't have early diagnosis. Too many women are dying because of the lack of early diagnosis. Education and early detection are the keys to saving women's lives and reducing this terrible statistic. If diagnosed in the early stages, the 5-year survival rates for these cancers are over 95 percent.

Mr. Speaker, this is an important awareness program. We have done a wonderful job throughout the years as Americans in shedding light on other deadly diseases, including breast cancer; but this remains a silent killer.

I thank the gentleman from Georgia (Mr. WESTMORELAND), I thank the Speaker of the House, and urge passage of this bill.

Mr. WESTMORELAND. Mr. Speaker, I yield to my friend Dr. GINGREY 1 minute.

Mr. GINGREY. Mr. Speaker, I thank my colleague from Georgia for yielding.

I just wanted to come down quickly and support Representative ISSA and H. Con. Res. 473, this resolution regarding gynecologic cancer.

I spent a lot of years in my former life as a practitioner of the specialty of gynecology and obstetrics, and that dreaded fear of the big C-word, cancer, for women, particularly ovarian cancer that is so deadly. That is why it is so important that this resolution be brought forward to the Congress and bring some recognition to this dreaded disease.

Mr. ISSA and I were talking earlier today about ovarian cancer, in particular, and how difficult it is to detect. It is commonly thought you can do a blood test, but it is not a good screening test for ovarian cancer. There are other things that we can do, and we need to make sure that the American public and our colleagues in the Congress are aware of that. It costs money, certainly, but it saves lives.

I wanted to drop in for a few seconds, and I appreciate the gentleman yielding to me, and I urge Members to support this very, very important resolution.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 473, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 473.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF INFANT MORTALITY AWARENESS MONTH

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 402) supporting the goals and ideals of Infant Mortality Awareness Month, as amended.

The Clerk read as follows:

H. RES. 402

Whereas infant mortality refers to the death of a baby before it reaches its first birthday;

Whereas the United States ranks 28th among industrialized nations in the rate of infant mortality;

Whereas in the United States, infant mortality increased in 2002 for the first time in more than four decades;

Whereas in 2002 the rate reached 7 deaths per 1,000 live births, which was the first increase since 1958;

Whereas the recent increase is a significant and troubling public health issue, especially for African American families, Native American families, and Hispanic families;

Whereas the infant mortality rate among African American women is more than double that of Caucasian women, according to a report produced by the National Healthy Start Association and by a related group supported by the health department of Allegheny County, in the State of Pennsylvania;

Whereas the Secretary of Health and Human Services has designated 2010 as the year by which certain objectives should be met with respect to the health status of the people of the United States;

Whereas such objectives, known as Healthy People 2010, include an objective regarding a decrease in the rate of infant mortality;

Whereas September 1, 2007, is the beginning of a period of several months during which there will be several national observances that relate to the issue of infant mortality, including the observance of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month; and

Whereas it would be appropriate to observe September 2007 as Infant Mortality Awareness Month: Now, therefore, be it

*Resolved,* That the House of Representatives supports the goals and ideals of Infant Mortality Awareness Month in order to—

(1) increase national awareness of infant mortality and its contributing factors; and

(2) facilitate activities that will assist local communities in their efforts to meet the objective, as established by the Secretary of Health and Human Service in Healthy People 2010, that the rate of infant mortality in the United States be reduced to a rate of not more than than 4.5 infant deaths per 1,000 births.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. 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 resolution under consideration.

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

There was no objection.

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

Mr. Speaker, in 2002 infant mortality rates increased in the United States for the first time in more than four decades. There are approximately seven deaths per every 1,000 live births, and this recent increase is absolutely a troubling development.

The Secretary of Health and Human Services has designated 2010 as a year by which several health objectives should be met, including objectives to decrease infant mortality rates.

Mr. Speaker, the Nation currently observes the month of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month. It is fitting to observe September of 2006 as Infant Mortality Awareness Month, and I urge my colleagues to support House Resolution 402, as amended, to do just that.

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, the term ''infant mortality rate'' is given to the number of infant deaths during the first 12 months of life for every 100,000 births. In the United States, infant mortality increased in 2002 for the first time in more than four decades. The rate reached seven deaths per 1,000 live births, which was the first increase since 1958.

American babies are three times more likely to die during their first month of life than children born in

Japan, and newborn mortality is 2½ times higher in the United States than in Finland, Iceland, or Norway. Only Latvia, with six deaths per 1,000 live births, has a higher death rate for newborns than the United States, and Latvia is near the bottom of the list of industrialized nations, tied with Hungary, Malta, Poland, and Slovakia with five deaths per 1,000 births.

□ 1545

Newborn death rates are higher among American minorities and disadvantaged groups. For African Americans, the mortality rate is nearly double that of the United States as a whole, with 9.3 deaths per 1,000 births.

The primary causes of infant mortality are premature birth and low birth weight. A common reason for low birth weight infant mortality includes respiratory distress syndrome, which may involve a collapsed lung, low oxygen absorption, and high carbon dioxide level.

All children, regardless of where they are born and regardless of their race or ethnic group, deserve a healthy start in life. Mr. Speaker, I have always been told that if infant mortality rates are high, it means that the quality of life is low. If infant mortality rates are low, then it means that the quality of life is high.

It is pretty obvious, Mr. Speaker, that we need to do more to deal effectively across the board with the quality of life for people in our country, a great Nation, in an effort to make it even greater.

I strongly support this resolution and urge all of my colleagues to do so.

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

Mr. WESTMORELAND. Mr. Speaker, I yield 3 minutes to my distinguished colleague from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding. I know I talk slow, but I hope I won't take 3 minutes. But I appreciate the opportunity.

I mentioned just a moment ago that my specialty was gynecology, but there is another part to that, and it is the obstetrical part, the birth and babies part. So it is an honor and a pleasure to be here and to support H. Res. 402; and I want to thank my physician colleague in this House and another OB/GYN, Dr. MIKE BURGESS, Representative BURGESS from Texas, who also practiced OB/GYN for 17 years, for bringing this resolution; and, also, of course, my colleague from Georgia, Representative WESTMORELAND; and my good friend from Chicago, Illinois, Mr. DAVIS.

Mr. DAVIS just said it perfectly. When you lose babies in the first year of life at the rate of 7 per 1,000 live births and we are 28th among industrialized nations and we brag about the fact that we have the greatest health care system in the world, there is something wrong with that picture. And, as he pointed out, it is even worse for African American minorities; and the big problem, of course, is lack of prenatal care. Deaths occur because of Sudden Infant Death Syndrome. We are still struggling to figure out why that occurs, but we clearly know why prematurity occurs, low birth weight babies that Representative DAVIS was talking about, and we can do something about that.

So this resolution is very timely, supporting the goals and ideals of Infant Mortality Awareness Month; and I just want to thank the gentleman for letting me put in my 2 cents worth in regard to this very, very important issue.

Mr. WESTMORELAND. Mr. Speaker, I urge all Members to support the adoption of House Resolution 402, as amended.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 402, 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.

## RECOGNIZING THE 225TH ANNIVERSARY OF THE AMERICAN AND FRENCH VICTORY AT YORKTOWN DURING THE REVOLUTIONARY WAR

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 748) recognizing the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War.

The Clerk read as follows:

H. RES. 748

Whereas at Yorktown, Virginia, on October 19, 1781, General George Washington and the American and French armies received the surrender of Lieutenant General Charles Cornwallis and nearly 7,100 British soldiers and sailors, ending nine days of siege operations against the British army;

Whereas the victory at Yorktown concluded the last major battle of the American Revolution, effectively ending the war and securing for the colonies their independence by providing a military conclusion to the political declaration issued five years earlier;

Whereas Virginia, as the largest and most populous of the original 13 colonies and the home of General Washington, Thomas Jefferson, Patrick Henry, Thomas Nelson, Jr., and other leaders of the American Revolution, is blessed with a rich history of noteworthy contributions to the struggle to secure liberty and democracy;

Whereas in 1983 the Virginia General Assembly designated the 19th day of October of each year to be recognized and celebrated as Yorktown Day throughout the Commonwealth of Virginia; and

Whereas the 2006 observance of Yorktown Day celebrates the 225th anniversary of the American and French victory at Yorktown: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War and reminds the American people of the debt the United States owes to its armed forces and the important role Yorktown and the Commonwealth of Virginia played in securing their liberty.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. 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 resolution under consideration.

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

There was no objection.

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

On October 19, 1781, Mr. Speaker, Lieutenant General Charles Cornwallis and nearly 7,100 British soldiers surrendered to General George Washington in Yorktown, Virginia. This surrender almost 225 years ago ended the American and French 9-day siege against the British troops, and it signaled the end of the last major battle of the American Revolution.

This day in history also solidified the political declaration of independence made by the colonies 5 years later, and it opened the door to America becoming the democracy our forefathers envisioned.

We are most fortunate to live in this Nation, and I urge all Members to join me in supporting this resolution recognizing the 225th anniversary of the American and French Victory at Yorktown.

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, Yorktown was established by Virginia's colonial government in 1691 to regulate trade and to collect taxes on both imports and exports for Great Britain. Over time, the waterfront with wharves, docks, storehouses, and businesses developed. On the bluff above the waterfront, stately homes lined Main Street. Taverns and shops were scattered throughout the town. By the early 1700s, Yorktown had emerged as a major Virginia port and economic center.

Today, Yorktown is best known as the site where the British army under General Charles Lord Cornwallis was forced to surrender on October 19, 1781, to General George Washington's combined American and French army. Upon hearing of their defeat, British Prime Minister Frederick Lord North is reputed to have said, ''Oh, God, it's

all over.'' And it was. The victory secured independence for the United States and significantly changed the course of world history.

H. Res. 748 recognizes the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War; and I strongly support its passage.

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

Mr. WESTMORELAND. Mr. Speaker, I yield such time as she may consume to my distinguished colleague from the Commonwealth of Virginia, Mrs. DAVIS.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of my resolution, H. Res. 748, recognizing the 225th anniversary of the American and French victory at Yorktown, Virginia, during the Revolutionary War.

I am very proud to represent America's First Congressional District. While next year my district will be host to the 400th anniversary celebration of the founding of Jamestown, this month marks another significant anniversary in our Nation's history: the victory at Yorktown.

It is a privilege every year on October 19 to celebrate Yorktown Day. The Revolution secured independence for the United States and significantly changed the course of world history. The American Revolution took place from Maine to Florida and as far west as Arkansas and Louisiana, but it was Yorktown battlefield that saw the final battle of the American Revolution, with the surrender of General Cornwallis's British army to General George Washington's American-French allied army in October, 1781.

By the end of September, 1781, Washington's army of 17,600 Continental soldiers and French allies had surrounded Cornwallis' 8,300 British, German, and Loyalist troops and laid siege to Yorktown, leading to the surrender of Cornwallis on October 19, 1781. And my colleague from Illinois said it best when he quoted Prime Minister Frederick Lord North when he said, ''Oh, God, it's all over.'' The allied victory at Yorktown effectively ended the war.

In 1931, Dr. Ray Lyman Wilbur, Secretary of the Interior, commented, ''To declare independence is one thing; to achieve it is another. Here it was actually achieved . . . The victory at Yorktown gave us that independence which the American patriots had boldly proclaimed to the world.''

Mr. Speaker, it is that independence that we so cherish and enjoy here in the United States of America today. It is our freedoms that our wonderful men and women in the military continue to fight for today, and it started back in 1781 with the victory at Yorktown.

Mr. Speaker, with that, I urge all of my colleagues to support this resolution honoring a significant historical event in our Nation's history.

Mr. WESTMORELAND. 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 Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 748.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## SUPPORTING THE GOALS AND IDEALS OF NATIONAL PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) supporting the goals and ideals of National Pregnancy and Infant Loss Remembrance Day, as amended.

The Clerk read as follows:

H. CON. RES. 222

Whereas each year, approximately one million pregnancies in the United States end in miscarriage, stillbirth, or the death of a newborn baby;

Whereas it is a great tragedy to lose the life of a child;

Whereas even the shortest lives are still valuable, and the grief of those who mourn the loss of these lives should not be trivialized;

Whereas during the past 3 years, Governors of all 50 States have signed proclamations designating October 15 as Pregnancy and Infant Loss Remembrance Day;

Whereas the legislatures of the States of Arkansas, Kansas, Kentucky, Louisiana, Missouri, New York, Rhode Island, and South Dakota have passed concurrent resolutions recognizing October 15th of each year as Pregnancy and Infant Loss Remembrance Day;

Whereas the observance of Pregnancy and Infant Loss Remembrance Day may provide validation to those who have suffered a loss through miscarriage, stillbirth, or other complications;

Whereas recognizing Pregnancy and Infant Loss Remembrance Day would enable the people of the United States to consider how, as individuals and communities, they can meet the needs of bereaved mothers, fathers, and family members, and work to prevent the causes of these deaths; and

Whereas October 15th of each year is an appropriate day to observe National Pregnancy and Infant Loss Remembrance Day: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) supports the goals and ideals of National Pregnancy and Infant Loss Remembrance Day; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. 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 resolution under consideration.

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

There was no objection.

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

Mr. Speaker, it is an enormous tragedy to lose the life of a child, and it is a sad statistic that each year approximately 1 million pregnancies in the United States end in miscarriage, stillbirth, or the death of a newborn baby.

As this resolution states, even the shortest of lives are of great value, and the grief of the parents who lose their children cannot be underestimated. The Governors of all 50 States have joined together in designating October 15, 2006, as Pregnancy and Infant Loss Remembrance Day; and I hope all Members will join me in supporting the goals and ideal of this day as well.

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, when any baby or child dies, there is deep grief for the hopes, dreams, and wishes that will never be. Left behind are a sense of loss and a need for understanding.

Every year, many lives are touched by miscarriage or the death of an infant or child. According to a 1996 study by the Center for Disease Control, 16 percent of the more than 6 million pregnancies that year ended in either a miscarriage or a stillbirth, and 26,784 births ended in infant death.

Pregnancy and Infant Loss Day, which will be held on October 15, will assist in bringing the process of healing to families and will help to heal families who are coping with and recovering from a miscarriage, stillbirth, or the loss of an infant.

Families will always struggle to cope with the devastating crisis of a miscarriage or loss of an infant child. Parents often cry, feel ill or depressed, or have other emotional responses for months or years after a death. The pain is a normal part of grieving. Parents often want to talk about their pain and are pleased when others take the time to listen. People who come into contact with a grieving family have a role in helping to resolve the family's grief. The role of each person will be determined by his or her relationship with the family and the family's stage of grief. As a community, we should remember that no one can take the pain away from a grieving family. We can, however, provide comfort, sympathy, and understanding.

There will always be the need for compassionate support for grieving families, and I hope that all Americans will take the time on October 15 to show their compassion for families that have experienced the loss of an infant or a child.

I urge all of my colleagues to support this resolution.

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

Mr. WESTMORELAND. Mr. Speaker, I yield such time as he may consume to my friend and a distinguished member of this House from the State of Iowa (Mr. LATHAM).

□ 1600

Mr. LATHAM. Mr. Speaker, each year approximately 1 million pregnancies in the United States end in miscarriage, stillbirth or the death of a newborn baby.

Most Americans are not aware of this startling statistic, because many of those affected grieve in silence, sometimes never coming to terms with their loss.

We can help by giving all parents, grandparents, siblings, relatives and friends a special day of remembrance. In addition, bringing attention to this issue will foster greater understanding in our communities of how to meet the needs of bereaved family members and focus attention on efforts to prevent pregnancy loss and newborn deaths.

The Governors of all 50 States have signed proclamations recognizing October 15 as Pregnancy and Infant Loss Remembrance Day, and the legislatures of at least eight States have passed resolutions recognizing this day each year on a permanent basis.

Congress can bring even greater national awareness to this important issue by proclaiming its support for Pregnancy and Infant Loss Remembrance Day. Taking this action will mean something special to millions of Americans that have been affected, especially the mothers.

I commend the resolution's 54 bipartisan cosponsors and the many citizens throughout the country and in my home State of Iowa whose efforts have made consideration of this resolution possible

Mr. Speaker, I urge all Members to support the adoption of this resolution which will offer the support to individuals and families who have lost a child through miscarriage, stillbirth or other complications.

Mr. WESTMORELAND. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Georgia (Mr. GINGREY).

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

I too want to thank Representative LATHAM for bringing this resolution to the floor and stressing the importance to make people understand that a million babies lost a year, in addition to probably another million or so that are aborted deliberately, is a lot of lost lives.

Mr. Speaker, I think the importance of this resolution is to let people know that when couples have a miscarriage, it is a child. It might be for some people, well, it is just a miscarriage. They were only 6 weeks or they were only 9 weeks, and they did not even know whether it was a boy or girl.

But in the minds of that couple in many instances it is their very first pregnancy, and they are already thinking about that little boy or the little girl and what the name is going to be and the clothes that they are going to pick out and the joys they are going to have sending that child to school and raising it and seeing it play sports and become an adult some day and contribute to our great society.

We tend to forget that. And this was brought home to me pretty vividly recently when my daughter-in-law, pregnant with their first child, found out at 10 weeks that the baby did not have a heartbeat. And so that baby was lost. And she went on, of course, and miscarried. And that loss will be with them forever. And so I think it is just so important for us all to realize that when somebody, when you hear about somebody having a miscarriage, do not think, well, it was just a miscarriage, it is not like losing a child or an older child, which of course I do not know that anything compares to that.

But this is a significant loss. And that is why this resolution today is so important. I thank the gentleman for yielding. I thank Congressman LATHAM for bringing it forward and Congressman DAVIS as well.

Mr. WESTMORELAND. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today to thank Mr. LATHAM and both the majority and the minority for presenting this resolution today.

I do not talk about a situation that occurred over 22 years ago in my family. Actually it was 22 years, 2 months ago that my wife and I lost our child at 3 months to crib death.

I am sure you have got to believe that 22 years should be able to cover up the pain and the hurt and the scar. But it does not. And though we have been blessed with five healthy children, we will always have that missing spot that that little 3-month-old baby filled.

But I want to thank you for today, and I stand up here today and speak of this matter to represent the men and women who have gone through what my family has gone through, and thank you for this.

If I may leave you with one message: more important than us grieving for our losses of those young ones that have died and are not here today, the best way for us to really remember them is to appreciate and worship and thank God for the blessings of having healthy children and babies that we can take care of.

Because they truly are the best memorial for our babies that we have lost, by preserving and protecting the treasures that God has given us in healthy children.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Con. Res. 222, a resolution commending the goals and ideals of National Pregnancy and Infant Loss Remembrance Day. As a practicing OB/GYN for almost 40 years, I know there are few things more devastating than losing a child to medical complications such as a miscarriage or a stillbirth. Americans should take every opportunity to provide comfort and support to people who have suffered such a grievous loss.

I also wish to pay tribute to the efforts of Mrs. Robyn Bear, who played an instrumental role in bringing this issue before Congress. Mrs. Bear's story is an inspirational example of how a dedicated individual can make something good come from even the most tragic circumstances. After suffering six first trimester miscarriages between 1997 and 1999, Mrs. Bear began working to create a support system for parents who lost their children because of medical complications during or shortly after pregnancy. Largely due to her efforts, Governors of all 50 States have signed proclamations recognizing National Pregnancy and Infant Loss Remembrance Day. Mrs. Bear has also been instrumental in founding several online support groups for families that have suffered the loss of an unborn or newborn child. Mrs. Bear's efforts were also the inspiration for this legislation. I am pleased to let my colleagues know that today Mrs. Bear is the proud mother of a 6-year old girl and 3-year old twins.

In conclusion, Mr. Speaker, I once again urge my colleagues to support this bill. I also extend my thanks to Mrs. Robyn Bear for all her efforts to help parents who have lost a child due to a miscarriage, stillbirth, or other medical complications.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers. I want to urge all Members to support the adoption of House Concurrent Resolution 222, 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 Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222, as amended.

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

A motion to reconsider was laid on the table.

## CONGRATULATING COLUMBUS NORTHERN LITTLE LEAGUE BASEBALL TEAM ON ITS 2006 LITTLE LEAGUE WORLD SERIES VICTORY

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 991) congratulating the Columbus Northern Little League Baseball Team from Columbus, Georgia, on its victory in the 2006 Little League World Series Championship games.

The Clerk read as follows:

H. RES. 991

Whereas on Monday, August 28, 2006, the Columbus Northern Little League baseball team from Columbus, Georgia, defeated the Japanese Little League team by a score of 2–1 to win the 2006 Little League World Series Championship at South Williamsport, Pennsylvania;

Whereas, although Columbus Northern had taken 1 loss in the series, they did not give up, and although the Championship game was delayed a day by rain, the Columbus Northern team still kept pressing hard to come from behind to win the Championship game;

Whereas a team from the State of Georgia had not won the world title in more than 20 years;

Whereas the 2006 Columbus Northern Little League World Championship team consists of players Kyle Carter, Brady Hamilton, Matthew Hollis, Matthew Kuhlenberg, Josh Lester, Ryan Lang, Mason Meyers, J.T. Phillips, Kyle Rovig, Patrick Stallings, and Cody Walker;

Whereas the 2006 Columbus Northern Little League World Championship team is led by Coach Richard Carter, Manager Randy Morris, Team Mother Lynne Phillips, and President Curt Thompson;

Whereas the championship victory of the Columbus Northern Little League Baseball Team sets an example of sportsmanship, dedication, and a ''never give up'' spirit for men and women all across the country; and

Whereas the achievement of the Columbus Northern Little League Baseball Team is the cause of enormous pride for the Nation, the State of Georgia, and the city of Columbus: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates the Columbus Northern Little League Baseball Team from Columbus, Georgia, on its victory in the 2006 Little League World Series Championship games.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. WESTMORELAND. 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 resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today to offer House Resolution 991, to congratulate the boys of Columbus Northern of winning the Little League World Series. Thousands upon thousands of kids across the Nation take to the baseball fields each year to enjoy America's pastime.

The best of the best get a chance to compete for the title of U.S. Champion. The team that claims that mantle gets the chance to represent the Nation in the world championship game. This year, the American champions hailed from Columbus in Georgia's Eighth Congressional District.

While all of my colleagues from Georgia are certainly proud that the world champions are from our State, all of the Members of the House can take pride in their significant accomplishment.

Columbus Northern fought hard through the American playoffs. They lost one game, but they did not lose their fighting spirit. They came back with a vengeance and captured the American championship. Then they faced a strong Japanese team in the grand finale in Williamsport, Pennsylvania.

It was a defensive struggle, and pitcher Kyle Carter held the Japanese batters to one run, and catcher Cody Walker provided the winning margin, belting a two-run homer.

The boys of Northern Columbus showed that they are winners not only on the field, but also off the field. They demonstrated sportsmanship and Southern hospitality after the game by going to the Japanese dugout and inviting their opponents to run the victory lap around the field with them.

A historical perspective puts the significance of this victory into better focus. Though this country is the home of baseball, it is not often that the American Little League team hoists the world championship trophy.

Since 1980, only eight U.S. teams have won. I might add here, Mr. Speaker, that two of those teams hailed from Georgia. For Georgia, this victory shows the world that our athletes and coaches are among the best that play the game. The coaches and players of Columbus Northern can take pride in knowing that they have become the symbol of Georgia's athletic prowess.

But even more important than that, the boys of Columbus Northern will have memories to last a lifetime. They have had the extraordinary opportunity to live the dream of every American boy who has ever slipped on a glove or swung a bat.

Mr. Speaker, I urge my colleagues to join me in congratulating Columbus Northern, the American and World Champions, by supporting House Resolution 991.

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, first of all, let me congratulate Mr. WESTMORELAND and all of his neighbors and friends and residents of Columbus. I can imagine the tremendous sense of pride that that entire community feels and how proud they are of the accomplishments of their young people.

Mr. Speaker, Little League Baseball is the world's largest organized youth sports program, with nearly 2 million Little Leaguers playing, and more than a million adult volunteers throughout the United States and in dozen of other countries. No other youth support comes close to having the same level of participation.

On August 28, 2006, the Columbus Northern Little League team defeated the Kawaguchi Little League team of Japan by a score of 2–1. Both teams played an excellent game and represented their country and their league well.

In the end, the Columbus Northern Little League team concluded its season with an impressive record of 20 wins and only one loss. Columbus Northern is Georgia's second team to win the Little League World Series.

The 11 young men of the Columbus Northern team should be proud of their great accomplishment. Pitcher Lyle Carter made history by striking out 11 batters and became the first pitcher in history to win four times in the Little League World Series.

Cody Walker knocked a two-out pitch over the right field fence for the two runs that won the game over Japan.

Manager Randy Morris and Coach Richard Carter deserve recognition for guiding these young and committed players to victory.

Mr. Speaker, while we congratulate the Columbus Northern team, and while I urge passage of H. Res. 991, I can tell you there is no better sight to see during spring or summer, when you can see groups of young people out participating in an organized sport with their parents and neighbors and friends watching.

I guarantee you, Mr. Speaker, if we had more Little League teams, we would have fewer young people in juvenile delinquency settings, and our prisons could get emptied down, if not out.

Again I commend the Columbus Northern team and especially all of the coaches and volunteers and people of the community who really made it possible.

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

Mr. WESTMORELAND. Mr. Speaker, I would like to thank my colleague for those kind words and remarks. The gentleman is exactly right about the number of youth that should be playing Little League.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague. I am sitting here listening to the two gentlemen speak; I am ready to grab my bat and glove and hat and furthermore take me off the streets so I can go out and play ball again.

But they are absolutely right. This is a fantastic achievement from this team from Columbus, Georgia. I am especially proud to share a few moments, because I have part of Columbus in my district. This team is from Representative WESTMORELAND's district, but what a great community Columbus is, Muscogee County, and the great people there. I know they are so proud of this young ball team and the coaches.

Of course we have already mentioned names. I am sure that one of those coaches decided to ask that team from Japan to join in that victory lap. That is the kind of sportsmanship that is developed by these men and women that volunteer their time to work with our youth and achieve such great results.

My colleague from Georgia, Congressman WESTMORELAND, mentioned that we had another team from Georgia. Indeed, back in 1983, and my nurse,

I was, of course, in medical practice at the time. Her son was the third baseman on that team.

And he today is a medical doctor, a radiologist. But he was a great little ball player. And I think one of the players on that team was a dominant pitcher just like in this year, that led them to victory. He ultimately was a major league baseball pitcher.

But what happens with most of these kids, of course, is that they go on to other careers, like Adam Olmsted. Ken and Lynn's son is, as I say, a doctor now. And they go on to very successful careers. And it is not often that they go on to become Major League Baseball players.

But the ideals, the sportsmanship, the determination, the relationship they have with their teammates is the thing that they learn, that they take with them through life. And it makes their lives successful no matter what endeavor they pursue.

So we have honored these young players at Georgia Tech halftime, University of Georgia halftime. I want to say to any of them that go on and play college baseball, do not go to Auburn or Alabama just to cross the river. Stay in Columbus, go to LaGrange College, University of Georgia, Bulldogs, Georgia Tech, Kennesaw State University. We have got some great baseball teams in Georgia, and that is where we want them to play.

□ 1615

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to reclaim my time and then to yield such time as he might need and use to another son of Georgia (Mr. BISHOP).

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

There was no objection.

Mr. BISHOP of Georgia. Mr. Speaker, I thank my colleague for yielding.

I rise today certainly in support of H. Res. 991, with my other colleagues from Georgia, and with great pride of the 2006 Little League World Champions, the Northern Little League team of Columbus, Georgia.

The victory by our Northern Little Leaguers over the undefeated Kawaguchi City team representing the country of Japan makes them only the second team from Georgia to win a World Championship. While a team from Marietta, Georgia won in 1983, our team is only the second team from Georgia to ever qualify for this event in the entire 60-year history, and we are very proud of that.

As a Member of Congress representing Columbus and Muscogee County, where most of the young men live, I cannot tell you how proud we are of these fine, young men and the character and discipline that they exhibited.

The entire city, the surrounding area, our State and, indeed, people all over the country were thrilled by the success of our young people. The Northern Little League players are not only world champions, they are certainly hometown heroes, and they are celebrities. You should have seen them with the class and dignity as they spoke with the media, as they commended their opponents and as they very dutifully signed the thousands of autographs surrounding the celebration of their victory.

These young men represented the city of Columbus, they represented the State of Georgia, and they represented the United States of America in the finest tradition of Little League and what it stands for and for what it represents: teamwork, sportsmanship, and camaraderie. We are proud of them.

The spirit of sportsmanship was no more apparent than it was this year. After they won the game, and you have heard, the entire Columbus team walked over to the opponents' dugout and beckoned for them to join them in taking the victory lap around the field. It really brought goose bumps and tears to our eyes to see side by side those two teams scoop up dirt from the infield to keep as souvenirs.

I also want to pay tribute to the parents and the coaches of these young men. Any parent of a Little League baseball player, for that matter, football, soccer or other sports, has to know and appreciate the love and the commitment that is needed.

Let me pay tribute to the dedicated fans in Columbus, the hundreds of whom took the 900-mile trip to Williamsport from Columbus to support our team, as well as the other Little League teams in the Columbus area, and the many volunteers, sponsors and supporters who have dedicated themselves to Little League sports year after year.

Throughout the World Series, it was clear that Northern was well-schooled and well-prepared which, in large part, points to the hard work and the dedication of the team's manager, Randy Morris, and coach, Richard Carter.

It was the team itself who had to put it all together on the field, and I would like to pay special tribute to each one of the team members individually, including Brady Hamilton, No. 6; Ryan Lang, No. 18; Josh Lester, No. 4, the most valuable player; Matthew Hollis, No. 10; Patrick Stallings, No. 25; Mason Meyers, No. 16; Kyle Rovig, No. 8; Matthew Kuhlenberg, No. 7; Cody Walker, No. 21; Kyle Carter, No. 19; and J.T. Phillips, No. 22.

Babe Ruth once said that, ''Baseball was, is and always will be to me the best game in the world.'' Indeed, for the millions of Little League fans around the world, the 2006 Little League Championship game will go down as one of the best single games in the history of the event.

We are so proud of our Little Leaguers. Northern Little League, congratulations for a job well done.

Mr. WESTMORELAND. Mr. Speaker, I have no more speakers. I want to urge all Members to support the adoption of H. Res. 991, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and agree to the resolution, H. Res. 991.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## LANCE CORPORAL ROBERT A. MARTINEZ POST OFFICE BUILDING

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5108) to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the ''Lance Corporal Robert A. Martinez Post Office Building''.

The Clerk read as follows:

H.R. 5108

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

**SECTION 1. LANCE CORPORAL ROBERT A. MARTINEZ POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, shall be known and designated as the ''Lance Corporal Robert A. Martinez 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 ''Lance Corporal Robert A. Martinez Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, a native Texan, Robert Martinez, known as Robbie, was a young Marine with the 2nd Battalion, 7th Marine Regiment, 1st Marine Division. He was based at the Marine Corps Air Ground and Combat Center in Twentynine Palms, California.

Lance Corporal Martinez was a dedicated soldier who wanted nothing more than to serve his country and make a difference in the world. Upon commencement of his senior year of high school, he had already signed up for the

Marines. Two days after his high school graduation, in 2003, he left for basic training.

Before his second deployment, Lance Corporal Martinez was stationed for 7 months in Iraq on the border of Syria. It was late in his second deployment to Iraq in the city of Fallujah when he and nine fellow Marines were killed by an improvised explosive device. The date of this attack was December 1, 2005; and, tragically, he was only weeks from returning home to his family and friends.

In honor of this soldier's great courage and patriotism, which will not be forgotten, I ask all Members to join me in supporting H.R. 5108.

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, H.R. 5108, introduced by Representative TED POE, designates the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the Lance Corporal Robert A. Martinez Post Office Building.

This measure was unanimously reported by the Government Reform Committee on September 21, 2006.

A native of Texas, Robert Martinez was a young Marine serving his second deployment to Iraq where he was killed by an improvised explosive device on December 1, 2005, while conducting combat operations in Fallujah, Iraq.

Mr. Speaker, here is another instance where a young person who had completed one tour of duty, engaged in his second tour, gave the very best and the most that one could possibly give, and that is his life, for the benefit of creating, hopefully, a different and a better world. I can think of no better way to remember him than to have people in his community and in his hometown know of his diligence, of his exploits and of his courage than to name a post office in his honor.

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

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to my good friend and distinguished judge from the sovereign State of Texas (Mr. POE).

Mr. POE. Mr. Speaker, I appreciate the opportunity to speak on this very important bill. I appreciate my friend from Georgia and friend from Illinois for helping sponsor this bill.

Mr. Speaker, we name buildings and monuments and libraries and roads after Presidents and generals, statesmen. But, today, I hope that we name a post office after a young 20-year-old who wore the American military uniform.

Mr. Speaker, the great General Douglas MacArthur during World War II once commented, ''I have just returned from visiting the Marines at the front, and there is not a finer organization in the world'' than the Marine Corps.

Lance Corporal Robert ''Robbie'' Alexander Martinez was a member of this fine fighting organization; and, as mentioned, he was killed in December, 2005, while fighting and serving our Nation in Iraq. He volunteered to join the Marines, and he volunteered to go to Iraq.

He was a member of the 2nd Battalion, 7th Marine Regiment, the 1st Marine Division, based at the Marine Air Corps Ground and Combat Center, Twentynine Palms, California.

Lance Corporal Martinez was 20 years of age when he died. He was on his second tour of Iraq, and he had spent 7 months on the Syrian border. He went to Iraq and Fallujah after 2004, and then he and nine other Marines were killed last December when a roadside bomb exploded next to them.

Lance Corporal Martinez was scheduled to come home to Texas within a week of his death, but at the last minute his tour was extended for over a month and a half.

Mr. Speaker, one out of 10 people wearing the United States military uniform are from the State of Texas, and enlistments and volunteers among those with Hispanic surname is extremely high.

Just before his death, Robert Martinez had called his mother and asked her to buy him a diamond ring because he was going to propose to his girlfriend, Taylor Wilkenson, as soon as he got back. He called her his ''love at first sight.''

He went to a little, small high school, Cleveland High School in Cleveland, Texas, and he graduated there in 2003. While in high school, he was known as the peacemaker. By the time he started his senior year, he had already signed up for the Marine Corps, but they would not take him until he was old enough. His pre-enlistment at the age of 17 would be activated as soon as he graduated from high school.

He was an outstanding baseball pitcher at Cleveland High School and dreamed of getting a degree in education and being a high school baseball coach, but he put all those dreams on hold so he could join the United States Marine Corps. He went to basic training 2 days after his high school graduation.

Lance Corporal Martinez's stepfather, Jeremy Hunt, called Robbie his ''diamond in the rough'' and one of the greatest things that ever came into the life of his family. He loved being in the United States Marine Corps, and he was proud telling folks he was just a Marine. He knew there was a reason for resolving the situation in Iraq, and he looked forward to coming back to Texas.

While overseas, he requested bags and bags of candy and care packages, but this candy was not for him because he would split it up and give it out to little kids in Iraq.

Robbie's mother, Kelly Hunt, said their 14-year-old son Mikie wanted to be in the Marine Corps just like his brother Robbie.

President Ronald Reagan once said, ''Some people live an entire lifetime and wonder if they have ever made a difference in the world, but the Marines don't have that problem.'' Fine words from our former President.

Lance Corporal Martinez was working to make a difference in the world when he gave his life, and his bravery and dedication, his patriotism will not ever be forgotten by his friends, certainly not by his family, and all freedom-loving people throughout this world.

His Nation made the call, and he responded without hesitation, and he served his country with honor and distinction. He wanted to be in the Marines since he was 12 years of age.

So, Mr. Speaker, I ask for the adoption of this bill to name this small post office in Cleveland, Texas, after one of the sons of America.

Mr. WESTMORELAND. Mr. Speaker, we have no other speakers, and I urge all Members to support the passage of H.R. 5108. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and pass the bill, H.R. 5108.

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.

□ 1630

## OLDER AMERICANS ACT AMENDMENTS OF 2006

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6197) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

The Clerk read as follows:

H.R. 6197

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Older Americans Act Amendments of 2006''.

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

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISION

Sec. 101. Definitions.

TITLE II—ADMINISTRATION ON AGING

Sec. 201. Elder abuse prevention and services.
Sec. 202. Functions of the Assistant Secretary.
Sec. 203. Federal agency consultation.
Sec. 204. Administration.
Sec. 205. Evaluation.
Sec. 206. Reports.
Sec. 207. Contracting and grant authority; private pay relationships; appropriate use of funds.
Sec. 208. Nutrition education.

Sec. 209. Pension counseling and information programs.
Sec. 210. Authorization of appropriations.
TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING
Sec. 301. Purpose; administration.
Sec. 302. Definitions.
Sec. 303. Authorization of appropriations; uses of funds.
Sec. 304. Allotments.
Sec. 305. Organization.
Sec. 306. Area plans.
Sec. 307. State plans.
Sec. 308. Payments.
Sec. 309. Nutrition services incentive program.
Sec. 310. Consumer contributions.
Sec. 311. Supportive services and senior centers.
Sec. 312. Nutrition service.
Sec. 313. Congregate nutrition program.
Sec. 314. Home delivered nutrition services.
Sec. 315. Criteria.
Sec. 316. Nutrition.
Sec. 317. Study of nutrition projects.
Sec. 318. Sense of Congress recognizing the contribution of nutrition to the health of older adults.
Sec. 319. Improving indoor air quality in buildings where older individuals congregate.
Sec. 320. Caregiver support program definitions.
Sec. 321. Caregiver support program.
Sec. 322. National innovation.
TITLE IV—ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY
Sec. 401. Title.
Sec. 402. Grant programs.
Sec. 403. Career preparation for the field of aging.
Sec. 404. Health care service demonstration projects in rural areas.
Sec. 405. Technical assistance and innovation to improve transportation for older individuals.
Sec. 406. Demonstration, support, and research projects for multigenerational activities and civic engagement activities.
Sec. 407. Native American programs.
Sec. 408. Multidisciplinary centers and multidisciplinary systems.
Sec. 409. Community innovations for aging in place.
Sec. 410. Responsibilities of Assistant Secretary.
TITLE V—OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM
Sec. 501. Community Service Senior Opportunities Act.
Sec. 502. Effective date.
TITLE VI—NATIVE AMERICANS
Sec. 601. Clarification of maintenance requirement.
Sec. 602. Native Americans caregiver support program.
TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES
Sec. 701. Vulnerable elder rights protection activities.
Sec. 702. Elder abuse, neglect, and exploitation.
Sec. 703. Native American organization provisions.
Sec. 704. Elder justice programs.
Sec. 705. Rule of construction.
TITLE VIII—FEDERAL YOUTH DEVELOPMENT COUNCIL
Sec. 801. Short title.
Sec. 802. Establishment and membership.
Sec. 803. Duties of the Council.
Sec. 804. Coordination with existing interagency coordination entities.
Sec. 805. Assistance of staff.
Sec. 806. Powers of the Council.
Sec. 807. Report.
Sec. 808. Termination.
Sec. 809. Authorization of appropriations.
TITLE IX—CONFORMING AMENDMENTS
Sec. 901. Conforming amendments to other Acts.

## TITLE I—GENERAL PROVISION

**SEC. 101. DEFINITIONS.**

(a) IN GENERAL.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) by striking paragraph (10) and inserting the following:

''(10)(A) The term 'assistive device' includes an assistive technology device.

''(B) The terms 'assistive technology', 'assistive technology device', and 'assistive technology service' have the meanings given such terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).'';

(2) by striking paragraph (12)(D) and inserting the following:

''(D) evidence-based health promotion programs, including programs related to the prevention and mitigation of the effects of chronic disease (including osteoporosis, hypertension, obesity, diabetes, and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, stress management, falls prevention, physical activity, and improved nutrition;'';

(3) by striking paragraph (24) and inserting the following:

''(24)(A) The term 'exploitation' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an older individual for monetary or personal benefit, profit, or gain, or that results in depriving an older individual of rightful access to, or use of, benefits, resources, belongings, or assets.

''(B) In subparagraph (A), the term 'caregiver' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an older individual.'';

(4) in paragraph (29)(E)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) older individuals at risk for institutional placement.'';

(5) in paragraph (32)(D), by inserting '', including an assisted living facility,'' after ''home'';

(6) by striking paragraph (34) and inserting the following:

''(34) The term 'neglect' means—

''(A) the failure of a caregiver (as defined in paragraph (18)(B)) or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an older individual; or

''(B) self-neglect.''; and

(7) by adding at the end the following:

''(44) The term 'Aging and Disability Resource Center' means an entity established by a State as part of the State system of long-term care, to provide a coordinated system for providing—

''(A) comprehensive information on the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care;

''(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

''(C) consumers access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

''(45) The term 'at risk for institutional placement' means, with respect to an older individual, that such individual is unable to perform at least 2 activities of daily living without substantial assistance (including verbal reminding, physical cuing, or supervision) and is determined by the State involved to be in need of placement in a long-term care facility.

''(46) The term 'civic engagement' means an individual or collective action designed to address a public concern or an unmet human, educational, health care, environmental, or public safety need.

''(47) The term 'elder justice'—

''(A) used with respect to older individuals, collectively, means efforts to prevent, detect, treat, intervene in, and respond to elder abuse, neglect, and exploitation and to protect older individuals with diminished capacity while maximizing their autonomy; and

''(B) used with respect to an individual who is an older individual, means the recognition of the individual's rights, including the right to be free of abuse, neglect, and exploitation.

''(48) The term 'fiduciary'—

''(A) means a person or entity with the legal responsibility—

''(i) to make decisions on behalf of and for the benefit of another person; and

''(ii) to act in good faith and with fairness; and

''(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

''(49) The term 'Hispanic-serving institution' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

''(50) The term 'long-term care' means any service, care, or item (including an assistive device), including a disease prevention and health promotion service, an in-home service, and a case management service—

''(A) intended to assist individuals in coping with, and to the extent practicable compensate for, a functional impairment in carrying out activities of daily living;

''(B) furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(1), and a large community care setting as defined in subsection (h)(1), of section 1929 of the Social Security Act (42 U.S.C. 1396t)), or in a long-term care facility; and

''(C) not furnished to prevent, diagnose, treat, or cure a medical disease or condition.

''(51) The term 'self-directed care' means an approach to providing services (including programs, benefits, supports, and technology) under this Act intended to assist an individual with activities of daily living, in which—

''(A) such services (including the amount, duration, scope, provider, and location of such services) are planned, budgeted, and purchased under the direction and control of such individual;

''(B) such individual is provided with such information and assistance as are necessary and appropriate to enable such individual to make informed decisions about the individual's care options;

''(C) the needs, capabilities, and preferences of such individual with respect to such services, and such individual's ability

to direct and control the individual's receipt of such services, are assessed by the area agency on aging (or other agency designated by the area agency on aging) involved;

''(D) based on the assessment made under subparagraph (C), the area agency on aging (or other agency designated by the area agency on aging) develops together with such individual and the individual's family, caregiver (as defined in paragraph (18)(B)), or legal representative—

''(i) a plan of services for such individual that specifies which services such individual will be responsible for directing;

''(ii) a determination of the role of family members (and others whose participation is sought by such individual) in providing services under such plan; and

''(iii) a budget for such services; and

''(E) the area agency on aging or State agency provides for oversight of such individual's self-directed receipt of services, including steps to ensure the quality of services provided and the appropriate use of funds under this Act.

''(52) The term 'self-neglect' means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

''(A) obtaining essential food, clothing, shelter, and medical care;

''(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

''(C) managing one's own financial affairs.

''(53) The term 'State system of long-term care' means the Federal, State, and local programs and activities administered by a State that provide, support, or facilitate access to long-term care for individuals in such State.

''(54) The term 'integrated long-term care'—

''(A) means items and services that consist of—

''(i) with respect to long-term care—

''(I) long-term care items or services provided under a State plan for medical assistance under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), including nursing facility services, home and community-based services, personal care services, and case management services provided under the plan; and

''(II) any other supports, items, or services that are available under any federally funded long-term care program; and

''(ii) with respect to other health care, items and services covered under—

''(I) the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(II) the State plan for medical assistance under the Medicaid program; or

''(III) any other federally funded health care program; and

''(B) includes items or services described in subparagraph (A) that are provided under a public or private managed care plan or through any other service provider.''.

(b) REDESIGNATION AND REORDERING OF DEFINITIONS.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) by redesignating paragraphs (1) through (54) as paragraphs (45), (7), (50), (39), (26), (27), (54), (13), (48), (8), (29), (14), (1), (2), (3), (5), (6), (10), (30), (37), (11), (15), (16), (18), (21), (22), (23), (24), (28), (31), (33), (35), (36), (38), (40), (41), (42), (43), (44), (51), (53), (19), (49), (4), (9), (12), (17), (20), (25), (34), (46), (47), (52), and (32), respectively; and

(2) so that paragraphs (1) through (54), as so redesignated in paragraph (1), appear in numerical order.

## TITLE II—ADMINISTRATION ON AGING

### SEC. 201. ELDER ABUSE PREVENTION AND SERVICES.

Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

''(e)(1) The Assistant Secretary is authorized to designate within the Administration a person to have responsibility for elder abuse prevention and services.

''(2) It shall be the duty of the Assistant Secretary, acting through the person designated to have responsibility for elder abuse prevention and services—

''(A) to develop objectives, priorities, policy, and a long-term plan for—

''(i) facilitating the development, implementation, and continuous improvement of a coordinated, multidisciplinary elder justice system in the United States;

''(ii) providing Federal leadership to support State efforts in carrying out elder justice programs and activities relating to—

''(I) elder abuse prevention, detection, treatment, intervention, and response;

''(II) training of individuals regarding the matters described in subclause (I); and

''(III) the development of a State comprehensive elder justice system, as defined in section 752(b);

''(iii) establishing Federal guidelines and disseminating best practices for uniform data collection and reporting by States;

''(iv) working with States, the Department of Justice, and other Federal entities to annually collect, maintain, and disseminate data relating to elder abuse, neglect, and exploitation, to the extent practicable;

''(v) establishing an information clearinghouse to collect, maintain, and disseminate information concerning best practices and resources for training, technical assistance, and other activities to assist States and communities to carry out evidence-based programs to prevent and address elder abuse, neglect, and exploitation;

''(vi) conducting research related to elder abuse, neglect, and exploitation;

''(vii) providing technical assistance to States and other eligible entities that provide or fund the provision of the services described in title VII;

''(viii) carrying out a study to determine the national incidence and prevalence of elder abuse, neglect, and exploitation in all settings; and

''(ix) promoting collaborative efforts and diminishing duplicative efforts in the development and carrying out of elder justice programs at the Federal, State and local levels; and

''(B) to assist States and other eligible entities under title VII to develop strategic plans to better coordinate elder justice activities, research, and training.

''(3) The Secretary, acting through the Assistant Secretary, may issue such regulations as may be necessary to carry out this subsection and section 752.

''(f)(1) The Assistant Secretary may designate an officer or employee who shall be responsible for the administration of mental health services authorized under this Act.

''(2) It shall be the duty of the Assistant Secretary, acting through the individual designated under paragraph (1), to develop objectives, priorities, and a long-term plan for supporting State and local efforts involving education about and prevention, detection, and treatment of mental disorders, including age-related dementia, depression, and Alzheimer's disease and related neurological disorders with neurological and organic brain dysfunction.''.

### SEC. 202. FUNCTIONS OF THE ASSISTANT SECRETARY.

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by inserting ''assistive technology,'' after ''housing,'';

(B) by striking paragraph (12) and inserting the following:

''(12)(A) consult and coordinate activities with the Administrator of the Centers for Medicare & Medicaid Services and the heads of other Federal entities to implement and build awareness of programs providing benefits affecting older individuals; and

''(B) carry on a continuing evaluation of the programs and activities related to the objectives of this Act, with particular attention to the impact of the programs and activities carried out under—

''(i) titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.);

''(ii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); and

''(iii) the National Housing Act (12 U.S.C. 1701 et seq.) relating to housing for older individuals and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for such individuals;'';

(C) by striking paragraph (20) and inserting the following:

''(20)(A) encourage, and provide technical assistance to, States, area agencies on aging, and service providers to carry out outreach and benefits enrollment assistance to inform and enroll older individuals with greatest economic need, who may be eligible to participate, but who are not participating, in Federal and State programs providing benefits for which the individuals are eligible, including—

''(i) supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or assistance under a State plan program under such title;

''(ii) medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.);

''(iii) benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

''(iv) benefits under any other applicable program; and

''(B) at the election of the Assistant Secretary and in cooperation with related Federal agency partners administering the Federal programs, make a grant to or enter into a contract with a qualified, experienced entity to establish a National Center on Senior Benefits Outreach and Enrollment, which shall—

''(i) maintain and update web-based decision support and enrollment tools, and integrated, person-centered systems, designed to inform older individuals about the full range of benefits for which the individuals may be eligible under Federal and State programs;

''(ii) utilize cost-effective strategies to find older individuals with greatest economic need and enroll the individuals in the programs;

''(iii) create and support efforts for Aging and Disability Resource Centers, and other public and private State and community-based organizations, including faith-based organizations and coalitions, to serve as benefits enrollment centers for the programs;

''(iv) develop and maintain an information clearinghouse on best practices and cost-effective methods for finding and enrolling older individuals with greatest economic need in the programs for which the individuals are eligible; and

''(v) provide, in collaboration with related Federal agency partners administering the Federal programs, training and technical assistance on effective outreach, screening, enrollment, and follow-up strategies;'';

(D) in paragraph (26)—

(i) in subsection (D)—

(I) by striking ''gaps in''; and

(II) by inserting ''(including services that would permit such individuals to receive long-term care in home and community-based settings)'' after ''individuals''; and

(ii) in subsection (E), by striking ''and'' at the end;

(E) in paragraph (27)—

(i) in subparagraph (B), by adding ''and'' at the end; and

(ii) by striking subparagraph (D); and

(F) by adding at the end the following:

''(28) make available to States, area agencies on aging, and service providers information and technical assistance to support the provision of evidence-based disease prevention and health promotion services.'';

(2) by striking subsections (b) and (c), and inserting the following:

''(b) To promote the development and implementation of comprehensive, coordinated systems at Federal, State, and local levels that enable older individuals to receive long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, the Assistant Secretary shall, consistent with the applicable provisions of this title—

''(1) collaborate, coordinate, and consult with other Federal entities responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and may make grants, contracts, and cooperative agreements with funds received from other Federal entities;

''(2) conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care to—

''(A) respond to the needs and preferences of older individuals and family caregivers; and

''(B) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

''(3) establish criteria for and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals;

''(4) facilitate, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, and other heads of Federal entities as appropriate, the provision of long-term care in home and community-based settings, including the provision of such care through self-directed care models that—

''(A) provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help such individual avoid unnecessary institutional placement and depletion of income and assets to qualify for benefits under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(B) respond to the needs and preferences of such individual and provide the option—

''(i) for the individual to direct and control the receipt of supportive services provided; or

''(ii) as appropriate, for a person who was appointed by the individual, or is legally acting on the individual's behalf, in order to represent or advise the individual in financial or service coordination matters (referred to in this paragraph as a 'representative' of the individual), to direct and control the receipt of those services; and

''(C) assist an older individual (or, as appropriate, a representative of the individual) to develop a plan for long-term support, including selecting, budgeting for, and purchasing home and community-based long-term care and supportive services;

''(5) provide for the Administration to play a lead role with respect to issues concerning home and community-based long-term care, including—

''(A) directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and interdepartmental activities concerning long-term care;

''(B) reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and

''(C) making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through projects conducted under paragraph (2);

''(6) promote, in coordination with other appropriate Federal agencies—

''(A) enhanced awareness by the public of the importance of planning in advance for long-term care; and

''(B) the availability of information and resources to assist in such planning;

''(7) ensure access to, and the dissemination of, information about all long-term care options and service providers, including the availability of integrated long-term care;

''(8) implement in all States Aging and Disability Resource Centers—

''(A) to serve as visible and trusted sources of information on the full range of long-term care options, including both institutional and home and community-based care, which are available in the community;

''(B) to provide personalized and consumer-friendly assistance to empower individuals to make informed decisions about their care options;

''(C) to provide coordinated and streamlined access to all publicly supported long-term care options so that consumers can obtain the care they need through a single intake, assessment, and eligibility determination process;

''(D) to help individuals to plan ahead for their future long-term care needs; and

''(E) to assist (in coordination with the entities carrying out the health insurance information, counseling, and assistance program (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4)) in the States) beneficiaries, and prospective beneficiaries, under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in understanding and accessing prescription drug and preventative health benefits under the provisions of, and amendments made by, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

''(9) establish, either directly or through grants or contracts, national technical assistance programs to assist State agencies, area agencies on aging, and community-based service providers funded under this Act in implementing—

''(A) home and community-based long-term care systems, including evidence-based programs; and

''(B) evidence-based disease prevention and health promotion services programs;

''(10) develop, in collaboration with the Administrator of the Centers for Medicare & Medicaid Services, performance standards and measures for use by States to determine the extent to which their State systems of long-term care fulfill the objectives described in this subsection; and

''(11) conduct such other activities as the Assistant Secretary determines to be appropriate.

''(c) The Assistant Secretary, in consultation with the Chief Executive Officer of the Corporation for National and Community Service, shall—

''(1) encourage and permit volunteer groups (including organizations carrying out national service programs and including organizations of youth in secondary or postsecondary school) that are active in supportive services and civic engagement to participate and be involved individually or through representative groups in supportive service and civic engagement programs or activities to the maximum extent feasible;

''(2) develop a comprehensive strategy for utilizing older individuals to address critical local needs of national concern, including the engagement of older individuals in the activities of public and nonprofit organizations such as community-based organizations, including faith-based organizations; and

''(3) encourage other community capacity-building initiatives involving older individuals, with particular attention to initiatives that demonstrate effectiveness and cost savings in meeting critical needs.''; and

(3) in subsection (e)(1)(A), by striking the semicolon at the end and inserting a period.

**SEC. 203. FEDERAL AGENCY CONSULTATION.**

Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(1) in subsection (a)(3)(A)—

(A) by striking ''(with particular attention to low-income minority older individuals and older individuals residing in rural areas)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(B) by striking ''section 507'' and inserting ''section 518'';

(2) in subsection (b)—

(A) in paragraph (17), by striking ''and'' at the end;

(B) in paragraph (18), by striking the period and inserting '', and''; and

(C) by adding at the end the following:

''(19) sections 4 and 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3003, 3004).''; and

(3) by adding at the end the following:

''(c)(1) The Secretary, in collaboration with the Federal officials specified in paragraph (2), shall establish an Interagency Coordinating Committee on Aging (referred to in this subsection as the 'Committee') focusing on the coordination of agencies with respect to aging issues.

''(2) The officials referred to in paragraph (1) shall include the Secretary of Labor and the Secretary of Housing and Urban Development, and may include, at the direction of the President, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Homeland Security, the Commissioner of Social Security, and such other Federal officials as the President may direct. An official described in this paragraph may appoint a designee to carry out the official's duties under paragraph (1).

''(3) The Secretary of Health and Human Services shall serve as the first chairperson of the Committee, for 1 term, and the Secretary of Housing and Urban Development shall serve as the chairperson for the following term. After that following term, the Committee shall select a chairperson from among the members of the Committee, and any member may serve as the chairperson. No member may serve as the chairperson for more than 1 consecutive term.

''(4) For purposes of this subsection, a term shall be a period of 2 calendar years.

''(5) The Committee shall meet not less often than once each year.

''(6) The Committee shall—

''(A) share information with and establish an ongoing system to improve coordination among Federal agencies with responsibility for programs and services for older individuals and recommend improvements to such system with an emphasis on—

''(i) improving access to programs and services for older individuals;

''(ii) maximizing the impact of federally funded programs and services for older individuals by increasing the efficiency, effectiveness, and delivery of such programs and services;

''(iii) planning and preparing for the impact of demographic changes on programs and services for older individuals; and

''(iv) reducing or eliminating areas of overlap and duplication by Federal agencies in the provision and accessibility of such programs and services;

''(B) identify, promote, and implement (as appropriate), best practices and evidence-based program and service models to assist older individuals in meeting their housing, health care, and other supportive service needs, including—

''(i) consumer-directed care models for home and community-based care and supportive services that link housing, health care, and other supportive services and that facilitate aging in place, enabling older individuals to remain in their homes and communities as the individuals age; and

''(ii) innovations in technology applications (including assistive technology devices and assistive technology services) that give older individuals access to information on available services or that help in providing services to older individuals;

''(C) collect and disseminate information about older individuals and the programs and services available to the individuals to ensure that the individuals can access comprehensive information;

''(D) work with the Federal Interagency Forum on Aging-Related Statistics, the Bureau of the Census, and member agencies to ensure the continued collection of data relating to the housing, health care, and other supportive service needs of older individuals and to support efforts to identify and address unmet data needs;

''(E) actively seek input from and consult with nongovernmental experts and organizations, including public health interest and research groups and foundations about the activities described in subparagraphs (A) through (F);

''(F) identify any barriers and impediments, including barriers and impediments in statutory and regulatory law, to the access and use by older individuals of federally funded programs and services; and

''(G) work with States to better provide housing, health care, and other supportive services to older individuals by—

''(i) holding meetings with State agencies;

''(ii) providing ongoing technical assistance to States about better meeting the needs of older individuals; and

''(iii) working with States to designate liaisons, from the State agencies, to the Committee.

''(7) Not later than 90 days following the end of each term, the Committee shall prepare and submit to the Committee on Financial Services of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Ways and Means of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Special Committee on Aging of the Senate, a report that—

''(A) describes the activities and accomplishments of the Committee in—

''(i) enhancing the overall coordination of federally funded programs and services for older individuals; and

''(ii) meeting the requirements of paragraph (6);

''(B) incorporates an analysis from the head of each agency that is a member of the interagency coordinating committee established under paragraph (1) that describes the barriers and impediments, including barriers and impediments in statutory and regulatory law (as the chairperson of the Committee determines to be appropriate), to the access and use by older individuals of programs and services administered by such agency; and

''(C) makes such recommendations as the chairman determines to be appropriate for actions to meet the needs described in paragraph (6) and for coordinating programs and services designed to meet those needs.

''(8) On the request of the Committee, any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.''.

**SEC. 204. ADMINISTRATION.**

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by adding ''and'' at the end;

(ii) in subparagraph (D), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (E); and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

''(i) designing, implementing, and evaluating evidence-based programs to support improved nutrition and regular physical activity for older individuals;'';

(II) by amending clause (iii) to read as follows:

''(iii) conducting outreach and disseminating evidence-based information to nutrition service providers about the benefits of healthful diets and regular physical activity, including information about the most current Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Food Guidance System of the Department of Agriculture, and advances in nutrition science;'';

(III) in clause (vii), by striking ''and'' at the end; and

(IV) by striking clause (viii) and inserting the following:

''(viii) disseminating guidance that describes strategies for improving the nutritional quality of meals provided under title III, including strategies for increasing the consumption of whole grains, lowfat dairy products, fruits, and vegetables;

''(ix) developing and disseminating guidelines for conducting nutrient analyses of meals provided under subparts 1 and 2 of part C of title III, including guidelines for averaging key nutrients over an appropriate period of time; and

''(x) providing technical assistance to the regional offices of the Administration with respect to each duty described in clauses (i) through (ix).''; and

(ii) by amending subparagraph (C)(i) to read as follows:

''(i) have expertise in nutrition, energy balance, and meal planning; and''.

**SEC. 205. EVALUATION.**

The first sentence of section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended to read as follows: ''From the total amount appropriated for each fiscal year to carry out title III, the Secretary may use such sums as may be necessary, but not to exceed ½ of 1 percent of such amount, for purposes of conducting evaluations under this section, either directly or through grants or contracts.''.

**SEC. 206. REPORTS.**

Section 207(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(2)) is amended—

(1) in subparagraph (B), by striking ''Labor'' and inserting ''the Workforce''; and

(2) in subparagraph (C), by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions''.

**SEC. 207. CONTRACTING AND GRANT AUTHORITY; PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF FUNDS.**

Section 212 of the Older Americans Act of 1965 (42 U.S.C. 3020c) is amended to read as follows:

**''SEC. 212. CONTRACTING AND GRANT AUTHORITY; PRIVATE PAY RELATIONSHIPS; APPROPRIATE USE OF FUNDS.**

''(a) IN GENERAL.—Subject to subsection (b), this Act shall not be construed to prevent a recipient of a grant or a contract under this Act (other than title V) from entering into an agreement with a profit-making organization for the recipient to provide services to individuals or entities not otherwise receiving services under this Act, provided that—

''(1) if funds provided under this Act to such recipient are initially used by the recipient to pay part or all of a cost incurred by the recipient in developing and carrying out such agreement, such agreement guarantees that the cost is reimbursed to the recipient;

''(2) if such agreement provides for the provision of 1 or more services, of the type provided under this Act by or on behalf of such recipient, to an individual or entity seeking to receive such services—

''(A) the individuals and entities may only purchase such services at their fair market rate;

''(B) all costs incurred by the recipient in providing such services (and not otherwise reimbursed under paragraph (1)), are reimbursed to such recipient; and

''(C) the recipient reports the rates for providing such services under such agreement in accordance with subsection (c) and the rates are consistent with the prevailing market rate for provision of such services in the relevant geographic area as determined by the State agency or area agency on aging (as applicable); and

''(3) any amount of payment to the recipient under the agreement that exceeds reimbursement under this subsection of the recipient's costs is used to provide, or support the provision of, services under this Act.

''(b) ENSURING APPROPRIATE USE OF FUNDS.—An agreement described in subsection (a) may not—

''(1) be made without the prior approval of the State agency (or, in the case of a grantee under title VI, without the prior recommendation of the Director of the Office for American Indian, Alaska Native, and Native Hawaiian Aging and the prior approval of the Assistant Secretary), after timely submission of all relevant documents related to the agreement including information on all costs incurred;

''(2) directly or indirectly provide for, or have the effect of, paying, reimbursing, subsidizing, or otherwise compensating an individual or entity in an amount that exceeds the fair market value of the services subject to such agreement;

''(3) result in the displacement of services otherwise available to an older individual with greatest social need, an older individual with greatest economic need, or an older individual who is at risk for institutional placement; or

''(4) in any other way compromise, undermine, or be inconsistent with the objective of serving the needs of older individuals, as determined by the Assistant Secretary.

''(c) MONITORING AND REPORTING.—To ensure that any agreement described in subsection (a) complies with the requirements of this section and other applicable provisions of this Act, the Assistant Secretary shall develop and implement uniform monitoring procedures and reporting requirements consistent with the provisions of subparagraphs (A) through (E) of section 306(a)(13) in consultation with the State agencies and area agencies on aging. The Assistant Secretary shall annually prepare and submit to the chairpersons and ranking members of the appropriate committees of Congress a report analyzing all such agreements, and the costs incurred and services provided under the agreements. This report shall contain information on the number of the agreements per State, summaries of all the agreements, and information on the type of organizations participating in the agreements, types of services provided under the agreements, and the net proceeds from, and documentation of funds spent and reimbursed, under the agreements.

''(d) TIMELY REIMBURSEMENT.—All reimbursements made under this section shall be made in a timely manner, according to standards specified by the Assistant Secretary.

''(e) COST.—In this section, the term 'cost' means an expense, including an administrative expense, incurred by a recipient in developing or carrying out an agreement described in subsection (a), whether the recipient contributed funds, staff time, or other plant, equipment, or services to meet the expense.''.

**SEC. 208. NUTRITION EDUCATION.**

Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended to read as follows:

**''SEC. 214. NUTRITION EDUCATION.**

''The Assistant Secretary, in consultation with the Secretary of Agriculture, shall conduct outreach and provide technical assistance to agencies and organizations that serve older individuals to assist such agencies and organizations to carry out integrated health promotion and disease prevention programs that—

''(1) are designed for older individuals; and

''(2) include—

''(A) nutrition education;

''(B) physical activity; and

''(C) other activities to modify behavior and to improve health literacy, including providing information on optimal nutrient intake, through nutrition education and nutrition assessment and counseling, in accordance with section 339(2)(J).''.

**SEC. 209. PENSION COUNSELING AND INFORMATION PROGRAMS.**

Section 215 of the Older Americans Act of 1965 (42 U.S.C. 3020e–1) is amended—

(1) in subsection (e)(1)(J), by striking ''and low income retirees'' and inserting '', low-income retirees, and older individuals with limited English proficiency'';

(2) in subsection (f), by striking paragraph (2) and inserting the following:

''(2) The ability of the entity to perform effective outreach to affected populations, particularly populations with limited English proficiency and other populations that are identified as in need of special outreach.''; and

(3) in subsection (h)(2), by inserting ''(including individuals with limited English proficiency)'' after ''individuals''.

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) is amended—

(1) in subsection (a), by striking ''2001, 2002, 2003, 2004, and 2005'' and inserting ''2007, 2008, 2009, 2010, and 2011.''; and

(2) in subsections (b) and (c), by striking ''year'' and all that follows through ''years'', and inserting ''years 2007, 2008, 2009, 2010, and 2011''.

## TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

**SEC. 301. PURPOSE; ADMINISTRATION.**

Section 301(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)(2)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) organizations that have experience in providing training, placement, and stipends for volunteers or participants who are older individuals (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings.''.

**SEC. 302. DEFINITIONS.**

Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(1) by adding at the end the following:

''(4) The term 'family caregiver' means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual or to an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction.'';

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (2), and (3), respectively; and

(3) by moving paragraph (4), as so redesignated, to the end of the section.

**SEC. 303. AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS.**

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) in subsections (a)(1), (b), and (d), by striking ''year 2001'' and all that follows through ''years'' each place it appears, and inserting ''years 2007, 2008, 2009, 2010, and 2011''; and

(2) in subsection (e)—

(A) in paragraph (1) by striking ''$125,000,000'' and all that follows and inserting ''$160,000,000 for fiscal year 2007.'';

(B) in paragraph (2), by striking ''such sums'' and all that follows and inserting ''$166,500,000 for fiscal year 2008, $173,000,000 for fiscal year 2009, $180,000,000 for fiscal year 2010, and $187,000,000 for fiscal year 2011.''; and

(C) in paragraph (3)—

(i) by striking ''(2)—'' and all that follows through ''1 percent'' and inserting ''(2), not more than 1 percent'';

(ii) by striking ''shall'' and inserting ''may''; and

(iii) by striking ''section 376'' and inserting ''section 411(a)(11)''.

**SEC. 304. ALLOTMENTS.**

Section 304(a)(3)(D) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)(3)(D)) is amended to read as follows:

''(D)(i) No State shall be allotted less than the total amount allotted to the State for fiscal year 2006.

''(ii) No State shall receive a percentage increase in an allotment, above the State's fiscal year 2006 allotment, that is less than—

''(I) for fiscal year 2007, 20 percent of the percentage increase above the fiscal year 2006 allotments for all of the States;

''(II) for fiscal year 2008, 15 percent of the percentage increase above the fiscal year 2006 allotments for all of the States;

''(III) for fiscal year 2009, 10 percent of the percentage increase above the fiscal year 2006 allotments for all of the States; and

''(IV) For fiscal year 2010, 5 percent of the percentage increase above the fiscal year 2006 allotments for all of the States.''.

**SEC. 305. ORGANIZATION.**

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1)(E)—

(A) by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' each place it appears and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(B) by striking ''and'' at the end;

(2) in paragraph (2)—

(A) in subparagraph (E), by striking '', with particular attention to low-income minority individuals and older individuals residing in rural areas'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

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

(3) by adding at the end the following:

''(3) the State agency shall, consistent with this section, promote the development and implementation of a State system of long-term care that is a comprehensive, coordinated system that enables older individuals to receive long-term care in home and community-based settings, in a manner responsive to the needs and preferences of the older individuals and their family caregivers, by—

''(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

''(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related to long-term care;

''(C) conducting analyses and making recommendations with respect to strategies for modifying the State system of long-term care to better—

''(i) respond to the needs and preferences of older individuals and family caregivers;

''(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings; and

''(iii) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

''(D) implementing (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

''(E) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, area agencies on aging, and other appropriate means) of information relating to—

''(i) the need to plan in advance for long-term care; and

''(ii) the full range of available public and private long-term care (including integrated

long-term care) programs, options, service providers, and resources.''.

**SEC. 306. AREA PLANS.**

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)'';

(ii) by striking ''(with particular attention to low-income minority individuals)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(iii) by inserting ''the number of older individuals at risk for institutional placement residing in such area,'' after ''individuals) residing in such area,'';

(B) in paragraph (2)(A)—

(i) by inserting after ''transportation,'' the following: ''health services (including mental health services),''; and

(ii) by inserting after ''information and assistance'' the following: ''(which may include information and assistance to consumers on availability of services under part B and how to receive benefits under and participate in publicly supported programs for which the consumer may be eligible)'';

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

''(i)(I) provide assurances that the area agency on aging will—

''(aa) set specific objectives, consistent with State policy, for providing services to older individuals with greatest economic need, older individuals with greatest social need, and older individuals at risk for institutional placement;

''(bb) include specific objectives for providing services to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas; and

''(II) include proposed methods to achieve the objectives described in items (aa) and (bb) of subclause (I);''; and

(II) in clause (ii), by inserting '', older individuals with limited English proficiency,'' after ''low-income minority individuals'' each place it appears; and

(ii) in subparagraph (B)—

(I) by moving the left margin of each of subparagraph (B), clauses (i) and (ii), and subclauses (I) through (VI) of clause (i), 2 ems to the left; and

(II) in clause (i)—

(aa) in subclause (V), by striking ''with limited English-speaking ability; and'' and inserting ''with limited English proficiency;'';

(bb) in subclause (VI), by striking ''or related'' and inserting ''and related''; and

(cc) by adding at the end the following:

''(VII) older individuals at risk for institutional placement; and'';

(D) in paragraph (5), by inserting ''and individuals at risk for institutional placement'' after ''severe disabilities'';

(E) in paragraph (6)—

(i) in subparagraph (C)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' at the end; and

(III) by inserting after clause (ii) the following:

''(iii) make use of trained volunteers in providing direct services delivered to older individuals and individuals with disabilities needing such services and, if possible, work in coordination with organizations that have experience in providing training, placement, and stipends for volunteers or participants (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings;'';

(ii) in subparagraph (D)—

(I) by inserting ''family caregivers of such individuals,'' after ''Act,''; and

(II) by inserting ''service providers, representatives of the business community,'' after ''individuals,''; and

(iii) by amending subparagraph (F) to read as follows:

''(F) in coordination with the State agency and with the State agency responsible for mental health services, increase public awareness of mental health disorders, remove barriers to diagnosis and treatment, and coordinate mental health services (including mental health screenings) provided with funds expended by the area agency on aging with mental health services provided by community health centers and by other public agencies and nonprofit private organizations;'';

(F) in paragraph (7), to read as follows:

''(7) provide that the area agency on aging shall, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

''(A) collaborating, coordinating activities, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

''(B) conducting analyses and making recommendations with respect to strategies for modifying the local system of long-term care to better—

''(i) respond to the needs and preferences of older individuals and family caregivers;

''(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings; and

''(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

''(C) implementing, through the agency or service providers, evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

''(D) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, the area agency on aging itself, and other appropriate means) of information relating to—

''(i) the need to plan in advance for long-term care; and

''(ii) the full range of available public and private long-term care (including integrated long-term care) programs, options, service providers, and resources;'';

(G) by striking paragraph (14) and the 2 paragraphs (15);

(H) by redesignating paragraph (16) as paragraph (14); and

(I) by adding at the end the following:

''(15) provide assurances that funds received under this title will be used—

''(A) to provide benefits and services to older individuals, giving priority to older individuals identified in paragraph (4)(A)(i); and

''(B) in compliance with the assurances specified in paragraph (13) and the limitations specified in section 212;

''(16) provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care; and

''(17) include information detailing how the area agency on aging will coordinate activities, and develop long-range emergency preparedness plans, with local and State emergency response agencies, relief organizations, local and State governments, and any other institutions that have responsibility for disaster relief service delivery.'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f); and

(3) by inserting after subsection (a) the following:

''(b)(1) An area agency on aging may include in the area plan an assessment of how prepared the area agency on aging and service providers in the planning and service area are for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

''(2) Such assessment may include—

''(A) the projected change in the number of older individuals in the planning and service area;

''(B) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

''(C) an analysis of how the programs, policies, and services provided by such area agency can be improved, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the planning and service area; and

''(D) an analysis of how the change in the number of individuals age 85 and older in the planning and service area is expected to affect the need for supportive services.

''(3) An area agency on aging, in cooperation with government officials, State agencies, tribal organizations, or local entities, may make recommendations to government officials in the planning and service area and the State, on actions determined by the area agency to build the capacity in the planning and service area to meet the needs of older individuals for—

''(A) health and human services;

''(B) land use;

''(C) housing;

''(D) transportation;

''(E) public safety;

''(F) workforce and economic development;

''(G) recreation;

''(H) education;

''(I) civic engagement;

''(J) emergency preparedness; and

''(K) any other service as determined by such agency.''.

**SEC. 307. STATE PLANS.**

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (2)(C), by striking ''section 306(b)'' and inserting ''section 306(c)'';

(2) in paragraph (4), by striking '', with particular attention to low-income minority individuals and older individuals residing in rural areas'' and inserting ''(with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)'';

(3) by striking paragraph (15);

(4) by redesignating paragraph (14) as paragraph (15);

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

''(14) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

''(A) identify the number of low-income minority older individuals in the State, including the number of low-income minority older individuals with limited English proficiency; and

''(B) describe the methods used to satisfy the service needs of the low-income minority older individuals described in subparagraph (A), including the plan to meet the needs of low-income minority older individuals with limited English proficiency.'';

(6) in paragraph (16)(A)—

(A) in clauses (ii) and (iii), by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' each place it appears and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(B) in clause (vi), by striking ''or related'' and inserting ''and related''; and

(7) by adding at the end the following:

''(27) The plan shall provide assurances that area agencies on aging will provide, to the extent feasible, for the furnishing of services under this Act, consistent with self-directed care.

''(28)(A) The plan shall include, at the election of the State, an assessment of how prepared the State is, under the State's statewide service delivery model, for any anticipated change in the number of older individuals during the 10-year period following the fiscal year for which the plan is submitted.

''(B) Such assessment may include—

''(i) the projected change in the number of older individuals in the State;

''(ii) an analysis of how such change may affect such individuals, including individuals with low incomes, individuals with greatest economic need, minority older individuals, older individuals residing in rural areas, and older individuals with limited English proficiency;

''(iii) an analysis of how the programs, policies, and services provided by the State can be improved, including coordinating with area agencies on aging, and how resource levels can be adjusted to meet the needs of the changing population of older individuals in the State; and

''(iv) an analysis of how the change in the number of individuals age 85 and older in the State is expected to affect the need for supportive services.

''(29) The plan shall include information detailing how the State will coordinate activities, and develop long-range emergency preparedness plans, with area agencies on aging, local emergency response agencies, relief organizations, local governments, State agencies responsible for emergency preparedness, and any other institutions that have responsibility for disaster relief service delivery.

''(30) The plan shall include information describing the involvement of the head of the State agency in the development, revision, and implementation of emergency preparedness plans, including the State Public Health Emergency Preparedness and Response Plan.''.

**SEC. 308. PAYMENTS.**

Section 309(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3029(b)(2)) is amended by striking ''the non-Federal share required prior to fiscal year 1981'' and inserting ''10 percent of the cost of the services specified in such section 304(d)(1)(D)''.

**SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.**

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b), by adding at the end the following:

''(3) State agencies that elect to make grants and enter into contracts for purposes of this section shall promptly and equitably disburse amounts received under this subsection to the recipients of the grants and contracts.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''(including bonus commodities)'' after ''commodities'';

(B) in paragraph (2), by inserting ''(including bonus commodities)'' after ''commodities'';

(C) in paragraph (3), by inserting ''(including bonus commodities)'' after ''products''; and

(D) by adding at the end the following:

''(4) Among the commodities provided under this subsection, the Secretary of Agriculture shall give special emphasis to foods of high nutritional value to support the health of older individuals. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the provision of commodities under this subsection.'';

(3) in subsection (d), to read as follows:

''(d)(1) Amounts provided under subsection (b) shall be available only for the purchase, by State agencies, recipients of grants and contracts from the State agencies (as applicable), and title VI grantees, of United States agricultural commodities and other foods for their respective nutrition projects, subject to paragraph (2).

''(2) An entity specified in paragraph (1) may, at the option of such entity, use part or all of the amounts received by the entity under subsection (b) to pay a school food authority (within the meaning of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to obtain United States agricultural commodities for such entity's nutrition projects, in accordance with an agreement between the entity and the school food authority, under which such payments—

''(A) shall cover the cost of such commodities; and

''(B) may cover related expenses incurred by the school food authority, including the cost of transporting, distributing, processing, storing, and handling such commodities.'';

(4) in subsection (e), by striking ''2001'' and inserting ''2007''; and

(5) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''the Secretary of Agriculture and the Secretary of Health and Human Services'' and inserting ''the Assistant Secretary and the Secretary of Agriculture''; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) school food authorities participating in programs authorized under the Richard B. Russell National School Lunch Act within the geographic area served by each such State agency, area agency on aging, and provider; and

''(2) the foods available to such State agencies, area agencies on aging, and providers under subsection (c).''.

**SEC. 310. CONSUMER CONTRIBUTIONS.**

Section 315 of the Older Americans Act of 1965 (42 U.S.C. 3030c–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''provided that'' and inserting ''if''; and

(ii) by adding at the end the following: ''Such contributions shall be encouraged for individuals whose self-declared income is at or above 185 percent of the poverty line, at contribution levels based on the actual cost of services.''; and

(B) in paragraph (4)(E), by inserting ''and to supplement (not supplant) funds received under this Act'' after ''given'';

(2) in subsection (c)(2), by striking ''(with particular attention to low-income minority individuals and older individuals residing in rural areas)'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''; and

(3) in subsection (d), by striking ''with particular attention to low-income and minority older individuals and older individuals residing in rural areas'' and inserting ''(with particular attention to low-income older individuals, including low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas)''.

**SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.**

Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (8), by inserting ''(including mental health screening)'' after ''screening'';

(2) in paragraph (11), by striking ''services'' and inserting ''provision of services and assistive devices (including provision of assistive technology services and assistive technology devices)'';

(3) in paragraph (14)(B) by inserting ''(including mental health)'' after ''health'';

(4) in paragraph (21)—

(A) by striking ''school-age children'' and inserting ''students''; and

(B) by inserting ''services for older individuals with limited English proficiency and'' after ''including'';

(5) in paragraph (22) by striking the period at the end and inserting a semicolon;

(6) by redesignating paragraph (23) as paragraph (25); and

(7) by inserting after paragraph (22) the following:

''(23) services designed to support States, area agencies on aging, and local service providers in carrying out and coordinating activities for older individuals with respect to mental health services, including outreach for, education concerning, and screening for such services, and referral to such services for treatment;

''(24) activities to promote and disseminate information about life-long learning programs, including opportunities for distance learning; and''.

**SEC. 312. NUTRITION SERVICE.**

After the part heading of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.), insert the following:

**''SEC. 330. PURPOSES.**

''The purposes of this part are—

''(1) to reduce hunger and food insecurity;

''(2) to promote socialization of older individuals; and

''(3) to promote the health and well-being of older individuals by assisting such individuals to gain access to nutrition and other disease prevention and health promotion services to delay the onset of adverse health conditions resulting from poor nutritional health or sedentary behavior.''.

**SEC. 313. CONGREGATE NUTRITION PROGRAM.**

Section 331 of the Older Americans Act of 1965 (42 U.S.C. 3030e) is amended—

(1) by striking ''projects—'' and inserting ''projects that—'';

(2) in paragraph (1), by striking ''which,'';

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

(4) by striking paragraph (3), and inserting the following:

''(3) provide nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal participants.''.

**SEC. 314. HOME DELIVERED NUTRITION SERVICES.**

Section 336 of the Older Americans Act of 1965 (42 U.S.C. 3030f) is amended to read as follows:

**''SEC. 336. PROGRAM AUTHORIZED.**

''The Assistant Secretary shall establish and carry out a program to make grants to States under State plans approved under section 307 for the establishment and operation of nutrition projects for older individuals that provide—

''(1) on 5 or more days a week (except in a rural area where such frequency is not feasible (as defined by the Assistant Secretary by rule) and a lesser frequency is approved by the State agency) at least 1 home delivered meal per day, which may consist of hot, cold, frozen, dried, canned, fresh, or supplemental foods and any additional meals that the recipient of a grant or contract under this subpart elects to provide; and

''(2) nutrition education, nutrition counseling, and other nutrition services, as appropriate, based on the needs of meal recipients.''.

**SEC. 315. CRITERIA.**

Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended to read as follows:

**''SEC. 337. CRITERIA.**

''The Assistant Secretary, in consultation with recognized experts in the fields of nutrition science, dietetics, meal planning and food service management, and aging, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for projects described in section 336.''.

**SEC. 316. NUTRITION.**

Section 339 of the Older Americans Act of 1965 (42 U.S.C. 3030g–21) is amended—

(1) in paragraph (1), to read as follows:

''(1) solicit the expertise of a dietitian or other individual with equivalent education and training in nutrition science, or if such an individual is not available, an individual with comparable expertise in the planning of nutritional services, and''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), to read as follows:

''(i) comply with the most recent Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture, and''; and

(ii) in clause (ii)(I), by striking ''daily recommended dietary allowances as'' and inserting ''dietary reference intakes'';

(B) in subparagraph (D), by inserting ''joint'' after ''encourages'';

(C) in subparagraph (G), to read as follows:

''(G) ensures that meal providers solicit the advice and expertise of—

''(i) a dietitian or other individual described in paragraph (1),

''(ii) meal participants, and

''(iii) other individuals knowledgeable with regard to the needs of older individuals,'';

(D) in subparagraph (H), by striking ''and accompany'';

(E) in subparagraph (I), by striking ''and'' at the end; and

(F) by striking subparagraph (J) and inserting the following:

''(J) provides for nutrition screening and nutrition education, and nutrition assessment and counseling if appropriate, and

''(K) encourages individuals who distribute nutrition services under subpart 2 to provide, to homebound older individuals, available medical information approved by health care professionals, such as informational brochures and information on how to get vaccines, including vaccines for influenza, pneumonia, and shingles, in the individuals' communities.''.

**SEC. 317. STUDY OF NUTRITION PROJECTS.**

(a) STUDY.—

(1) IN GENERAL.—The Assistant Secretary for Aging shall use funds allocated in section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) to enter into a contract with the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, for the purpose of establishing an independent panel of experts that will conduct an evidence-based study of the nutrition projects authorized by such Act.

(2) STUDY.—Such study shall, to the extent data are available, include—

(A) an evaluation of the effect of the nutrition projects authorized by such Act on—

(i) improvement of the health status, including nutritional status, of participants in the projects;

(ii) prevention of hunger and food insecurity of the participants; and

(iii) continuation of the ability of the participants to live independently;

(B) a cost-benefit analysis of nutrition projects authorized by such Act, including the potential to affect costs of the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) an analysis of how and recommendations for how nutrition projects authorized by such Act may be modified to improve the outcomes described in subparagraph (A), including recommendations for improving the nutritional quality of the meals provided through the projects and undertaking other potential strategies to improve the nutritional status of the participants.

(b) REPORTS.—

(1) REPORT TO THE ASSISTANT SECRETARY.—The panel described in subsection (a)(1) shall submit to the Assistant Secretary a report containing the results of the evidence-based study described in subsection (a), including any recommendations described in subsection (a)(2)(C).

(2) REPORT TO CONGRESS.—The Assistant Secretary shall submit a report containing the results described in paragraph (1) to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

**SEC. 318. SENSE OF CONGRESS RECOGNIZING THE CONTRIBUTION OF NUTRITION TO THE HEALTH OF OLDER ADULTS.**

(a) FINDINGS.—Congress finds that—

(1) good nutrition is vital to good health, and a diet based on the Dietary Guidelines for Americans may reduce the risk of chronic diseases such as cardiovascular disease, osteoporosis, diabetes, macular degeneration, and cancer;

(2) the American Dietetic Association and the American Academy of Family Physicians have estimated that the percentage of older adults who are malnourished is estimated at 20 to 60 percent for those who are in home care and at 40 to 85 percent for those who are in nursing homes;

(3) the Institute of Medicine of the National Academy of Sciences has estimated that approximately 40 percent of community-residing persons age 65 and older have inadequate nutrient intakes;

(4) older adults are susceptible to nutrient deficiencies for a number of reasons, including a reduced capacity to absorb and utilize nutrients, difficulty chewing, and loss of appetite;

(5) while diet is the preferred source of nutrition, evidence suggests that the use of a single daily multivitamin-mineral supplement may be an effective way to address nutritional gaps that exist among the elderly population, especially the poor; and

(6) the Dietary Guidelines for Americans state that multivitamin-mineral supplements may be useful when they fill a specific identified nutrient gap that cannot be or is not otherwise being met by the individual's intake of food.

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

(1) meal programs funded by the Older Americans Act of 1965 contribute to the nutritional health of older adults;

(2) when the nutritional needs of older adults are not fully met by diet, use of a single, daily multivitamin-mineral supplement may help prevent nutrition deficiencies common in many older adults;

(3) use of a single, daily multivitamin-mineral supplement can be a safe and inexpensive strategy to help ensure the nutritional health of older adults; and

(4) nutrition service providers under the Older Americans Act of 1965 should consider whether individuals participating in congregate and home-delivered meal programs would benefit from a single, daily multivitamin-mineral supplement that is in compliance with all applicable government quality standards and provides at least ⅔ of the essential vitamins and minerals at 100 percent of the daily value levels as determined by the Commissioner of Food and Drugs.

**SEC. 319. IMPROVING INDOOR AIR QUALITY IN BUILDINGS WHERE OLDER INDIVIDUALS CONGREGATE.**

Section 361 of the Older Americans Act of 1965 (42 U.S.C. 3030m) is amended by adding at the end the following:

''(c) The Assistant Secretary shall work in consultation with qualified experts to provide information on methods of improving indoor air quality in buildings where older individuals congregate.''.

**SEC. 320. CAREGIVER SUPPORT PROGRAM DEFINITIONS.**

Section 372 of the National Family Caregiver Support Act (42 U.S.C. 3030s) is amended—

(1) in paragraph (1), by inserting ''or who is an individual with a disability'' after ''age'';

(2) in paragraph (3)—

(A) by striking ''a child by blood or marriage'' and inserting ''a child by blood, marriage, or adoption''; and

(B) by striking ''60'' and inserting ''55'';

(3) by inserting before ''In this subpart'' the following: ''(a) IN GENERAL.—'';

(4) by striking paragraph (2);

(5) by redesignating paragraph (3) as paragraph (2);

(6) by adding at the end the following:

''(b) RULE.—In providing services under this subpart—

''(1) for family caregivers who provide care for individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction, the State involved shall give priority to caregivers who provide care for older individuals with such disease or disorder; and

''(2) for grandparents or older individuals who are relative caregivers, the State involved shall give priority to caregivers who provide care for children with severe disabilities.''.

**SEC. 321. CAREGIVER SUPPORT PROGRAM.**

Section 373 of the National Family Caregiver Support Act (42 U.S.C. 3030s–1) is amended—

(1) in subsection (b)(3), by striking ''caregivers to assist'' and all that follows through the end and inserting the following: ''assist

the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems relating to their caregiving roles;'';

(2) in subsection (c)—

(A) in paragraph (1)(B), by striking ''subparagraph (A)(i) or (B) of section 102(28)'' and inserting ''subparagraph (A)(i) or (B) of section 102(22)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) PRIORITY.—In providing services under this subpart, the State, in addition to giving the priority described in section 372(b), shall give priority—

''(A) to caregivers who are older individuals with greatest social need, and older individuals with greatest economic need (with particular attention to low-income older individuals); and

''(B) to older individuals providing care to individuals with severe disabilities, including children with severe disabilities.'';

(3) in subsection (d), to read as follows:

''(d) USE OF VOLUNTEERS.—In carrying out this subpart, each area agency on aging shall make use of trained volunteers to expand the provision of the available services described in subsection (b) and, if possible, work in coordination with organizations that have experience in providing training, placement, and stipends for volunteers or participants (such as organizations carrying out Federal service programs administered by the Corporation for National and Community Service), in community service settings.'';

(4) in subsection (e)(3), by adding at the end the following: ''The reports shall describe any mechanisms used in the State to provide to persons who are family caregivers, or grandparents or older individuals who are relative caregivers, information about and access to various services so that the persons can better carry out their care responsibilities.'';

(5) in subsection (f)(1), by striking ''2001 through 2005'' and inserting ''2007, 2008, 2009, 2010, and 2011''; and

(6) in subsection (g)(2)(C), by inserting ''of a child who is not more than 18 years of age'' before the period at the end.

**SEC. 322. NATIONAL INNOVATION.**

Subpart 2 of part E of title III of the Older Americans Act of 1965 (42 U.S.C. 3030s–11 et seq.) is repealed.

## TITLE IV—ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY

**SEC. 401. TITLE.**

The Older Americans Act of 1965 is amended by inserting before section 401 (42 U.S.C. 3031) the following:

**''TITLE IV—ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY''.**

**SEC. 402. GRANT PROGRAMS.**

Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) by redesignating paragraph (9) as paragraph (13); and

(C) by inserting after paragraph (8) the following:

''(9) planning activities to prepare communities for the aging of the population, which activities may include—

''(A) efforts to assess the aging population;

''(B) activities to coordinate the activities of State and local agencies in order to meet the needs of older individuals; and

''(C) training and technical assistance to support States, area agencies on aging, and organizations receiving grants under title VI, in engaging in community planning activities;

''(10) the development, implementation, and assessment of technology-based service models and best practices, to support the use of health monitoring and assessment technologies, communication devices, assistive technologies, and other technologies that may remotely connect family and professional caregivers to frail older individuals residing in home and community-based settings or rural areas;

''(11) conducting activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through activities that include program evaluation, training, technical assistance, and research, including—

''(A) programs addressing unique issues faced by rural caregivers;

''(B) programs focusing on the needs of older individuals with cognitive impairment such as Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and their caregivers; and

''(C) programs supporting caregivers in the role they play in providing disease prevention and health promotion services;

''(12) building public awareness of cognitive impairments such as Alzheimer's disease and related disorders with neurological and organic brain dysfunction, depression, and mental disorders; and''; and

(2) in subsection (b), by striking ''year'' and all that follows through ''years'' and inserting ''years 2007, 2008, 2009, 2010, and 2011''.

**SEC. 403. CAREER PREPARATION FOR THE FIELD OF AGING.**

Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032a(a)) is amended to read as follows:

''(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, including historically Black colleges or universities, Hispanic-serving institutions, and Hispanic Centers of Excellence in Applied Gerontology, to provide education and training that prepares students for careers in the field of aging.''.

**SEC. 404. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS.**

Section 414 of the Older Americans Act of 1965 (42 U.S.C. 3032c) is amended—

(1) in subsection (a), by inserting ''mental health services,'' after ''care,''; and

(2) in subsection (b)(1)(B)(i), by inserting ''mental health,'' after ''health,''.

**SEC. 405. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.**

Section 416 of the Older Americans Act of 1965 (42 U.S.C. 3032e) is amended to read as follows:

**''SEC. 416. TECHNICAL ASSISTANCE AND INNOVATION TO IMPROVE TRANSPORTATION FOR OLDER INDIVIDUALS.**

''(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—A nonprofit organization receiving a grant or contract under subsection (a) shall use the funds received through such grant or contract to carry out a demonstration project, or to provide technical assistance to assist local transit providers, area agencies on aging, senior centers, and local senior support groups, to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. The organization may use the funds to develop and carry out an innovative transportation demonstration project to create transportation services for older individuals.

''(2) SPECIFIC ACTIVITIES.—In carrying out a demonstration project or providing technical assistance under paragraph (1) the organization may carry out activities that include—

''(A) developing innovative approaches for improving access by older individuals to transportation services, including volunteer driver programs, economically sustainable transportation programs, and programs that allow older individuals to transfer their automobiles to a provider of transportation services in exchange for the services;

''(B) preparing information on transportation options and resources for older individuals and organizations serving such individuals, and disseminating the information by establishing and operating a toll-free telephone number;

''(C) developing models and best practices for providing comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

''(D) providing special services to link older individuals to transportation services not provided under title III.

''(c) ECONOMICALLY SUSTAINABLE TRANSPORTATION.—In this section, the term 'economically sustainable transportation' means demand responsive transportation for older individuals—

''(1) that may be provided through volunteers; and

''(2) that the provider will provide without receiving Federal or other public financial assistance, after a period of not more than 5 years of providing the services under this section.''.

**SEC. 406. DEMONSTRATION, SUPPORT, AND RESEARCH PROJECTS FOR MULTIGENERATIONAL ACTIVITIES AND CIVIC ENGAGEMENT ACTIVITIES.**

Section 417 of the Older Americans Act of 1965 (42 U.S.C. 3032f) is amended to read as follows:

**''SEC. 417. DEMONSTRATION, SUPPORT, AND RESEARCH PROJECTS FOR MULTIGENERATIONAL AND CIVIC ENGAGEMENT ACTIVITIES.**

''(a) GRANTS AND CONTRACTS.—The Assistant Secretary shall award grants and enter into contracts with eligible organizations to carry out projects to—

''(1) provide opportunities for older individuals to participate in multigenerational activities and civic engagement activities designed to meet critical community needs, and use the full range of time, skills, and experience of older individuals, including demonstration and support projects that—

''(A) provide support for grandparents and other older individuals who are relative caregivers raising children (such as kinship navigator programs); or

''(B) involve volunteers who are older individuals who provide support and information to families who have a child with a disability or chronic illness, or other families in need of such family support; and

''(2) coordinate multigenerational activities and civic engagement activities, promote volunteerism, and facilitate development of and participation in multigenerational activities and civic engagement activities.

''(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under this section to—

''(1) carry out a project described in subsection (a); and

''(2) evaluate the project in accordance with subsection (f).

''(c) PREFERENCE.—In awarding grants and entering into contracts to carry out a project described in subsection (a), the Assistant Secretary shall give preference to—

''(1) eligible organizations with a demonstrated record of carrying out multigenerational activities or civic engagement activities;

''(2) eligible organizations proposing multigenerational activity projects that will serve older individuals and communities with the greatest need (with particular attention to low-income minority individuals, older individuals with limited English proficiency, older individuals residing in rural areas, and low-income minority communities);

''(3) eligible organizations proposing civic engagement projects that will serve communities with the greatest need; and

''(4) eligible organizations with the capacity to develop meaningful roles and assignments that use the time, skills, and experience of older individuals to serve public and nonprofit organizations.

''(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

''(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a)—

''(1) to carry out activities described in subsection (a)(1), shall be organizations that provide opportunities for older individuals to participate in activities described in subsection (a)(1); and

''(2) to carry out activities described in subsection (a)(2), shall be organizations with the capacity to conduct the coordination, promotion, and facilitation described in subsection (a)(2), through the use of multigenerational coordinators.

''(f) LOCAL EVALUATION AND REPORT.—

''(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a project described in subsection (a) shall evaluate the multigenerational activities or civic engagement activities carried out under the project to determine—

''(A) the effectiveness of the activities involved;

''(B) the impact of such activities on the community being served and the organization providing the activities; and

''(C) the impact of such activities on older individuals involved in such project.

''(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

''(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

''(1) the names or descriptive titles of the projects funded under subsection (a);

''(2) a description of the nature and operation of the projects;

''(3) the names and addresses of organizations that conducted the projects;

''(4) in the case of projects carried out under subsection (a)(1), a description of the methods and success of the projects in recruiting older individuals as employees and as volunteers to participate in the projects;

''(5) in the case of projects carried out under subsection (a)(1), a description of the success of the projects in retaining older individuals participating in the projects as employees and as volunteers;

''(6) in the case of projects carried out under subsection (a)(1), the rate of turnover of older individual employees and volunteers in the projects;

''(7) a strategy for disseminating the findings resulting from the projects described in paragraph (1); and

''(8) any policy change recommendations relating to the projects.

''(h) DEFINITIONS.—As used in this section:

''(1) MULTIGENERATIONAL ACTIVITY.—The term 'multigenerational activity' means an activity that provides an opportunity for interaction between 2 or more individuals of different generations, including activities connecting older individuals and youth in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, a before- or after-school program, a library program, or a family support program.

''(2) MULTIGENERATIONAL COORDINATOR.—The term 'multigenerational coordinator' means a person who—

''(A) builds the capacity of public and nonprofit organizations to develop meaningful roles and assignments, that use the time, skill, and experience of older individuals to serve those organizations; and

''(B) nurtures productive, sustainable working relationships between—

''(i) individuals from the generations with older individuals; and

''(ii) individuals in younger generations.''.

**SEC. 407. NATIVE AMERICAN PROGRAMS.**

Section 418(a)(2)(B)(i) of the Older Americans Act of 1965 (42 U.S.C. 3032g(a)(2)(B)(i)) is amended by inserting ''(including mental health)'' after ''health''.

**SEC. 408. MULTIDISCIPLINARY CENTERS AND MULTIDISCIPLINARY SYSTEMS.**

Section 419 of the Older Americans Act of 1965 (42 U.S.C. 3032h) is amended—

(1) by striking the title and inserting the following:

**''SEC. 419. MULTIDISCIPLINARY CENTERS AND MULTIDISCIPLINARY SYSTEMS.'';**

(2)(A) in subsection (b)(2), by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) in subsection (c)(2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively; and

(C) by aligning the margins of the clauses described in subparagraphs (A) and (B) with the margins of clause (iv) of section 418(a)(2)(A) of such Act;

(3)(A) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) in subsection (c), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by aligning the margins of the subparagraphs described in subparagraphs (A) and (B) with the margins of subparagraph (D) of section 420(a)(1) of such Act;

(4) in subsection (a), by striking ''(a)'' and all that follows through ''The'' and inserting the following:

''(a) MULTIDISCIPLINARY CENTERS.—

''(1) PROGRAM AUTHORIZED.—The'';

(5) in subsection (b)—

(A) by striking the following:

''(b) USE OF FUNDS.—'' and inserting the following:

''(2) USE OF FUNDS.—''; and

(B) by striking ''subsection (a)'' each place it appears and inserting ''paragraph (1)'';

(6) in subsection (c)—

(A) by striking the following:

''(c) DATA.—'' and inserting the following:

''(3) DATA.—'';

(B) by striking ''subsection (a)'' and inserting ''paragraph (1)'';

(C) by striking ''such subsection'' and inserting ''such paragraph'';

(D) by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(E) by striking ''this section'' and inserting ''this subsection'';

(7) in subsection (a) (as so redesignated)—

(A) in paragraph (1), by inserting ''diverse populations of older individuals residing in urban communities,'' after ''minority populations,'';

(B) in paragraph (2)(B)—

(C)(i) in clause (v), by inserting '', including information about best practices in long-term care service delivery, housing, and transportation'' before the semicolon at the end;

(ii) in clause (vi)—

(I) by striking ''consultation and'';

(II) by inserting ''and other technical assistance'' after ''information''; and

(III) by striking ''and'' at the end;

(iii) in clause (vii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(viii) provide training and technical assistance to support the provision of community-based mental health services for older individuals.''; and

(8) by adding at the end the following:

''(b) MULTIDISCIPLINARY HEALTH SERVICES IN COMMUNITIES.—

''(1) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, on a competitive basis, for the development and operation of—

''(A) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

''(B) programs to—

''(i) increase public awareness regarding the benefits of prevention and treatment of mental disorders in older individuals;

''(ii) reduce the stigma associated with mental disorders in older individuals and other barriers to the diagnosis and treatment of the disorders; and

''(iii) reduce age-related prejudice and discrimination regarding mental disorders in older individuals.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection for a State, a State agency shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

''(3) STATE ALLOCATION AND PRIORITIES.—A State agency that receives funds through a grant made under this subsection shall allocate the funds to area agencies on aging to carry out this subsection in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

''(A) that are medically underserved; and

''(B) in which there are large numbers of older individuals.

''(4) AREA COORDINATION OF SERVICES WITH OTHER PROVIDERS.—In carrying out this subsection, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

''(A) coordinate services described in subparagraphs (A) and (B) of paragraph (1) with such services or similar or related services of other community agencies, and voluntary organizations; and

''(B) to the greatest extent practicable, integrate outreach and educational activities with such activities of existing (as of the date of the integration) social service and health care (including mental health) providers serving older individuals in the planning and service area involved.

''(5) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this subsection shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency

on aging) to provide the services described in subparagraphs (A) and (B) of paragraph (1).

''(6) DEFINITION.—In this subsection, the term 'mental health screening and treatment services' means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals, that are—

''(A) provided pursuant to evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals; and

''(B) coordinated and integrated with the services of social service and health care (including mental health) providers in an area in order to—

''(i) improve patient outcomes; and

''(ii) ensure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.''.

**SEC. 409. COMMUNITY INNOVATIONS FOR AGING IN PLACE.**

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3031 et seq.) is amended by adding at the end the following:

**''SEC. 422. COMMUNITY INNOVATIONS FOR AGING IN PLACE.**

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity'—

''(A) means a nonprofit health or social service organization, a community-based nonprofit organization, an area agency on aging or other local government agency, a tribal organization, or another entity that—

''(i) the Assistant Secretary determines to be appropriate to carry out a project under this part; and

''(ii) demonstrates a record of, and experience in, providing or administering group and individual health and social services for older individuals; and

''(B) does not include an entity providing housing under the congregate housing services program carried out under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) or the multifamily service coordinator program carried out under section 202(g) of the Housing Act of 1959 (12 U.S.C. 1701q(g)).

''(2) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term 'Naturally Occurring Retirement Community' means a community with a concentrated population of older individuals, which may include a residential building, a housing complex, an area (including a rural area) of single family residences, or a neighborhood composed of age-integrated housing—

''(A) where—

''(i) 40 percent of the heads of households are older individuals; or

''(ii) a critical mass of older individuals exists, based on local factors that, taken in total, allow an organization to achieve efficiencies in the provision of health and social services to older individuals living in the community; and

''(B) that is not an institutional care or assisted living setting.

''(b) GRANTS.—

''(1) IN GENERAL.—The Assistant Secretary shall make grants, on a competitive basis, to eligible entities to develop and carry out model aging in place projects. The projects shall promote aging in place for older individuals (including such individuals who reside in Naturally Occurring Retirement Communities), in order to sustain the independence of older individuals. A recipient of a grant under this subsection shall identify innovative strategies for providing, and linking older individuals to programs and services that provide, comprehensive and coordinated health and social services to sustain the quality of life of older individuals and support aging in place.

''(2) GRANT PERIODS.—The Assistant Secretary shall make the grants for periods of 3 years.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (b) for a project, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

''(2) CONTENTS.—The application shall include—

''(A) a detailed description of the entity's experience in providing services to older individuals in age-integrated settings;

''(B) a definition of the contiguous service area and a description of the project area in which the older individuals reside or carry out activities to sustain their well-being;

''(C) the results of a needs assessment that identifies—

''(i) existing (as of the date of the assessment) community-based health and social services available to individuals residing in the project area;

''(ii) the strengths and gaps of such existing services in the project area;

''(iii) the needs of older individuals who reside in the project area; and

''(iv) services not being delivered that would promote aging in place and contribute to the well-being of older individuals residing in the project area;

''(D) a plan for the development and implementation of an innovative model for service coordination and delivery within the project area;

''(E) a description of how the plan described in subparagraph (D) will enhance existing services described in subparagraph (C)(i) and support the goal of this section to promote aging in place;

''(F) a description of proposed actions by the entity to prevent the duplication of services funded under a provision of this Act, other than this section, and a description of how the entity will cooperate, and coordinate planning and services (including any formal agreements), with agencies and organizations that provide publicly supported services for older individuals in the project area, including the State agency and area agencies on aging with planning and service areas in the project area;

''(G) an assurance that the entity will seek to establish cooperative relationships with interested local entities, including private agencies and businesses that provide health and social services, housing entities, community development organizations, philanthropic organizations, foundations, and other non-Federal entities;

''(H) a description of the entity's protocol for referral of residents who may require long-term care services, including coordination with local agencies, including area agencies on aging and Aging and Disability Resource Centers that serve as single points of entry to public services;

''(I) a description of how the entity will offer opportunities for older individuals to be involved in the governance, oversight, and operation of the project;

''(J) an assurance that the entity will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require; and

''(K) a plan for long-term sustainability of the project.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a grant under subsection (b) shall use the funds made available through the grant to—

''(A) ensure access by older individuals in the project area to community-based health and social services consisting of—

''(i) case management, case assistance, and social work services;

''(ii) health care management and health care assistance, including disease prevention and health promotion services;

''(iii) education, socialization, and recreational activities; and

''(iv) volunteer opportunities for project participants;

''(B) conduct outreach to older individuals within the project area; and

''(C) develop and implement innovative, comprehensive, and cost-effective approaches for the delivery and coordination of community-based health and social services, including those identified in subparagraph (A)(iv), which may include mental health services, for eligible older individuals.

''(2) COORDINATION.—An eligible entity receiving a grant under subsection (b) for a project shall coordinate activities with organizations providing services funded under title III to support such services for or facilitate the delivery of such services to eligible older individuals served by the project.

''(3) PREFERENCE.—In carrying out an aging in place project, an eligible entity shall, to the extent practicable, serve a community of low-income individuals and operate or locate the project and services in or in close proximity to a location where a large concentration of older individuals has aged in place and resided, such as a Naturally Occurring Retirement Community.

''(4) SUPPLEMENT NOT SUPPLANT.—Funds made available to an eligible entity under subsection (b) shall be used to supplement, not supplant, any Federal, State, or other funds otherwise available to the entity to provide health and social services to eligible older individuals.

''(e) COMPETITIVE GRANTS FOR TECHNICAL ASSISTANCE.—

''(1) GRANTS.—The Assistant Secretary shall (or shall make a grant, on a competitive basis, to an eligible nonprofit organization, to enable the organization to)—

''(A) provide technical assistance to recipients of grants under subsection (b); and

''(B) carry out other duties, as determined by the Assistant Secretary.

''(2) ELIGIBLE ORGANIZATION.—To be eligible to receive a grant under this subsection, an organization shall be a nonprofit organization (including a partnership of nonprofit organizations), that—

''(A) has experience and expertise in providing technical assistance to a range of entities serving older individuals and experience evaluating and reporting on programs; and

''(B) has demonstrated knowledge of and expertise in community-based health and social services.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an organization (including a partnership of nonprofit organizations) shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including an assurance that the organization will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

''(f) REPORT.—The Assistant Secretary shall annually prepare and submit a report to Congress that shall include—

''(1) the findings resulting from the evaluations of the model projects conducted under this section;

''(2) a description of recommended best practices regarding carrying out health and social service projects for older individuals aging in place; and

''(3) recommendations for legislative or administrative action, as the Assistant Secretary determines appropriate.''.

**SEC. 410. RESPONSIBILITIES OF ASSISTANT SECRETARY.**

Section 432(c)(2)(B) of the Older Americans Act of 1965 (42 U.S.C. 3033a(c)(2)(B)) is amended by inserting '', including preparing an analysis of such services, projects, and programs, and of how the evaluation relates to improvements in such services, projects, and programs and in the strategic plan of the Administration'' before the period at the end.

## TITLE V—OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

**SEC. 501. COMMUNITY SERVICE SENIOR OPPORTUNITIES ACT.**

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended to read as follows:

## "TITLE V—COMMUNITY SERVICE SENIOR OPPORTUNITIES ACT

**"SEC. 501. SHORT TITLE.**

''This title may be cited as the 'Community Service Senior Opportunities Act'.

**"SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.**

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OF PROGRAM.—To foster individual economic self-sufficiency and promote useful opportunities in community service activities (which shall include community service employment) for unemployed low-income persons who are age 55 or older, particularly persons who have poor employment prospects, and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (referred to in this title as the 'Secretary') may establish an older American community service employment program.

''(2) USE OF APPROPRIATED AMOUNTS.—Amounts appropriated to carry out this title shall be used only to carry out the provisions contained in this title.

''(b) GRANT AUTHORITY.—

''(1) PROJECTS.—To carry out this title, the Secretary may make grants to public and nonprofit private agencies and organizations, agencies of a State, and tribal organizations to carry out the program established under subsection (a). Such grants may provide for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make such program effective or to supplement such program. The Secretary shall make the grants from allotments made under section 506, and in accordance with section 514. No payment shall be made by the Secretary toward the cost of any project established or administered by such an organization or agency unless the Secretary determines that such project—

''(A) will provide community service employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, and such personnel will, to the fullest extent possible, be recruited from among eligible individuals;

''(B)(i) will provide community service employment and other authorized activities for eligible individuals in the community in which such individuals reside, or in nearby communities; or

''(ii) if such project is carried out by a tribal organization that receives a grant under this subsection or receives assistance from a State that receives a grant under this subsection, will provide community service employment and other authorized activities for such individuals, including those who are Indians residing on an Indian reservation, as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501);

''(C) will comply with an average participation cap for eligible individuals (in the aggregate) of—

''(i) 27 months; or

''(ii) pursuant to the request of a grantee, an extended period of participation established by the Secretary for a specific project area for such grantee, up to a period of not more than 36 months, if the Secretary determines that extenuating circumstances exist relating to the factors identified in section 513(a)(2)(D) that justify such an extended period for the program year involved;

''(D) will employ eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by nonprofit organizations (excluding political parties exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986), but excluding projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

''(E) will contribute to the general welfare of the community, which may include support for children, youth, and families;

''(F) will provide community service employment and other authorized activities for eligible individuals;

''(G)(i) will not reduce the number of employment opportunities or vacancies that would otherwise be available to individuals not participating in the program;

''(ii) will not displace currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits);

''(iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

''(iv) will not employ or continue to employ any eligible individual to perform the same work or substantially the same work as that performed by any other individual who is on layoff;

''(H) will coordinate activities with training and other services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including utilizing the one-stop delivery system of the local workforce investment areas involved to recruit eligible individuals to ensure that the maximum number of eligible individuals will have an opportunity to participate in the project;

''(I) will include such training (such as work experience, on-the-job training, and classroom training) as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance equivalent to the wage described in subparagraph (J);

''(J) will ensure that safe and healthy employment conditions will be provided, and will ensure that participants employed in community service and other jobs assisted under this title will be paid wages that shall not be lower than whichever is the highest of—

''(i) the minimum wage that would be applicable to such a participant under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), if section 6(a)(1) of such Act (29 U.S.C. 206(a)(1)) applied to the participant and if the participant were not exempt under section 13 of such Act (29 U.S.C. 213);

''(ii) the State or local minimum wage for the most nearly comparable covered employment; or

''(iii) the prevailing rates of pay for individuals employed in similar public occupations by the same employer;

''(K) will be established or administered with the advice of persons competent in the field of service in which community service employment or other authorized activities are being provided, and of persons who are knowledgeable about the needs of older individuals;

''(L) will authorize payment for necessary supportive services costs (including transportation costs) of eligible individuals that may be incurred in training in any project funded under this title, in accordance with rules issued by the Secretary;

''(M) will ensure that, to the extent feasible, such project will serve the needs of minority and Indian eligible individuals, eligible individuals with limited English proficiency, and eligible individuals with greatest economic need, at least in proportion to their numbers in the area served and take into consideration their rates of poverty and unemployment;

''(N)(i) will prepare an assessment of the participants' skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) and will prepare a related service strategy;

''(ii) will provide training and employment counseling to eligible individuals based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i), and provide other appropriate information regarding such project; and

''(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

''(O) will provide appropriate services for participants, or refer the participants to appropriate services, through the one-stop delivery system of the local workforce investment areas involved as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));

''(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation—

''(i) clarifying the law with respect to political activities allowable and unallowable under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project; and

''(ii) containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;

''(Q) will provide to the Secretary the description and information described in—

''(i) paragraph (8), relating to coordination with other Federal programs, of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)); and

''(ii) paragraph (14), relating to implementation of one-stop delivery systems, of section 112(b) of the Workforce Investment Act of 1998; and

''(R) will ensure that entities that carry out activities under the project (including State agencies, local entities, subgrantees,

and subcontractors) and affiliates of such entities receive an amount of the administrative cost allocation determined by the Secretary, in consultation with grantees, to be sufficient.

''(2) REGULATIONS.—The Secretary may establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

''(3) ASSESSMENT AND SERVICE STRATEGIES.—

''(A) PREPARED UNDER THIS ACT.—An assessment and service strategy required by paragraph (1)(N) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such eligible individual also qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)).

''(B) PREPARED UNDER WORKFORCE INVESTMENT ACT OF 1998.—An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) for an eligible individual may be used to comply with the requirement specified in subparagraph (A).

''(c) FEDERAL SHARE AND USE OF FUNDS.—

''(1) FEDERAL SHARE.—The Secretary may pay a Federal share not to exceed 90 percent of the cost of any project for which a grant is made under subsection (b), except that the Secretary may pay all of such cost if such project is—

''(A) an emergency or disaster project; or

''(B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

''(2) NON-FEDERAL SHARE.—The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

''(3) USE OF FUNDS FOR ADMINISTRATIVE COSTS.—Of the grant amount to be paid under this subsection by the Secretary for a project, not to exceed 13.5 percent shall be available for any fiscal year to pay the administrative costs of such project, except that—

''(A) the Secretary may increase the amount available to pay the administrative costs to an amount not to exceed 15 percent of the grant amount if the Secretary determines, based on information submitted by the grantee under subsection (b), that such increase is necessary to carry out such project; and

''(B) if the grantee under subsection (b) demonstrates to the Secretary that—

''(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and costs associated with other operation requirements imposed by the Secretary;

''(ii) the number of community service employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available to pay the administrative costs is not increased; or

''(iii) the size of the project is so small that the amount of administrative costs incurred to carry out the project necessarily exceeds 13.5 percent of the grant amount;

the Secretary shall increase the amount available for such fiscal year to pay the administrative costs to an amount not to exceed 15 percent of the grant amount.

''(4) ADMINISTRATIVE COSTS.—For purposes of this title, administrative costs are the costs, both personnel-related and nonpersonnel-related and both direct and indirect, associated with the following:

''(A) The costs of performing general administrative functions and of providing for the coordination of functions, such as the costs of—

''(i) accounting, budgeting, and financial and cash management;

''(ii) procurement and purchasing;

''(iii) property management;

''(iv) personnel management;

''(v) payroll functions;

''(vi) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;

''(vii) audits;

''(viii) general legal services;

''(ix) developing systems and procedures, including information systems, required for administrative functions;

''(x) preparing administrative reports; and

''(xi) other activities necessary for the general administration of government funds and associated programs.

''(B) The costs of performing oversight and monitoring responsibilities related to administrative functions.

''(C) The costs of goods and services required for administrative functions of the project involved, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

''(D) The travel costs incurred for official business in carrying out administrative activities or overall management.

''(E) The costs of information systems related to administrative functions (such as personnel, procurement, purchasing, property management, accounting, and payroll systems), including the purchase, systems development, and operating costs of such systems.

''(F) The costs of technical assistance, professional organization membership dues, and evaluating results obtained by the project involved against stated objectives.

''(5) NON-FEDERAL SHARE OF ADMINISTRATIVE COSTS.—To the extent practicable, an entity that carries out a project under this title shall provide for the payment of the expenses described in paragraph (4) from non-Federal sources.

''(6) USE OF FUNDS FOR WAGES AND BENEFITS AND PROGRAMMATIC ACTIVITY COSTS.—

''(A) IN GENERAL.—Amounts made available for a project under this title that are not used to pay for the administrative costs shall be used to pay for the costs of programmatic activities, including the costs of—

''(i) participant wages, such benefits as are required by law (such as workers' compensation or unemployment compensation), the costs of physical examinations, compensation for scheduled work hours during which an employer's business is closed for a Federal holiday, and necessary sick leave that is not part of an accumulated sick leave program, except that no amounts provided under this title may be used to pay the cost of pension benefits, annual leave, accumulated sick leave, or bonuses;

''(ii) participant training (including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition), which may be provided prior to or subsequent to placement and which may be provided on the job, in a classroom setting, or pursuant to other appropriate arrangements;

''(iii) job placement assistance, including job development and job search assistance;

''(iv) participant supportive services to enable a participant to successfully participate in a project under this title, which may include the payment of reasonable costs of transportation, health and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and follow-up services; and

''(v) outreach, recruitment and selection, intake, orientation, and assessments.

''(B) USE OF FUNDS FOR WAGES AND BENEFITS.—From the funds made available through a grant made under subsection (b), a grantee under this title—

''(i) except as provided in clause (ii), shall use not less than 75 percent of the grant funds to pay the wages, benefits, and other costs described in subparagraph (A)(i) for eligible individuals who are employed under projects carried out under this title; or

''(ii) that obtains approval for a request described in subparagraph (C) may use not less than 65 percent of the grant funds to pay the wages, benefits, and other costs described in subparagraph (A)(i).

''(C) REQUEST TO USE ADDITIONAL FUNDS FOR PROGRAMMATIC ACTIVITY COSTS.—

''(i) IN GENERAL.—A grantee may submit to the Secretary a request for approval—

''(I) to use not less than 65 percent of the grant funds to pay the wages, benefits, and other costs described in subparagraph (A)(i);

''(II) to use the percentage of grant funds described in paragraph (3) to pay for administrative costs, as specified in that paragraph;

''(III) to use not more than 10 percent of the grant funds for individual participants to provide activities described in clauses (ii) and (iv) of subparagraph (A), in which case the grantee shall provide (from the funds described in this subclause) the subsistence allowance described in subsection (b)(1)(I) for those individual participants who are receiving training described in that subsection from the funds described in this subclause, but may not use the funds described in this subclause to pay for any administrative costs; and

''(IV) to use the remaining grant funds to provide activities described in clauses (ii) through (v) of subparagraph (A).

''(ii) CONTENTS.—In submitting the request the grantee shall include in the request—

''(I) a description of the activities for which the grantee will spend the grant funds described in subclauses (III) and (IV) of clause (i), consistent with those subclauses;

''(II) an explanation documenting how the provision of such activities will improve the effectiveness of the project, including an explanation concerning whether any displacement of eligible individuals or elimination of positions for such individuals will occur, information on the number of such individuals to be displaced and of such positions to be eliminated, and an explanation concerning how the activities will improve employment outcomes for individuals served, based on the assessment conducted under subsection (b)(1)(N); and

''(III) a proposed budget and work plan for the activities, including a detailed description of the funds to be spent on the activities described in subclauses (III) and (IV) of clause (i).

''(iii) SUBMISSION.—The grantee shall submit a request described in clause (i) not later than 90 days before the proposed date of implementation contained in the request. Not later than 30 days before the proposed date of implementation, the Secretary shall approve, approve as modified, or reject the request, on the basis of the information included in the request as described in clause (ii).

''(D) REPORT.—Each grantee under subsection (b) shall annually prepare and submit to the Secretary a report documenting the grantee's use of funds for activities described in clauses (i) through (v) of subparagraph (A).

''(d) PROJECT DESCRIPTION.—Whenever a grantee conducts a project within a planning and service area in a State, such grantee shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 90 days prior to undertaking the project, for review and public comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of projects under this title.

''(e) PILOT, DEMONSTRATION, AND EVALUATION PROJECTS.—

''(1) IN GENERAL.—The Secretary, in addition to exercising any other authority contained in this title, shall use funds reserved under section 506(a)(1) to carry out demonstration projects, pilot projects, and evaluation projects, for the purpose of developing and implementing techniques and approaches, and demonstrating the effectiveness of the techniques and approaches, in addressing the employment and training needs of eligible individuals. The Secretary shall enter into such agreements with States, public agencies, nonprofit private organizations, or private business concerns, as may be necessary, to conduct the projects authorized by this subsection. To the extent practicable, the Secretary shall provide an opportunity, prior to the development of a demonstration or pilot project, for the appropriate area agency on aging to submit comments on such a project in order to ensure coordination of activities under this title.

''(2) PROJECTS.—Such projects may include—

''(A) activities linking businesses and eligible individuals, including activities providing assistance to participants transitioning from subsidized activities to private sector employment;

''(B) demonstration projects and pilot projects designed to—

''(i) attract more eligible individuals into the labor force;

''(ii) improve the provision of services to eligible individuals under one-stop delivery systems established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

''(iii) enhance the technological skills of eligible individuals; and

''(iv) provide incentives to grantees under this title for exemplary performance and incentives to businesses to promote their participation in the program under this title;

''(C) demonstration projects and pilot projects, as described in subparagraph (B), for workers who are older individuals (but targeted to eligible individuals) only if such demonstration projects and pilot projects are designed to assist in developing and implementing techniques and approaches in addressing the employment and training needs of eligible individuals;

''(D) provision of training and technical assistance to support any project funded under this title;

''(E) dissemination of best practices relating to employment of eligible individuals; and

''(F) evaluation of the activities authorized under this title.

''(3) CONSULTATION.—To the extent practicable, entities carrying out projects under this subsection shall consult with appropriate area agencies on aging and with other appropriate agencies and entities to promote coordination of activities under this title.

**''SEC. 503. ADMINISTRATION.**

''(a) STATE PLAN.—

''(1) GOVERNOR.—For a State to be eligible to receive an allotment under section 506, the Governor of the State shall submit to the Secretary for consideration and approval, a single State plan (referred to in this title as the 'State plan') that outlines a 4-year strategy for the statewide provision of community service employment and other authorized activities for eligible individuals under this title. The plan shall contain such provisions as the Secretary may require, consistent with this title, including a description of the process used to ensure the participation of individuals described in paragraph (2). Not less often than every 2 years, the Governor shall review the State plan and submit an update to the State plan to the Secretary for consideration and approval.

''(2) RECOMMENDATIONS.—In developing the State plan prior to its submission to the Secretary, the Governor shall seek the advice and recommendations of—

''(A) individuals representing the State agency and the area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

''(B) individuals representing public and nonprofit private agencies and organizations providing employment services, including each grantee operating a project under this title in the State; and

''(C) individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, unemployed older individuals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

''(3) COMMENTS.—Any State plan submitted by the Governor in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (7), and a summary of the comments.

''(4) PLAN PROVISIONS.—The State plan shall identify and address—

''(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in the State;

''(B) the relative distribution of eligible individuals residing in rural and urban areas in the State; and

''(C) the relative distribution of—

''(i) eligible individuals who are individuals with greatest economic need;

''(ii) eligible individuals who are minority individuals;

''(iii) eligible individuals who are limited English proficient; and

''(iv) eligible individuals who are individuals with greatest social need;

''(D) the current and projected employment opportunities in the State (such as by providing information available under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) by occupation), and the type of skills possessed by local eligible individuals;

''(E) the localities and populations for which projects of the type authorized by this title are most needed; and

''(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(5) GOVERNOR'S RECOMMENDATIONS.—Before a proposal for a grant under this title for any fiscal year is submitted to the Secretary, the Governor of the State in which projects are proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit to the Secretary—

''(A) recommendations regarding the anticipated effect of each such proposal upon the overall distribution of enrollment positions under this title in the State (including such distribution among urban and rural areas), taking into account the total number of positions to be provided by all grantees in the State;

''(B) any recommendations for redistribution of positions to underserved areas as vacancies occur in previously encumbered positions in other areas; and

''(C) in the case of any increase in funding that may be available for use in the State under this title for the fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to underserved areas.

''(6) DISRUPTIONS.—In developing a plan or considering a recommendation under this subsection, the Governor shall avoid disruptions in the provision of services for participants to the greatest possible extent.

''(7) DETERMINATION; REVIEW.—

''(A) DETERMINATION.—In order to effectively carry out this title, each State shall make the State plan available for public comment. The Secretary, in consultation with the Assistant Secretary, shall review the plan and make a written determination with findings and a decision regarding the plan.

''(B) REVIEW.—The Secretary may review, on the Secretary's own initiative or at the request of any public or private agency or organization or of any agency of the State, the distribution of projects and services under this title in the State, including the distribution between urban and rural areas in the State. For each proposed reallocation of projects or services in a State, the Secretary shall give notice and opportunity for public comment.

''(8) EXEMPTION.—The grantees that serve eligible individuals who are older Indians or Pacific Island and Asian Americans with funds reserved under section 506(a)(3) may not be required to participate in the State planning processes described in this section but shall collaborate with the Secretary to develop a plan for projects and services to eligible individuals who are Indians or Pacific Island and Asian Americans, respectively.

''(b) COORDINATION WITH OTHER FEDERAL PROGRAMS.—

''(1) IN GENERAL.—The Secretary and the Assistant Secretary shall coordinate the program carried out under this title with programs carried out under other titles of this Act, to increase employment opportunities available to older individuals.

''(2) PROGRAMS.—

''(A) IN GENERAL.—The Secretary shall coordinate programs carried out under this title with the program carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Community Services Block Grant Act (42 U.S.C. 9901 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under this title are available and who need services under such titles receive such services.

''(B) USE OF FUNDS.—

''(i) PROHIBITION.—Funds appropriated to carry out this title may not be used to carry out any program under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the National and Community Service Act of 1990, or the Domestic Volunteer Service Act of 1973.

''(ii) JOINT ACTIVITIES.—Clause (i) shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in clause (i), or from carrying out section 511.

''(3) INFORMATIONAL MATERIALS ON AGE DISCRIMINATION.—The Secretary shall distribute to grantees under this title, for distribution to program participants, and at no cost to grantees or participants, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies that the Secretary determines are designed to help participants identify age discrimination and to understand their rights under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

''(c) USE OF SERVICES, EQUIPMENT, PERSONNEL, AND FACILITIES.—In carrying out this title, the Secretary may use the services, equipment, personnel, and facilities of Federal and other agencies, with their consent, with or without reimbursement, and on a similar basis cooperate with other public and nonprofit private agencies and organizations in the use of services, equipment, and facilities.

''(d) PAYMENTS.—Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

''(e) NO DELEGATION OF FUNCTIONS.—The Secretary shall not delegate any function of the Secretary under this title to any other Federal officer or entity.

''(f) COMPLIANCE.—

''(1) MONITORING.—The Secretary shall monitor projects for which grants are made under this title to determine whether the grantees are complying with rules and regulations issued to carry out this title (including the statewide planning, consultation, and coordination requirements of this title).

''(2) COMPLIANCE WITH UNIFORM COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS.—Each grantee that receives funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity that receives funds, as issued as circulars or rules of the Office of Management and Budget.

''(3) REPORTS.—Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.

''(4) RECORDS.—Each grantee described in paragraph (2) shall keep records that—

''(A) are sufficient to permit the preparation of reports required by this title;

''(B) are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and

''(C) contain any other information that the Secretary determines to be appropriate.

''(g) EVALUATIONS.—The Secretary shall establish by rule and implement a process to evaluate, in accordance with section 513, the performance of projects carried out and services provided under this title. The Secretary shall report to Congress, and make available to the public, the results of each such evaluation and shall use such evaluation to improve services delivered by, or the operation of, projects carried out under this title.

**''SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

''(a) INAPPLICABILITY OF CERTAIN PROVISIONS COVERING FEDERAL EMPLOYEES.—Eligible individuals who are participants in any project funded under this title shall not be considered to be Federal employees as a result of such participation and shall not be subject to part III of title 5, United States Code.

''(b) WORKERS' COMPENSATION.—No grant or subgrant shall be made and no contract or subcontract shall be entered into under this title with an entity who is, or whose employees are, under State law, exempted from operation of the State workers' compensation law, generally applicable to employees, unless the entity shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the grant, subgrant, contract, or subcontract shall enjoy workers' compensation coverage equal to that provided by law for covered employment.

**''SEC. 505. INTERAGENCY COOPERATION.**

''(a) CONSULTATION WITH THE ASSISTANT SECRETARY.—The Secretary shall consult with and obtain the written views of the Assistant Secretary before issuing rules and before establishing general policy in the administration of this title.

''(b) CONSULTATION WITH HEADS OF OTHER AGENCIES.—The Secretary shall consult and cooperate with the Secretary of Health and Human Services (acting through officers including the Director of the Office of Community Services), and the heads of other Federal agencies that carry out programs related to the program carried out under this title, in order to achieve optimal coordination of the program carried out under this title with such related programs. Each head of a Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

''(c) COORDINATION.—

''(1) IN GENERAL.—The Secretary shall promote and coordinate efforts to carry out projects under this title jointly with programs, projects, or activities carried out under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c)) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.

''(2) COORDINATION WITH CERTAIN ACTIVITIES.—The Secretary shall consult with the Secretary of Education to promote and coordinate efforts to carry out projects under this title jointly with activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

**''SEC. 506. DISTRIBUTION OF ASSISTANCE.**

''(a) RESERVATIONS.—

''(1) RESERVATION FOR PILOT DEMONSTRATION AND EVALUATION PROJECTS.—Of the funds appropriated to carry out this title for each fiscal year, the Secretary may first reserve not more than 1.5 percent to carry out demonstration projects, pilot projects, and evaluation projects under section 502(e).

''(2) RESERVATION FOR TERRITORIES.—Of the funds appropriated to carry out this title for each fiscal year, the Secretary shall reserve 0.75 percent, of which—

''(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent of the funds so reserved; and

''(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent of the funds so reserved.

''(3) RESERVATION FOR ORGANIZATIONS.—Of the funds appropriated to carry out this title for each fiscal year, the Secretary shall reserve such amount as may be necessary to make national grants to public or nonprofit national Indian aging organizations with the ability to provide community service employment and other authorized activities for eligible individuals who are Indians and to national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide community service employment and other authorized activities for eligible individuals who are Pacific Island and Asian Americans.

''(b) STATE ALLOTMENTS.—The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

''(c) DIVISION BETWEEN NATIONAL GRANTS AND GRANTS TO STATES.—The funds appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a) shall be divided by the Secretary between national grants and grants to States as follows:

''(1) RESERVATION OF FUNDS FOR FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall reserve the amount of funds necessary to maintain the fiscal year 2000 level of activities supported by grantees that operate under this title under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2000 levels of activities.

''(B) INSUFFICIENT APPROPRIATIONS.—If in any fiscal year the funds appropriated to carry out this title are insufficient to satisfy the requirement specified in subparagraph (A), then the amount described in subparagraph (A) shall be reduced proportionally.

''(2) FUNDING IN EXCESS OF FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—

''(A) UP TO $35,000,000.—The amount of funds remaining (if any) after the application of paragraph (1), but not to exceed $35,000,000, shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to grantees that operate under this title under national grants from the Secretary.

''(B) OVER $35,000,000.—The amount of funds remaining (if any) after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to grantees that operate under this title under national grants from the Secretary.

''(d) ALLOTMENTS FOR NATIONAL GRANTS.—From funds available under subsection (c) for national grants, the Secretary shall allot for public and nonprofit private agency and organization grantees that operate under this title under national grants from the Secretary in each State, an amount that bears the same ratio to such funds as the product of the number of individuals age 55 or older in the State and the allotment percentage of such State bears to the sum of the corresponding products for all States, except as follows:

''(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for public and nonprofit private agency and organization grantees that operate under this

title under national grants from the Secretary in all of the States.

''(2) HOLD HARMLESS.—If such amount provided under subsection (c) is—

''(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for grantees that operate under this title under national grants from the Secretary in each State shall be proportional to the amount necessary to maintain their fiscal year 2000 level of activities; or

''(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of the percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

''(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) shall be reduced proportionally to satisfy the conditions in such paragraphs.

''(e) ALLOTMENTS FOR GRANTS TO STATES.—From the amount provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such amount as the product of the number of individuals age 55 or older in the State and the allotment percentage of such State bears to the sum of the corresponding products for all States, except as follows:

''(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than ½ of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

''(2) HOLD HARMLESS.—If such amount provided under subsection (c) is—

''(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for State grantees in each State shall be proportional to the amount necessary to maintain their fiscal year 2000 level of activities; or

''(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of the percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for State grantees in all of the States.

''(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) shall be reduced proportionally to satisfy the conditions in such paragraphs.

''(f) ALLOTMENT PERCENTAGE.—For purposes of subsections (d) and (e) and this subsection—

''(1) the allotment percentage of each State shall be 100 percent less that percentage that bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that—

''(A) the allotment percentage shall be not more than 75 percent and not less than 33 percent; and

''(B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

''(2) the number of individuals age 55 or older in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

''(3) for the purpose of determining the allotment percentage, the term 'United States' means the 50 States, and the District of Columbia.

''(g) DEFINITIONS.—In this section:

''(1) COST PER AUTHORIZED POSITION.—The term 'cost per authorized position' means the sum of—

''(A) the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), multiplied by the number of hours equal to the product of 21 hours and 52 weeks;

''(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

''(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

''(2) FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The term 'fiscal year 2000 level of activities' means—

''(A) with respect to public and nonprofit private agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2000; and

''(B) with respect to State grantees, their level of activities for fiscal year 2000.

''(3) GRANTS TO STATES.—The term 'grants to States' means grants made under this title by the Secretary to the States.

''(4) LEVEL OF ACTIVITIES.—The term 'level of activities' means the number of authorized positions multiplied by the cost per authorized position.

''(5) NATIONAL GRANTS.—The term 'national grants' means grants made under this title by the Secretary to public and nonprofit private agency and organization grantees that operate under this title.

''(6) STATE.—The term 'State' does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

**''SEC. 507. EQUITABLE DISTRIBUTION.**

''(a) INTERSTATE ALLOCATION.—In making grants under section 502(b) from allotments made under section 506, the Secretary shall ensure, to the extent feasible, an equitable distribution of activities under such grants, in the aggregate, among the States, taking into account the needs of underserved States.

''(b) INTRASTATE ALLOCATION.—The amount allocated for projects within each State under section 506 shall be allocated among areas in the State in an equitable manner, taking into consideration the State priorities set out in the State plan in effect under section 503(a).

**''SEC. 508. REPORT.**

''To carry out the Secretary's responsibilities for reporting in section 503(g), the Secretary shall require the State agency for each State that receives funds under this title to prepare and submit a report at the beginning of each fiscal year on such State's compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

**''SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.**

''Funds received by eligible individuals from projects carried out under the program established under this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other individuals, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

**''SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.**

''Eligible individuals under this title may be considered by local workforce investment boards and one-stop operators established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) to satisfy the requirements for receiving services under such title I that are applicable to adults.

**''SEC. 511. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.**

''(a) PARTNERS.—Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

''(b) COORDINATION.—In local workforce investment areas where more than 1 grantee under this title provides services, the grantees shall—

''(1) coordinate their activities related to the one-stop delivery systems; and

''(2) be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

**''SEC. 512. TREATMENT OF ASSISTANCE.**

''Assistance provided under this title shall not be considered to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(1)(A)).

**''SEC. 513. PERFORMANCE.**

''(a) MEASURES AND INDICATORS.—

''(1) ESTABLISHMENT AND IMPLEMENTATION OF MEASURES AND INDICATORS.—The Secretary shall establish and implement, after consultation with grantees, subgrantees, and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, core measures of performance and additional indicators of performance for each grantee for projects and services carried out under this title. The core measures of performance and additional indicators of performance shall be applicable to each grantee under this title without regard to whether such grantee operates the program directly or through subcontracts, subgrants, or agreements with other entities.

''(2) CONTENT.—

''(A) COMPOSITION OF MEASURES AND INDICATORS.—

''(i) MEASURES.—The core measures of performance established by the Secretary in accordance with paragraph (1) shall consist of core indicators of performance specified in subsection (b)(1) and the expected levels of performance applicable to each core indicator of performance.

''(ii) ADDITIONAL INDICATORS.—The additional indicators of performance established by the Secretary in accordance with paragraph (1) shall be the additional indicators of performance specified in subsection (b)(2).

''(B) CONTINUOUS IMPROVEMENT.—The measures described in subparagraph (A)(i) shall be designed to promote continuous improvement in performance.

''(C) EXPECTED LEVELS OF PERFORMANCE.—The Secretary and each grantee shall reach agreement on the expected levels of performance for each program year for each of the core indicators of performance specified in subparagraph (A)(i). The agreement shall take into account the requirement of subparagraph (B) and the factors described in subparagraph (D), and other appropriate factors as determined by the Secretary, and

shall be consistent with the requirements of subparagraph (E). Funds may not be awarded under the grant until such agreement is reached. At the conclusion of negotiations concerning the levels with all grantees, the Secretary shall make available for public review the final negotiated expected levels of performance for each grantee, including any comments submitted by the grantee regarding the grantee's satisfaction with the negotiated levels.

''(D) ADJUSTMENT.—The expected levels of performance described in subparagraph (C) applicable to a grantee shall be adjusted after the agreement under subparagraph (C) has been reached only with respect to the following factors:

''(i) High rates of unemployment or of poverty or participation in the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), in the areas served by a grantee, relative to other areas of the State involved or Nation.

''(ii) Significant downturns in the areas served by the grantee or in the national economy.

''(iii) Significant numbers or proportions of participants with 1 or more barriers to employment, including individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518, served by a grantee relative to such numbers or proportions for grantees serving other areas of the State or Nation.

''(iv) Changes in Federal, State, or local minimum wage requirements.

''(v) Limited economies of scale for the provision of community service employment and other authorized activities in the areas served by the grantee.

''(E) PLACEMENT.—

''(i) LEVEL OF PERFORMANCE.—For all grantees, the Secretary shall establish an expected level of performance of not less than the percentage specified in clause (ii) (adjusted in accordance with subparagraph (D)) for the entry into unsubsidized employment core indicator of performance described in subsection (b)(1)(B).

''(ii) REQUIRED PLACEMENT PERCENTAGES.—The minimum percentage for the expected level of performance for the entry into unsubsidized employment core indicator of performance described in subsection (b)(1)(B) is—

''(I) 21 percent for fiscal year 2007;

''(II) 22 percent for fiscal year 2008;

''(III) 23 percent for fiscal year 2009;

''(IV) 24 percent for fiscal year 2010; and

''(V) 25 percent for fiscal year 2011.

''(3) LIMITATION.—An agreement to be evaluated on the core measures of performance and to report information on the additional indicators of performance shall be a requirement for application for, and a condition of, all grants authorized by this title.

''(b) INDICATORS OF PERFORMANCE.—

''(1) CORE INDICATORS.—The core indicators of performance described in subsection (a)(2)(A)(i) shall consist of—

''(A) hours (in the aggregate) of community service employment;

''(B) entry into unsubsidized employment;

''(C) retention in unsubsidized employment for 6 months;

''(D) earnings; and

''(E) the number of eligible individuals served, including the number of participating individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518.

''(2) ADDITIONAL INDICATORS.—The additional indicators of performance described in subsection (a)(2)(A)(ii) shall consist of—

''(A) retention in unsubsidized employment for 1 year;

''(B) satisfaction of the participants, employers, and their host agencies with their experiences and the services provided;

''(C) any other indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

''(3) DEFINITIONS OF INDICATORS.—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall, by regulation, issue definitions of the indicators of performance described in paragraphs (1) and (2).

''(c) EVALUATION.—The Secretary shall—

''(1) annually evaluate, and publish and make available for public review information on, the actual performance of each grantee with respect to the levels achieved for each of the core indicators of performance, compared to the expected levels of performance established under subsection (a)(2)(C) (including any adjustments to such levels made in accordance with subsection (a)(2)(D)); and

''(2) annually publish and make available for public review information on the actual performance of each grantee with respect to the levels achieved for each of the additional indicators of performance.

''(d) TECHNICAL ASSISTANCE AND CORRECTIVE EFFORTS.—

''(1) INITIAL DETERMINATIONS.—

''(A) IN GENERAL.—As soon as practicable after July 1, 2007, the Secretary shall determine if a grantee under this title has, for program year 2006—

''(i) met the expected levels of performance established under subsection (a)(2)(C) (including any adjustments to such levels made in accordance with subsection (a)(2)(D)) for the core indicators of performance described in subparagraphs (A), (C), (D), and (E) of subsection (b)(1); and

''(ii) achieved the applicable percentage specified in subsection (a)(2)(E)(ii) for the core indicator of performance described in subsection (b)(1)(B).

''(B) TECHNICAL ASSISTANCE.—If the Secretary determines that the grantee, for program year 2006—

''(i) failed to meet the expected levels of performance described in subparagraph (A)(i); or

''(ii) failed to achieve the applicable percentage described in subparagraph (A)(ii),

the Secretary shall provide technical assistance to assist the grantee to meet the expected levels of performance and achieve the applicable percentage.

''(2) NATIONAL GRANTEES.—

''(A) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if a national grantee awarded a grant under section 502(b) in accordance with section 514 has met the expected levels of performance established under subsection (a)(2)(C) (including any adjustments to such levels made in accordance with subsection (a)(2)(D)) for the core indicators of performance described in subsection (b)(1).

''(B) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

''(i) IN GENERAL.—If the Secretary determines that a national grantee fails to meet the expected levels of performance described in subparagraph (A), the Secretary after each year of such failure, shall provide technical assistance and require such grantee to submit a corrective action plan not later than 160 days after the end of the program year.

''(ii) CONTENT.—The plan submitted under clause (i) shall detail the steps the grantee will take to meet the expected levels of performance in the next program year.

''(iii) RECOMPETITION.—Any grantee who has failed to meet the expected levels of performance for 4 consecutive years (beginning with program year 2007) shall not be allowed to compete in the subsequent grant competition under section 514 following the fourth consecutive year of failure but may compete in the next such grant competition after that subsequent competition.

''(3) STATE GRANTEES.—

''(A) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if a State grantee allotted funds under section 506(e) has met the expected levels of performance established under subsection (a)(2)(C) (including any adjustments to such levels made in accordance with subsection (a)(2)(D)) for the core indicators of performance described in subsection (b)(1).

''(B) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

''(i) IN GENERAL.—If the Secretary determines that a State fails to meet the expected levels of performance described in subparagraph (A), the Secretary, after each year of such failure, shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

''(ii) CONTENT.—The plan submitted under clause (i) shall detail the steps the State will take to meet the expected levels of performance in the next program year.

''(iii) COMPETITION.—If the Secretary determines that the State fails to meet the expected levels of performance described in subparagraph (A) for 3 consecutive program years (beginning with program year 2007), the Secretary shall provide for the conduct by the State of a competition to award the funds allotted to the State under section 506(e) for the first full program year following the Secretary's determination.

''(4) SPECIAL RULE FOR ESTABLISHMENT AND IMPLEMENTATION.—The Secretary shall establish and implement the core measures of performance and additional indicators of performance described in this section, including all required indicators described in subsection (b), not later than July 1, 2007.

''(e) IMPACT ON GRANT COMPETITION.—The Secretary may not publish a notice announcing a grant competition under this title, and solicit proposals for grants, until the day that is the later of—

''(1) the date on which the Secretary implements the core measures of performance and additional indicators of performance described in this section; and

''(2) January 1, 2010.

**''SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.**

''(a) PROGRAM AUTHORIZED.—

''(1) INITIAL APPROVAL OF GRANT APPLICATIONS.—From the funds available for national grants under section 506(d), the Secretary shall award grants under section 502(b) to eligible applicants, through a competitive process that emphasizes meeting performance requirements, to carry out projects under this title for a period of 4 years, except as provided in paragraph (2). The Secretary may not conduct a grant competition under this title until the day described in section 513(e).

''(2) CONTINUATION OF APPROVAL BASED ON PERFORMANCE.—If the recipient of a grant made under paragraph (1) meets the expected levels of performance described in section 513(d)(2)(A) for each year of such 4-year period with respect to a project, the Secretary may award a grant under section 502(b) to such recipient to continue such project beyond such 4-year period for 1 additional year without regard to such process.

''(b) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under section 502(b) in accordance with subsections (a), (c), and (d).

''(c) CRITERIA.—For purposes of subsection (a)(1), the Secretary shall select the eligible applicants to receive grants based on the following:

''(1) The applicant's ability to administer a project that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, individuals with greatest social need, and individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518.

''(2) The applicant's ability to administer a project that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the communities involved.

''(3) The applicant's ability to administer a project that moves eligible individuals into unsubsidized employment.

''(4) The applicant's prior performance, if any, in meeting core measures of performance and addressing additional indicators of performance under this title and the applicant's ability to address core indicators of performance and additional indicators of performance under this title and under other Federal or State programs in the case of an applicant that has not previously received a grant under this title.

''(5) The applicant's ability to move individuals with multiple barriers to employment, including individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518, into unsubsidized employment.

''(6) The applicant's ability to coordinate activities with other organizations at the State and local level.

''(7) The applicant's plan for fiscal management of the project to be administered with funds received in accordance with this section.

''(8) The applicant's ability to administer a project that provides community service.

''(9) The applicant's ability to minimize disruption in services for participants and in community services provided.

''(10) Any additional criteria that the Secretary considers to be appropriate in order to minimize disruption in services for participants.

''(d) RESPONSIBILITY TESTS.—

''(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant's overall responsibility to administer Federal funds.

''(2) REVIEW.—As part of the review described in paragraph (1), the Secretary may consider any information, including the applicant's history with regard to the management of other grants.

''(3) FAILURE TO SATISFY TEST.—The failure to satisfy a responsibility test with respect to any 1 factor that is listed in paragraph (4), excluding those listed in subparagraphs (A) and (B) of such paragraph, does not establish that the applicant is not responsible unless such failure is substantial or persists for 2 or more consecutive years.

''(4) TEST.—The responsibility tests include review of the following factors:

''(A) Unsuccessful efforts by the applicant to recover debts, after 3 demand letters have been sent, that are established by final agency action, or a failure to comply with an approved repayment plan.

''(B) Established fraud or criminal activity of a significant nature within the organization or agency involved.

''(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal rules or regulations.

''(D) Willful obstruction of the audit process.

''(E) Failure to provide services to participants for a current or recent grant or to meet applicable core measures of performance or address applicable indicators of performance.

''(F) Failure to correct deficiencies brought to the grantee's attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

''(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of the closeout package, whichever is later, unless an extension has been requested and granted.

''(H) Failure to submit required reports.

''(I) Failure to properly report and dispose of Government property as instructed by the Secretary.

''(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

''(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A–133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

''(L) Failure to audit a subrecipient within the required period.

''(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious.

''(N) Failure to establish a mechanism to resolve a subrecipient's audit in a timely fashion.

''(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantees.

''(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996, including the amendments made by that Act.

''(e) GRANTEES SERVING INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—

''(1) DEFINITION.—In this subsection, the term 'individuals with barriers to employment' means minority individuals, Indian individuals, individuals with greatest economic need, and individuals described in subsection (a)(3)(B)(ii) or (b)(2) of section 518.

''(2) SPECIAL CONSIDERATION.—In areas where a substantial population of individuals with barriers to employment exists, a grantee that receives a national grant in accordance with this section shall, in selecting subgrantees, give special consideration to organizations (including former recipients of such national grants) with demonstrated expertise in serving individuals with barriers to employment.

''(f) MINORITY-SERVING GRANTEES.—The Secretary may not promulgate rules or regulations affecting grantees in areas where a substantial population of minority individuals exists, that would significantly compromise the ability of the grantees to serve their targeted population of minority older individuals.

**''SEC. 515. REPORT ON SERVICE TO MINORITY INDIVIDUALS.**

''(a) IN GENERAL.—The Secretary shall annually prepare a report on the levels of participation and performance outcomes of minority individuals served by the program carried out under this title.

''(b) CONTENTS.—

''(1) ORGANIZATION AND DATA.—Such report shall present information on the levels of participation and the outcomes achieved by such minority individuals with respect to each grantee under this title, by service area, and in the aggregate, beginning with data that applies to program year 2005.

''(2) EFFORTS.—The report shall also include a description of each grantee's efforts to serve minority individuals, based on information submitted to the Secretary by each grantee at such time and in such manner as the Secretary determines to be appropriate.

''(3) RELATED MATTERS.—The report shall also include—

''(A) an assessment of individual grantees based on the criteria established under subsection (c);

''(B) an analysis of whether any changes in grantees have affected participation rates of such minority individuals;

''(C) information on factors affecting participation rates among such minority individuals; and

''(D) recommendations for increasing participation of minority individuals in the program.

''(c) CRITERIA.—The Secretary shall establish criteria for determining the effectiveness of grantees in serving minority individuals in accordance with the goals set forth in section 502(a)(1).

''(d) SUBMISSION.—The Secretary shall annually submit such a report to the appropriate committees of Congress.

**''SEC. 516. SENSE OF CONGRESS.**

''It is the sense of Congress that—

''(1) the older American community service employment program described in this title was established with the intent of placing older individuals in community service positions and providing job training; and

''(2) placing older individuals in community service positions strengthens the ability of the individuals to become self-sufficient, provides much-needed support to organizations that benefit from increased civic engagement, and strengthens the communities that are served by such organizations.

**''SEC. 517. AUTHORIZATION OF APPROPRIATIONS.**

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 2007, 2008, 2009, 2010, and 2011.

''(b) OBLIGATION.—Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period that begins on July 1 of the calendar year immediately following the beginning of such fiscal year and that ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency that receives funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

''(c) RECAPTURING FUNDS.—At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

''(1) incentive grants to entities that are State grantees or national grantees under section 502(b);

''(2) technical assistance; or

''(3) grants or contracts for any other activity under this title.

**''SEC. 518. DEFINITIONS AND RULE.**

''(a) DEFINITIONS.—For purposes of this title:

''(1) COMMUNITY SERVICE.—The term 'community service' means—

''(A) social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services;

''(B) conservation, maintenance, or restoration of natural resources;

''(C) community betterment or beautification;

''(D) antipollution and environmental quality efforts;

''(E) weatherization activities;

''(F) economic development; and

''(G) such other services essential and necessary to the community as the Secretary determines by rule to be appropriate.

''(2) COMMUNITY SERVICE EMPLOYMENT.—The term 'community service employment' means part-time, temporary employment paid with grant funds in projects described in section 502(b)(1)(D), through which eligible individuals are engaged in community service and receive work experience and job skills that can lead to unsubsidized employment.

''(3) ELIGIBLE INDIVIDUAL.—

''(A) IN GENERAL.—The term 'eligible individual' means an individual who is age 55 or older and who has a low income (including any such individual whose income is not more than 125 percent of the poverty line), excluding any income that is unemployment compensation, a benefit received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), a payment made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs, or 25 percent of a benefit received under title II of the Social Security Act (42 U.S.C. 401 et seq.), subject to subsection (b).

''(B) PARTICIPATION.—

''(i) EXCLUSION.—Notwithstanding any other provision of this paragraph, the term 'eligible individual' does not include an individual who has participated in projects under this title for a period of 48 months in the aggregate (whether or not consecutive) after July 1, 2007 unless the period was increased as described in clause (ii).

''(ii) INCREASED PERIODS OF PARTICIPATION.—The Secretary shall authorize a grantee for a project to increase the period of participation described in clause (i), pursuant to a request submitted by the grantee, for individuals who—

''(I) have a severe disability;

''(II) are frail or are age 75 or older;

''(III) meet the eligibility requirements related to age for, but do not receive, benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.);

''(IV) live in an area with persistent unemployment and are individuals with severely limited employment prospects; or

''(V) have limited English proficiency or low literacy skills.

''(4) INCOME.—In this section, the term 'income' means income received during the 12-month period (or, at the option of the grantee involved, the annualized income for the 6-month period) ending on the date an eligible individual submits an application to participate in a project carried out under this title by such grantee.

''(5) PACIFIC ISLAND AND ASIAN AMERICANS.—The term 'Pacific Island and Asian Americans' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

''(6) PROGRAM.—The term 'program' means the older American community service employment program established under this title.

''(7) SUPPORTIVE SERVICES.—The term 'supportive services' means services, such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this title, consistent with the provisions of this title.

''(8) UNEMPLOYED.—The term 'unemployed', used with respect to a person or individual, means an individual who is without a job and who wants and is available for work, including an individual who may have occasional employment that does not result in a constant source of income.

''(b) RULE.—Pursuant to regulations prescribed by the Secretary, an eligible individual shall have priority for the community service employment and other authorized activities provided under this title if the individual—

''(1) is 65 years of age or older; or

''(2)(A) has a disability;

''(B) has limited English proficiency or low literacy skills;

''(C) resides in a rural area;

''(D) is a veteran;

''(E) has low employment prospects;

''(F) has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); or

''(G) is homeless or at risk for homelessness.''.

**SEC. 502. EFFECTIVE DATE.**

(a) IN GENERAL.—Title V of the Older Americans Act of 1965 (as amended by section 501) takes effect July 1, 2007.

(b) REGULATIONS AND EXPECTED LEVELS OF PERFORMANCE.—

(1) REGULATIONS.—Effective on the date of enactment of this Act, the Secretary of Labor may issue rules and regulations authorized in such title V.

(2) EXPECTED LEVELS OF PERFORMANCE.—Prior to July 1, 2007, the Secretary of Labor may carry out the activities authorized in section 513(a)(2) of the Older Americans Act of 1965 (as so amended), in preparation for program year 2007.

## TITLE VI—NATIVE AMERICANS

**SEC. 601. CLARIFICATION OF MAINTENANCE REQUIREMENT.**

(a) IN GENERAL.—Section 614A of the Older Americans Act of 1965 (42 U.S.C. 3057e–1) is amended by adding at the end the following:

''(c) CLARIFICATION.—

''(1) DEFINITION.—In this subsection, the term 'covered year' means fiscal year 2006 or a subsequent fiscal year.

''(2) CONSORTIA OF TRIBAL ORGANIZATIONS.—If a tribal organization received a grant under this part for fiscal year 1991 as part of a consortium, the Assistant Secretary shall consider the tribal organization to have received a grant under this part for fiscal year 1991 for purposes of subsections (a) and (b), and shall apply the provisions of subsections (a) and (b)(1) (under the conditions described in subsection (b)) to the tribal organization for each covered year for which the tribal organization submits an application under this part, even if the tribal organization submits—

''(A) a separate application from the remaining members of the consortium; or

''(B) an application as 1 of the remaining members of the consortium.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to grants awarded under part A of title VI of the Older Americans Act of 1965 (42 U.S.C. 3057b et seq.) during the grant period beginning April 1, 2008, and all subsequent grant periods.

**SEC. 602. NATIVE AMERICANS CAREGIVER SUPPORT PROGRAM.**

Section 643 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended—

(1) in paragraph (1), by striking ''2001'' and inserting ''2007''; and

(2) in paragraph (2), by striking ''$5,000,000'' and all that follows through the period at the end and inserting ''$6,500,000 for fiscal year 2007, $6,800,000 for fiscal year 2008, $7,200,000 for fiscal year 2009, $7,500,000 for fiscal year 2010, and $7,900,000 for fiscal year 2011.''.

## TITLE VII—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

**SEC. 701. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.**

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended by striking ''2001'' each place it appears and inserting ''2007''.

**SEC. 702. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (a), by striking ''programs for the prevention of'' and inserting ''programs to address'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''programs for'' and all that follows through ''including—'' and inserting the following: ''programs for the prevention, detection, assessment, and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation (including financial exploitation), including—'';

(B) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

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

''(2) providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals;'';

(D) in paragraph (8), as redesignated by subparagraph (B), by striking ''and'' at the end;

(E) in paragraph (9), as redesignated by subparagraph (B), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

''(10) examining various types of shelters serving older individuals (in this paragraph referred to as 'safe havens'), and testing various safe haven models for establishing safe havens (at home or elsewhere), that recognize autonomy and self-determination, and fully protect the due process rights of older individuals;

''(11) supporting multidisciplinary elder justice activities, such as—

''(A) supporting and studying team approaches for bringing a coordinated multidisciplinary or interdisciplinary response to elder abuse, neglect, and exploitation, including a response from individuals in social service, health care, public safety, and legal disciplines;

''(B) establishing a State coordinating council, which shall identify the individual State's needs and provide the Assistant Secretary with information and recommendations relating to efforts by the State to combat elder abuse, neglect, and exploitation;

''(C) providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts at the State (referred to in some States as 'State Working Groups');

''(D) broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of States and communities (other than the ones in which the review teams were used); and

''(E) developing best practices, for use in long-term care facilities, that reduce the risk of elder abuse for residents, including the risk of resident-to-resident abuse; and

''(12) addressing underserved populations of older individuals, such as—

''(A) older individuals living in rural locations;

''(B) older individuals in minority populations; or

''(C) low-income older individuals.'';

(3) in subsection (e)(2)—

(A) by striking ''subsection (b)(8)(B)(i)'' and inserting ''subsection (b)(9)(B)(i)''; and

(B) by striking ''subsection (b)(8)(B)(ii)'' and inserting ''subsection (b)(9)(B)(ii)''; and

(4) by adding at the end of the section the following:

''(h) ACCOUNTABILITY MEASURES.—The Assistant Secretary shall develop accountability measures to ensure the effectiveness of the activities carried out under this section.

''(i) EVALUATING PROGRAMS.—The Assistant Secretary shall evaluate the activities carried out under this section, using funds made available under section 206(g).

''(j) COMPLIANCE WITH APPLICABLE LAWS.—In order to receive funds made available to carry out this section, an entity shall comply with all applicable laws, regulations, and guidelines.''.

**SEC. 703. NATIVE AMERICAN ORGANIZATION PROVISIONS.**

Section 751 of the Older Americans Act of 1965 (42 U.S.C. 3058aa) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) enabling the eligible entities to support multidisciplinary elder justice activities, such as—

''(A) establishing a coordinating council, which shall identify the needs of an individual Indian tribe or other Native American group and provide the Assistant Secretary with information and recommendations relating to efforts by the Indian tribe or the governing entity of the Native American group to combat elder abuse, neglect, and exploitation;

''(B) providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts for an Indian tribe or other Native American group; and

''(C) broadening and studying various models for elder fatality and serious injury review teams, to make recommendations about their composition, protocols, functions, timing, roles, and responsibilities, with a goal of producing models and information that will allow for replication based on the needs of Indian tribes and other Native American groups (other than the ones in which the review teams were used).'';

(2) in subsection (b), by striking ''this subtitle'' and inserting ''this section''; and

(3) in subsection (d)—

(A) by striking ''this section'' and inserting ''this subtitle''; and

(B) by striking ''2001'' and inserting ''2007''.

**SEC. 704. ELDER JUSTICE PROGRAMS.**

Subtitle B of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058aa) is amended—

(1) by striking the subtitle heading and inserting the following:

**''Subtitle B—Native American Organization and Elder Justice Provisions'';**

and

(2) by inserting after section 751 the following:

**''SEC. 752. GRANTS TO PROMOTE COMPREHENSIVE STATE ELDER JUSTICE SYSTEMS.**

''(a) PURPOSE AND AUTHORITY.—For each fiscal year, the Assistant Secretary may make grants to States, on a competitive basis, in accordance with this section, to promote the development and implementation, within each such State, of a comprehensive elder justice system, as defined in subsection (b).

''(b) COMPREHENSIVE ELDER JUSTICE SYSTEM DEFINED.—In this section, the term 'comprehensive elder justice system' means an integrated, multidisciplinary, and collaborative system for preventing, detecting, and addressing elder abuse, neglect, and exploitation in a manner that—

''(1) provides for widespread, convenient public access to the range of available elder justice information, programs, and services;

''(2) coordinates the efforts of public health, social service, and law enforcement authorities, as well as other appropriate public and private entities, to identify and diminish duplication and gaps in the system;

''(3) provides a uniform method for the standardization, collection, management, analysis, and reporting of data; and

''(4) provides such other elements as the Assistant Secretary determines appropriate.

''(c) APPLICATIONS.—To be eligible to receive a grant under this section for a fiscal year, a State shall submit an application to the Assistant Secretary, at such time, in such manner, and containing such information and assurances as the Assistant Secretary determines appropriate.

''(d) AMOUNT OF GRANTS.—The amount of a grant to a State with an application approved under this section for a fiscal year shall be such amount as the Assistant Secretary determines appropriate.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—A State that receives a grant under this section shall use funds made available through such grant to promote the development and implementation of a comprehensive elder justice system by—

''(A) establishing formal working relationships among public and private providers of elder justice programs, service providers, and stakeholders in order to create a unified elder justice network across such State to coordinate programmatic efforts;

''(B) facilitating and supporting the development of a management information system and standard data elements;

''(C) providing for appropriate education (including educating the public about the range of available elder justice information, programs, and services), training, and technical assistance; and

''(D) taking such other steps as the Assistant Secretary determines appropriate.

''(2) MAINTENANCE OF EFFORT.—Funds made available to States pursuant to this section shall be used to supplement and not supplant other Federal, State, and local funds expended to support activities described in paragraph (1).''.

**SEC. 705. RULE OF CONSTRUCTION.**

Subtitle C of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058bb et seq.) is amended by adding at the end the following:

**''SEC. 765. RULE OF CONSTRUCTION.**

''Nothing in this title shall be construed to interfere with or abridge the right of an older individual to practice the individual's religion through reliance on prayer alone for healing, in a case in which a decision to so practice the religion—

''(1) is contemporaneously expressed by the older individual—

''(A) either orally or in writing;

''(B) with respect to a specific illness or injury that the older individual has at the time of the decision; and

''(C) when the older individual is competent to make the decision;

''(2) is set forth prior to the occurrence of the illness or injury in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

''(3) may be unambiguously deduced from the older individual's life history.''.

**TITLE VIII—FEDERAL YOUTH DEVELOPMENT COUNCIL**

**SEC. 801. SHORT TITLE.**

This title may be cited as the ''Tom Osborne Federal Youth Coordination Act''.

**SEC. 802. ESTABLISHMENT AND MEMBERSHIP.**

(a) ESTABLISHMENT.—There is established the Federal Youth Development Council (in this title referred to as the ''Council'').

(b) MEMBERS AND TERMS.—

(1) FEDERAL EMPLOYEE MEMBERS.—The members of the Council shall include the Attorney General, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Education, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Defense, the Director of National Drug Control Policy, and the Chief Executive Officer of the Corporation for National and Community Service, or a designee of each such individual who holds significant decision-making authority, and other Federal officials as directed by the President.

(2) ADDITIONAL MEMBERS.—

(A) IN GENERAL.—The members of the Council shall include any additional members as the President shall appoint from among representatives of community-based organizations, including faith-based organizations, child and youth focused foundations, institutions of higher education, non-profit organizations, youth service providers, State and local government, and youth in disadvantaged situations.

(B) CONSULTATION.—In making the appointments under this paragraph, the President, as determined appropriate by the President, shall consult with—

(i) the Speaker of the House of Representatives, who shall take into account the recommendations of the majority leader and the minority leader of the House of Representatives; and

(ii) the president pro tempore of the Senate, who shall take into account the recommendations of the majority leader and the minority leader of the Senate.

(3) LENGTH OF TERM.—Each member of the Council shall serve for the life of the Council.

(c) COMPENSATION AND TRAVEL EXPENSES.—

(1) NO COMPENSATION FOR SERVICE ON COUNCIL.—Each member of the Council appointed under section 802 who is not an officer or employee of the United States shall not receive pay by reason of the member's service on the Council, and shall not be considered an employee of the Federal Government by reason of such service. Each member of the Council who is an officer or employee of the United States shall serve without compensation in addition to that received for the member's service as an officer or employee of the United States.

(2) TRAVEL AND TRANSPORTATION EXPENSES.—Each member of the Council may be allowed travel or transportation expenses in accordance with section 5703 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Council.

(d) CHAIRPERSON.—The Chairperson of the Council shall be the Secretary of Health and Human Services.

(e) MEETINGS.—The Council shall meet at the call of the Chairperson, not less frequently than 4 times each year. The first meeting shall be not less than 4 months after the date of enactment of this Act.

**SEC. 803. DUTIES OF THE COUNCIL.**

(a) IN GENERAL.—The duties of the Council shall be to provide advice and recommendations, including—

(1) ensuring communication among agencies administering programs designed to serve youth, especially those in disadvantaged situations;

(2) assessing the needs of youth, especially those in disadvantaged situations, and those who work with youth, and the quantity and quality of Federal programs offering services, supports, and opportunities to help youth in their educational, social, emotional, physical, vocational, and civic development, in coordination with the Federal Interagency Forum on Child and Family Statistics;

(3) recommending quantifiable goals and objectives for such programs;

(4) making recommendations for the allocation of resources in support of such goals and objectives;

(5) identifying possible areas of overlap or duplication in the purpose and operation of programs serving youth and recommending ways to better facilitate the coordination and consultation among, and improve the efficiency and effectiveness of, such programs;

(6) identifying target populations of youth who are disproportionately at risk and assisting agencies in focusing additional resources on such youth;

(7) developing a plan, including common indicators of youth well-being that are consistent with the indicators tracked by the Federal Interagency Forum on Child and Family Statistics, and assisting Federal agencies, at the request of 1 or more such agencies, in coordinating to achieve the goals and objectives described in paragraph (3);

(8) assisting Federal agencies, at the request of 1 or more such agencies, in collaborating on—

(A) model programs and demonstration projects focusing on special populations, including youth in foster care and migrant youth;

(B) projects to promote parental involvement; and

(C) projects that work to involve young people in service programs;

(9) soliciting and documenting ongoing input and recommendations from—

(A) youth, especially youth in disadvantaged situations;

(B) national youth development experts, researchers, parents, community-based organizations, including faith-based organizations, foundations, business leaders, youth service providers, and teachers; and

(C) State and local government agencies, particularly agencies serving children and youth; and

(10) working with Federal agencies—

(A) to promote high-quality research and evaluation, identify and replicate model programs and promising practices, and provide technical assistance relating to the needs of youth; and

(B) to coordinate the collection and dissemination of youth services-related data and research.

(b) TECHNICAL ASSISTANCE.—The Council may provide technical assistance to a State at the request of a State to support a State-funded council for coordinating State youth efforts.

**SEC. 804. COORDINATION WITH EXISTING INTER-AGENCY COORDINATION ENTITIES.**

In carrying out the duties described in section 803, the Council shall coordinate the efforts of the Council with other Federal, State, and local coordinating entities in order to complement and not duplicate efforts, including the following:

(1) Coordinating with the Federal Interagency Forum on Child and Family Statistics, established under Executive Order 13045 (42 U.S.C. 4321 note; relating to protection of children from environmental health risks and safety risks), on matters pertaining to data collection.

(2) Coordinating with the United States Interagency Council on Homelessness, established under section 201 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311), on matters pertaining to homelessness.

(3) Coordinating with the Coordinating Council on Juvenile Justice and Delinquency Prevention, established under section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), on matters pertaining to programs for at-risk youth.

**SEC. 805. ASSISTANCE OF STAFF.**

(a) DESIGNATION OF INDIVIDUAL.—The Chairperson is authorized to designate an individual to have responsibility for assisting in carrying out the duties of the Council under this title.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Council, the head of any Federal department or agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the department or agency to the Council to assist in carrying out the Council's duties under this title.

**SEC. 806. POWERS OF THE COUNCIL.**

(a) MAILS.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(b) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Council, the Administrator of General Services shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this title.

**SEC. 807. REPORT.**

(a) INTERIM REPORT.—Not later than 1 year after the first meeting of the Council, the Council shall transmit to the relevant committees of Congress an interim report of the findings of the Council.

(b) FINAL REPORT.—Not later than 2 years after the first meeting of the Council, the Council shall transmit to the relevant committees of Congress a final report of the Council's findings and recommendations, which report shall—

(1) include a comprehensive list of recent research and statistical reporting by various Federal agencies on the overall well-being of youth;

(2) include the assessment of the needs of youth and those who serve youth;

(3) include a summary of the plan described in section 803(a)(7);

(4) recommend ways to coordinate and improve Federal training and technical assistance, information sharing, and communication among the various Federal programs and agencies serving youth, as the Chairperson determines appropriate;

(5) include recommendations to better integrate and coordinate policies across agencies at the Federal, State, and local levels, including any recommendations the Chairperson determines appropriate, if any, for legislation and administrative actions;

(6) include a summary of actions the Council has taken at the request of Federal agencies to facilitate collaboration and coordination on youth serving programs and the results of those collaborations, if available;

(7) include a summary of the action the Council has taken at the request of States to provide technical assistance under section 803(b), if applicable; and

(8) include a summary of the input and recommendations from the groups identified in section 803(a)(9).

**SEC. 808. TERMINATION.**

The Council shall terminate 60 days after transmitting the final report under section 807(b).

**SEC. 809. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this title $1,000,000 for each of the fiscal years 2007 and 2008.

**TITLE IX—CONFORMING AMENDMENTS**

**SEC. 901. CONFORMING AMENDMENTS TO OTHER ACTS.**

(a) OLDER AMERICANS ACT AMENDMENTS OF 1987.—Section 205(1) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended by striking ''section 102(17) of the Older Americans Act of 1965 (42 U.S.C. 3002(17))'' and inserting ''section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)''.

(b) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 412(6) of the Energy Conservation and Production Act (42 U.S.C. 6862(6)) is amended by striking ''paragraphs (4), (5), and (6), respectively, of section 102'' and inserting ''section 102''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I rise in strong support of H.R. 6197, the Older Americans Act Amendments of 2006, and I ask my colleagues to join me in supporting this important reauthorization. More than 49 million Americans and counting are over the age of 60. It is the fastest growing segment of our population. In fact, by the year 2050, that number will reach nearly 90 million and comprise almost a quarter of our population.

Therefore, supporting the needs of seniors is as important as ever, and to do that we must ensure the long-term stability of programs on which they depend. The House-Senate agreement to reauthorize the Older Americans Act has been struck with these priorities in mind, and I commend my committee colleagues, subcommittee chairman Mr. TIBERI, Ranking Member Mr. HINOJOSA, and Mr. MILLER, the ranking member of the full committee, for joining me in forging this agreement in a remarkably bipartisan way. On the other side of the Capitol, Senators ENZI and DEWINE were instrumental in crafting this legislation as well.

I have been here long enough to remember past reauthorizations of the Older Americans Act, and, trust me, there was nothing remarkable or bipartisan about them. In a year when opportunities to reach across party lines are at a premium, this process has been refreshing.

Initially established in 1965, the Older Americans Act is no longer the 1960s-era social program it once was. Rather, it has been transformed into the first stop for seniors to identify home- and community-based long-term care options as well as other supportive services that could help prevent or delay expensive institutional care and generate significant savings in Federal entitlement programs. And H.R. 6197 builds on that progress.

Specifically, the bipartisan reauthorization will promote consumer choice as well as home- and community-based

supports to help older individuals avoid institutional care; strengthen health and nutrition programs while ensuring no State loses a dime as they operate these programs; improves educational and volunteer services; encourages wealthier seniors to pay for many of their program benefits, maximizing the taxpayer investment for low-income seniors; increases the Federal, State, and local coordination; and reforms employment-based training for older Americans.

Within these employment-based training programs, to reflect the changing nature of the Older Americans Act and our senior population, I am also pleased this House-Senate agreement requires Federal grant competitions and encourages grantees to establish partnerships with private-sector businesses. These partnerships will help provide participants on-the-job training and aid individuals in achieving their goal of attaining unsubsidized employment.

At the same time, the agreement does not lose sight of the valuable community service aspect of the program and requires at least half of all subsidized employment-based training to provide a community service.

I would also like to commend my committee colleague, Mr. OSBORNE, for his work on this legislation, the Federal Youth Coordination Act, that we have been able to incorporate into this agreement. Over the last four decades, there has been a growing Federal involvement and a rapid growth in funds aimed to address numerous problems of youth, from substance abuse and violence to teen pregnancy and hunger. Mr. OSBORNE has taken the lead in the effort to evaluate, coordinate, and improve these programs. Under his legislation, the Federal Youth Development Council will be charged with doing just that.

At a time when so many in Washington feel the need to establish new program after new program, I appreciate this effort to take a step back and review what is already out there before we add even more layers of bureaucracy.

Mr. Speaker, as I did in June, when the House passed its initial version of this Older Americans Act reauthorization, I close by thanking all Americans who work or volunteer to support our country's senior citizens. This strong and vital network is made possible because of selfless volunteers who deliver meals to homebound seniors, offer companionship, assist with activities of daily living, and provide many other necessary supports that help older Americans remain healthy and fulfilled.

This House-Senate agreement is designed to support them, and I believe it is a positive reflection of their good work. And with that, I urge my colleagues to join me in supporting this measure.

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

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

Mr. Speaker, I rise in strong support of H.R. 6197, the Older Americans Act Amendments of 2006. This bipartisan, bicameral legislation addresses one of the top priorities of the aging community, as articulated in last December's White House Conference on Aging: the reauthorization of the Older Americans Act.

I would like to commend the staff on both sides of the aisle and both sides of the Capitol for their diligent work to get this bill ready for our consideration. It took a great deal of patience and perseverance. I would especially like to commend the efforts of Kate Houston on the majority side for all of her hard work and service to this committee. On this side of the aisle, I would especially like to thank Ricardo Martinez for his work in keeping the process moving forward.

Aging is a fact of life. However, through the establishment of Social Security, Medicare, and the enactment of the Older Americans Act, living in poverty no longer is a fact of aging. From 1959 to 2002, the percentage of older people living in poverty fell from 35 percent down to 10 percent.

The Older Americans Act of 1965 is the landmark legislation that articulated our core values as a Nation. The act begins with a declaration of objectives which includes the following: ''Retirement in health, honor, dignity, after years of contribution to the economy.'' This is a statement of our national obligation to older Americans.

The Older Americans Act represents our commitment to meeting that obligation. This law provides for supportive services, such as transportation, housekeeping, and personal care. It provides nutrition services both in the home and in community settings. It provides preventive health services and supports family caregivers. Finally, it protects the rights of vulnerable older Americans by combating consumer fraud and protecting seniors from abuse.

The bill before us reauthorizes all of the core programs in the Older Americans Act. It promotes greater access to services for individuals who are more comfortable in a language other than English. It maintains the structure of the Senior Community Service Employment program and reaffirms the dual purpose of the program's employment and community service. It provides for greater flexibility to provide additional training to hard-to-serve populations to improve their employment outcomes.

It strengthens the very successful family caregivers program. It provides greater choices in health nutrition education so that our seniors can remain at home and in their communities. It promotes financial literacy for family caregivers and seniors so that older Americans' physical and mental health is not jeopardized by poor financial health. It strengthens our system of protecting older Americans from abuse.

Finally, it recognizes that seniors are a growing resource for the aging network and for our communities in general. We must continue to look for ways to leverage our older citizens' talents and desires to continue to make a difference.

This legislation has the support of the aging community. More than anything else, they are asking us to complete this work before we leave town in the next few days. Today, we move one step closer to this goal. It is my hope that once we send this legislation to the President for his signature, we will not relegate the Older Americans Act to the back burner. I hope that our resources will match our rhetoric and the policy goals laid out in this legislation.

As we have worked in a bipartisan manner to craft a reauthorization bill, I hope that as we move forward with the appropriations process, when we return after the elections, we will remember that the Older Americans Act programs are cost effective. We know that every dollar spent providing a meal or supporting seniors so that they can remain at home and in their communities not only improves their quality of life but saves entitlement spending on long-term care. Mr. Speaker, that is the genius of the Older Americans Act. It is incumbent upon all of us to step up and invest in these programs.

It has been a pleasure working with my friend and colleague, the chairman of our Select Education Committee, PAT TIBERI from Ohio. He is fair and listens and is willing to find a way to make things work, as we found in this legislation. I urge all my colleagues to support this legislation. It is something we can be proud of.

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

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TIBERI), the subcommittee chairman.

Mr. TIBERI. Mr. Speaker, I want to thank Chairman MCKEON and Mr. HINOJOSA for all the work they both have done to make this an even better product today. Your leadership has been crucial to this process.

I am proud, Mr. Speaker, of the bipartisan and bicameral process from both sides of the Capitol in coming up with a piece of legislation during this time of year that can be supported by the majority of both parties and a majority here in the United States House of Representatives.

This has been a product of many months of hard work to reauthorize the Older Americans Act, and the chairman and the ranking member of the subcommittee overviewed the legislation quite well, so I will not repeat what they said. But we heard from national, State, and local stakeholders, we heard from constituents and seniors themselves, and today we have a product that the vast aging network in America can be proud of as this reauthorization passes this House today.

This process has been an open and bipartisan process from the beginning, and this piece of legislation is better for that. I want to thank Mr. HINOJOSA for being a devoted partner in this process. His friendship and hard work and that of his staff have been much appreciated by myself and my team.

I also want to acknowledge the great work of Kate Houston, Stephanie Milburn, Rich Stombres, and a staff member of mine who is now in law school, Angela Kelmack, for her hard work as well. I appreciate all the hard work of all of our members who have contributed to this process, the members of the committee and the cosponsors.

Again, this is a proud day for older Americans. On to the Senate, after we urge our colleagues to pass this bill on the House floor today.

Mr. HINOJOSA. Mr. Speaker, I wish to yield 4 minutes to the gentleman from Illinois (Mr. DAVIS), who serves on the Education Committee and the Government Reform Committee and is a valued and very important member of our committee.

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Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Texas for yielding. I also want to commend Chairman MCKEON and Ranking Member MILLER for the tremendous display of bipartisanship which brought this legislation to the floor. I also want to congratulate Chairman TIBERI and Ranking Member HINOJOSA for the tremendous work they were able to do in subcommittee and all of the processing that actually took place.

Mr. Speaker, I rise in strong support of H.R. 6197, the Older Americans Act. I was very pleased to see the interests that I expressed included in the final outcome of the legislation. We were able to see kinship caregivers have an opportunity to participate at an earlier age, reduced from 60 to 55. We were also able to work with Mr. EHLERS and make sure that there was serious consideration given to the mental health needs of seniors.

It is obviously a very good piece of legislation, and it is a good note for us to be preparing to leave on, because it means that we have looked after the interests of those in our society reaching their golden years. I have been told that you can measure the greatness of a society by how well it takes care of its young, how well it takes care of its old, and how well it takes care of those who have difficulty looking after themselves. This legislation does indeed look after the older members of our society.

I thank again the Education Committee for an outstanding job, and I want to thank my staff person who worked with the committee, Dr. Jill Hunter-Williams, to make sure our interests were totally displayed. It has been a pleasure to see the process.

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

Mr. Speaker, I mentioned earlier in my comments that added to the Older Americans Act we have included a bill that is sponsored by our colleague here, Mr. OSBORNE. I failed to mention that this committee that this legislation establishes, the Federal Youth Coordination Act, establishes a Youth Coordinating Council. This council that this legislation sets up will be named the Tom Osborne Coordinating Council. Mr. OSBORNE will be leaving the committee and the Congress at the end of this session. We will miss him greatly.

Mr. Speaker, I am happy to yield 5 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Thank you, Mr. Chairman, for those kind words, and thank you so much for your assistance in this matter. I would like to also thank Subcommittee Chairman Tiberi and Mr. HINOJOSA for their work.

I would like to particularly address title VIII of the Older Americans Act, entitled ''The Federal Youth Coordination Act,'' which has been referred to previously. I, along with PETE HOEKSTRA, Mr. PAYNE and Mr. FORD, introduced the Federal Youth Coordination Act at the request of many organizations such as America's Promise, American Youth Policy Forum, Campfire USA, Learn and Serve America, Volunteers of America, Big Brothers and Big Sisters, and the Child Welfare League of America.

These groups were united in feeling that something needed to be done concerning the large number of youth-serving programs in the Federal Government. So these groups believe that young people could be better served if Federal youth-serving programs were coordinated, better targeted and streamlined; and we really appreciated their help.

The Federal Youth Coordination Act establishes a council chaired by the Secretary of Health and Human Services composed of representatives of youth-serving agencies within the Federal Government. These 150-odd youth serving programs are spread over 12 agencies, so as you might suppose, they have kind of grown like Topsy. Sometimes they duplicate. Sometimes they are not very efficient; sometimes they are. So this council simply tries to coordinate these different programs.

The purpose is, number one, to eliminate duplication and waste, which sometimes we have in government.

Second is to ensure that each program has measurable, quantifiable goals. When appropriators or other people evaluate a program, how do they know it is accomplishing what it was designed to do? So often there is something called ''mission creep,'' where a program is established to serve one particular program, and it isn't long before it is off in another direction.

Third, to verify that each program serves the purpose for which it was intended.

Fourth, to ensure communication between agencies regarding youth-serving programs.

The council must meet quarterly and file an interim and a final report with congressional committees with jurisdiction over youth-serving programs. The report will provide critical information about programs in order to serve more children more effectively.

The council will also provide help to States that request aid in coordinating youth-serving programs at the State level.

I would especially like to thank Majority Mr. Leader BOEHNER, Chairman MCKEON, and Ranking Member MILLER for all of their help; also members of the staff, Whitney Rhoades, Kate Houston, Rich Stombres, Susan Ross, Denise Forte and Brady Young; also over in the Senate side, NORM COLEMAN, DEBBIE STABENOW and their Senate staffers. And especially I would like to mention Erin Duncan on my staff, who spent the better part of 2 years working on this legislation.

So, again, Mr. Chairman, thank you so much for your help. I think this will be a great program for so many young people, and we appreciate all that you have done.

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

In conclusion, I want to say that it was a pleasure to work with our chairman, Mr. BUCK MCKEON, and with our ranking member, GEORGE MILLER, on this legislation. I appreciate all of the effort that they made so that we wound up with an excellent piece of legislation.

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

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

Mr. Speaker, I would like to recognize the hard work of my staff, Kate Houston, Stephanie Milburn, Rich Stombres and Taylor Hansen for the work they have done on this, along with the Democratic staffers on the other side of the aisle.

Mr. HOLT. Mr. Speaker, I rise in support of the reauthorization of the Older American Act. I would like to thank Congressmen BUCK MCKEON, PAT TIBERI, GEORGE MILLER and RUBEN HINOJOSA for their hard work reauthorizing this act.

Since originally enacted in 1965, the Older Americans Act has been an important vehicle by which senior citizens in need have received nutritional support, community service employment, pension counseling services, protections against neglect and abuse, and many other services.

Nutrition services through Title III of the Older Americans Act, such as the ''Meals on Wheels'' program, are essential in helping senior citizens who cannot prepare their own food to still have access to convenient and nutritious meals. The program serves those most in need, such as the aged, the less affluent, those who live alone, and members of minority groups.

I was pleased that I was able to amend the Seniors Independence Act during mark-up to stop the Department of Labor from using an unfair calculation of income to determine eligibility for Title V seniors community service employment programs, SCSEP. In January 2005,

the Department of Labor issued a ''Training and Employment Guidance Letter'' that unilaterally changed the eligibility criteria for Title V. Instead of discounting certain forms of income like veterans' compensation, Social Security Disability Insurance, unemployment compensation, and a portion of traditional Social Security benefits, the new regulation mandated inclusion of that income, thus making fewer seniors eligible for vital services.

It would be inconsistent to state that the program targets persons with greatest economic need and persons who are disabled, and then use their Social Security income or disability benefits to exclude them from participation. It would also be a mistake to hold someone's service in the Armed Forces against them in determining their eligibility for employment assistance. The amendment that I offered in the Education and the Workforce Committee restores the eligibility criteria to the pre-2005 levels, and it was unanimously agreed to. I thank Chairman MCKEON and the rest of the committee for their help and cooperation on this issue.

Further I have advocated for Naturally Occurring Retirement Communities, NORCs, to be included in the legislation. NORCs supported by the older Americans act would provide technical assistance to target supportive services to assist the millions of older adults living in naturally occurring retirement communities throughout the country to maintain their independence and quality of life.

NORC supportive service programs are intended to increase efficiencies in the delivery of services to large populations of older adults living on their own and to reduce redundancies in the delivery of those services. They are also intended to empower older adults, and the communities within which they live, to determine the types of programs and services that they wish to receive—thus building supportive and responsive communities.

For millions of older adults, NORCs are becoming the retirement homes of choice and necessity. According to AARP, upwards of one-third of the older adult population is living in a NORC setting. With the retirement of the baby boomers only a few years away, and, according to AARP, the intention of Americans 45 and older to age in place in similar fashion, we can expect NORC and NORC-like communities to grow in abundance.

I am pleased the bill authorizes the Assistant Secretary to support efforts underway to develop innovative models providing for the efficient delivery of services to communities where older individuals are aging in place such as NORCs.

Mr. Speaker, the Seniors Independence Act of 2006 reauthorizes vital services for some of the most vulnerable Americans, and those in greatest need. I rise in support of this legislation and I urge its passage by this body.

Mr. TOWNS. Mr. Speaker, today I rise in strong support of the reauthorization of the Older American Act of 2006. For the past 40 years, millions of senior citizens have benefited from the support and nutritional services provided by this law which promotes the dignity and independence of older people and meet the challenges associated with the aging.

Seniors are the fastest growing population group in the United States. In 2000, there were an estimated 35 million people age 65 and older, representing about 13 percent of the population. It is predicted that by 2030, this number will double to 70 million people; and about 20 percent, or 1 in 5 Americans, will be age 65 and older. According to the New York State Office for the Aging, the 60 and older population will grow by 40 percent over the next 30 years due, in large part, to the influx of baby boomers. As the elderly population increases, more services will be required to ensure their independence.

I will continue to ensure that necessary funds are allocated, so that New York is not penalized because of the redistribution of funds to ''high growth'' States. We must not allow meals and services to be taken away from elderly people in one State to give to elderly people in another State.

I hope my colleagues will join me in preserving this much-needed program for American seniors everywhere.

Mr. MCKEON. Mr. Speaker, I submit for the RECORD the following correspondence between Chairman BILL THOMAS of the Committee on Ways and Means and myself.

SEPTEMBER 28, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
*Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MCKEON: I am writing in regard to H.R. 6197, the ''Older Americans Act Amendments of 2006,'' which was referred to the Committee on Education and the Workforce and is scheduled for floor consideration on Thursday, September 28, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act. Section 203 of the bill impacts the Social Security Administration and the U.S. Department of Health and Human Services, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 6197, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
*Chairman.*

SEPTEMBER 28, 2006.

Chairman BILL THOMAS,
*Committee on Ways and Means, Longworth HOB, Washington, DC.*

DEAR CHAIRMAN THOMAS: Thank you for your recent letter regarding the consideration of H.R. 6197, the ''Older Americans Act Amendments of 2006, Section 203 of the bill establishes the Interagency Coordinating Committee on Aging to improve coordination among agencies with responsibility for programs and services for older individuals. The coordinating committee impacts the Social Security Administration and the U.S. Department of Health and Human Services, and thus falls within the shared jurisdiction of our two committees.

I appreciate your assistance in expediting the consideration of this bill and your willingness to forgo action on this bill. I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Ways and Means and I support your request for conferees on those provisions within your committee's jurisdiction. Finally, I will include your letter and this response in the Congressional Record during consideration of H.R. 6197 on the House floor.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
*Chairman.*

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 6197.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6197.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5825, ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Mr. PUTNAM (during consideration of H.R. 6197), from the Committee on Rules, submitted a privileged report (Rept. No. 109–696) on the resolution (H. Res. 1052) providing for consideration of the bill (H.R. 5825) to update the Foreign Intelligence Surveillance Act of 1978, which was referred to the House Calendar and ordered to be printed.

## APPOINTMENT OF CONFEREES ON H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. KING of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4954) to improve maritime and cargo security through advanced layered defenses, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

### MOTION TO INSTRUCT OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Thompson of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4954 be instructed to agree to the

following provisions of the Senate amendment:

(1) Title V (relating to the Rail Security Act of 2006).

(2) Title VI (relating to the National Alert System).

(3) Title VII (relating to mass transit security).

(4) Title IX (relating to improved motor carrier, bus, and hazardous material security).

(5) The following sections of title XI:

(A) Section 1101 (relating to certain TSA personnel limitations not to apply).

(B) Section 1102 (relating to the Rural Policing Institute).

(C) Section 1103 (relating to evacuation in emergencies).

(D) Section 1104 (relating to health and safety during disasters).

(E) Section 1116 (relating to methamphetamine and methamphetamine precursor chemicals).

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

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

Mr. Speaker, I rise today in support of this motion to instruct conferees. By passing this motion, we will ensure that the House conferees take seriously our Nation's efforts to secure the national transportation infrastructure.

We have seen a lot of piecemeal legislation coming out of the House of Representatives. Just last week, Republicans tried to shortchange the American people on border security by authorizing a fence without sufficient funds to build it. Some folks seem to think that piecemeal legislation will do just fine in time for the election. We have a chance here today to ensure that piecemeal and politics do not prevail over security and doing what is right by the American people.

We have the choice: we can partially secure or fully secure the national transportation infrastructure. This choice should be a no-brainer. That is why I encourage this body to support this motion to instruct. This motion incorporates many of the important security measures passed by the Senate, but neglected by the House.

Among other things, Mr. Speaker, this motion would instruct conferees to support improvements to security for America's seaports and mass transit and rail systems. We know about the very real threat to our rail and mass transit systems. We remember what happened in Tokyo, Mumbai, London, and Spain. We mourn the hundreds of innocent civilians that have been killed and wounded by terrorist attacks on a major rail system.

But despite all of this, Mr. Speaker, the 109th Congress has not adequately focused on rail and public transportation security. Similarly, the administration has not yet accepted that rail and public transportation is a Federal responsibility.

At a congressional hearing on March 29, Tracey Henke of DHS told Members of Congress that ''aviation security by law is a Federal responsibility. That is not the case for transit security.'' Quite simply, this administration has flawed vision of securing America.

The Senate has offered us a way to solve some of these issues, and the sensible thing to do is to support these solutions. It helps our communities for Congress to support vulnerability assessments for freight and passenger rail transportation.

It is good policy to require the submission of prioritized recommendations for improving rail security in a report to Congress. It makes good sense for the government to use this information as a basis for allocating grants and establishing security improvement priorities, and it makes sense to study the costs and feasibility of required security screening for passengers, baggage, and cargo on passenger trains.

It is also good for our Nation's security, Mr. Speaker, to create a rail security R&D program to improve freight and intercity passenger rail security. It makes sense to reduce the vulnerability of train stations and equipment to explosives and hazardous chemical, biological and radioactive substances.

Democrats, Mr. Speaker, offered many of these provisions in the Rail and Public Transportation Security Act of 2006, and I am glad to see that they found their way to the floor today.

Another transportation mode that we should instruct conferees on is aviation security. London officials thwarted the terrorist plot to destroy 10 planes bound for this country. Next time we might not be so lucky. We know that aviation remains a major target for terrorists, so we should absolutely ensure that the House conferees do not ignore improvements to aviation security. Anything less would shortchange our communities and their safety.

This motion to instruct, Mr. Speaker, would instruct conferees to retain language adopted in the Senate that will ensure that TSA has enough screeners to keep our aviation system secure.

□ 1700

There is little justification for an arbitrary 45,000 screener cap. Such a cap ties the hands of TSA just as it is trying to expand its activities in the airport to include behavioral recognition and the checking of identification against boarding passes. TSA should not be boot-strapped by this arbitrary cap.

The Senate approach of dealing with this issue is an important one that we should accept.

In sum, Mr. Speaker, this motion instructs conferees to take a total and complete approach to transportation and maritime security. Mr. Speaker, we cannot continue to piecemeal security legislation. Just as we can't secure our borders with a small fence, we can't secure our homeland without focusing on all major threats. But how can we go back to our constituents and say we didn't secure America's transportation system when we had a chance? This body can do better, and this motion will make sure we put America's security first. I urge all Members to support it.

I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I rise in opposition to the motion to instruct. But let me say at the outset that I commend the gentleman from Mississippi for the cooperation he has given throughout this legislative process.

I want to commend Ms. HARMAN, Ms. SANCHEZ, and certainly Mr. LUNGREN, who are the prime movers of this legislation at the subcommittee and committee level.

Several points have to be made. The first is port security bill is completed. None of the items referenced by the gentleman from Mississippi relate to port security. Port security matters have been resolved.

Among other things, the port security legislation will provide $400 million in grants for U.S. ports.

It requires scanning of all containers coming to the U.S. for radiation at the Nation's 22 top ports, which covers 98 percent of containers entering the United States.

It sets a firm timetable for implementing the Transportation Worker Identification Card, TWIC, and requires a pilot program to scan 100 percent of cargo at three foreign seaports. Using the results of this pilot, the bill requires a widespread implementation.

Mr. Speaker, many of the items or a number of the items referenced in the motion to instruct, taken by themselves, many Members on this side, including myself, would agree to. Also, for instance, with reference to title 6 in the National Alert System, we have reached agreement on that, and that will be included in the final legislation.

On matters such as 1103, that is redundant in certain respects with the FEMA reforms which have been already approved by the conference committee and are included in the Homeland Security appropriations bill. There are other matters such as section 1104, which I strongly support and I am still hoping can be included in the final package. We are working toward that, and we are negotiating. There are other items also that are still on the table and we are trying to find accord on.

Having said that, I think it is important to note, for instance, with the

transportation provisions that they even added on to the port security bill and yet in some cases they can be redundant. It should be noted, for instance, that through the transit security grant we have provided $375 million to the country's rail, mass transit, ferry, and inner city bus systems across the country and this year voted to appropriate $200 million in grants specifically targeting mass transit agencies. Since 9/11, we granted more than $11 billion, $11.5 billion, in homeland security assistance. Much of this has gone to transit.

The point is, Mr. Speaker, if there were more time, there are a number of these items which I could support, I know many members of the committee on our side could support, but we cannot allow the perfect to be the enemy of the good.

We have a port security bill. Those of us who went through the trauma of Dubai Ports know the way the country came to a fevered pitch, and rightly so, over the issue of our Nation's security. We have addressed that. We passed legislation on this floor by a vote of 421–2, legislation that was worked on at a tremendous pace by Mr. LUNGREN, Ms. HARMAN, Ms. SANCHEZ. That went through. It was a truly bipartisan effort.

We have now reached the one-half yard line on that legislation. Let us not allow other issues, as important as they may be, to stop us from getting across the goal line with port security, comprehensive port security legislation which the American people have asked for. They demand it.

We have satisfied that request. This is excellent legislation. It is bipartisan legislation. We should be all proud of it. Let us not allow other issues to impede that, especially when a number of those issues I believe still can be resolved. But we don't want to, again, put the final product in jeopardy.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentlewoman from California, an original person promoting port security, Ms. HARMAN.

Ms. HARMAN. I thank the gentleman for yielding and commend him for his enormous leadership as ranking member on the Homeland Security Committee. I am proud to serve on that committee.

Mr. Speaker, nearly 6 months ago, I stood here with our colleagues and called the passage of H.R. 4954 by a vote of 421–2 a legislative miracle. I stand by those words today.

Mr. LUNGREN and I co-authored the SAFE Port Act, and from the beginning it has been a collaborative and comprehensive effort, both bicameral and bipartisan. It has been, and I hope it will continue to be, an example of how Congress should work. I appreciate this bipartisan approach to port and container security, and I am gratified that this issue is finally getting the attention it deserves.

Thanks should also go to the ranking member of the full committee, Mr. THOMPSON; the ranking member of the subcommittee, Ms. SANCHEZ; the chairman of the full committee, Mr. KING; and Chairman LUNGREN of the subcommittee, who showed by working together that the Homeland Security Committee is becoming a very significant committee in this Congress.

But this is not the time, Mr. Speaker, to congratulate ourselves and rest on our laurels. It is the time to take the steps to make a law. And in the last days of the last week before we recess for this election, we have a chance to do that, but only if we compromise with the other body.

As you heard from Mr. THOMPSON, this motion to instruct encourages us to take provisions in the other bill that reach for rail, mass transit, aviation, and related transportation modes beyond layered container security.

I know, as the representative of residents around the Ports of L.A. and Long Beach, the largest container port complex in the country, that those containers go onto a semi-submerged rail bed and go all over the country. I know that my constituents use all these other modes of transportation. They know that they need to be safer, and that by reaching for responsible provisions in the Senate version of this bill, as this motion instructs us to do, we will get a law. We will also do what we came here to do and what this week of debate on various security bills was supposed to be about, and that is work together to make America safer.

Mr. KING of New York. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to the motion to instruct, not because I disagree with the intent of the gentleman from Mississippi nor the other speakers on the other side, but rather, let's not screw up a good deal.

We have worked very hard on a bipartisan basis to bring forth a major piece of legislation dealing with an area of the country that needs to be addressed, and that is port security. The name of the bill is the Safe Ports Bill. The Senate retained our number, retained the name; the guts of our bill is in this conference report that I believe we will complete before the end of today. And if we instruct conferees in this regard, frankly, we complicate the effort to reach a final conclusion.

I am concerned about the area of rail and mass transit security. As a matter of fact, I held a hearing in our subcommittee today at the request of the ranking member, Ms. SANCHEZ, and the ranking member of the full committee, Mr. THOMPSON. I thought it was a good bipartisan examination of a number of issues that are out there.

Some have suggested that the very fact that we had that hearing may have prompted some action on the part of DHS to put further attention to these areas. I was very proud of the fact that on a bipartisan basis we approached that issue, and we will continue to approach that issue, and I hope that we will continue in a bipartisan spirit to complete this action.

As the gentleman from New York, the chairman of the full committee, has said, we are close to the goal line right now. It has been a lot of hard work by a lot of people on a bipartisan basis, starting with our staffs about a year ago. We reached across the aisle, and when we reached across the aisle we were met with open hands by the other side. We have worked together to complete a comprehensive response to the threat that exists or the vulnerability that exists at our ports.

It is natural that, when you are attacked by air, that you initially respond to the area of attack. But we are 5 years after 9/11. We are 5 years past the time when we can say that we don't know or didn't know or don't know now of the vulnerabilities that exist with respect to our ports.

This is a major piece of legislation. This will be, when completed, a major achievement; and all I would say to my friends on the other side is, please join us ultimately in supporting this overall bill, as you have to this point.

We will ask for a defeat of this motion to instruct not because of the spirit in which it is offered but because of the complications that it will create and the difficulties that will ensue. If you want to have a viable response to the concerns that have been raised about port security, vote against this motion to instruct so that we can get to the business of completing our action during our conference later today, so we can bring to the floor of this House within the next 24 hours a completed bill, a bill that started in the House of Representatives, a bill that remains in the contours of what will be presented to the conference today, the guts of the bill that passed this House 421–2.

When you have something that passes the House 421–2 you ought to learn to accept ''yes'' for an answer. This is a great piece of work that is going to be presented. It doesn't answer all the questions, but moves us in the proper direction. It puts into law or will put into law many of the things that were first started with this administration but which are not in law, which are not mandatory, which are not permanent, and it extends those. And ideas from both sides of the aisle were put into this bill and will come out of this conference when we complete action.

So while I rise in opposition to the gentleman's motion to instruct, I do so in the spirit of cooperation that, once we get past this and once we get to the conference and once we come back with our completed conference report, we can all join together with another near unanimous vote for a safe ports piece of legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 3 minutes to the

gentlewoman from Orange County, California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you, Mr. THOMPSON. Thank you for all of your guidance and help in getting this bill to the point where it is, and also to Chairman KING. This was done in a very bipartisan manner. I also want to thank the chairman of the subcommittee where I am the ranking member, which would be Mr. LUNGREN. And I rise in support of the Democratic motion to instruct conferees on H.R. 4954, the SAFE Port Act.

Now, why would we have a motion to instruct that would include things about freight and about mass transit and surface transportation security? Well, the reason is that the Senate side is taking up those issues; and they are good issues.

I mean, look how long it took us to get here to do port security. We should be just as concerned to do rail security, mass transit security, surface transportation security. As Ms. HARMAN said, when you get done with the port, the container keeps going through the neighborhood on trucks, it goes through in freight through the railroad tracks. So it doesn't stop at the port. We need to do it all.

For example, today we held a hearing, as Chairman LUNGREN said, on a very important issue, the training for the security of transportation employees. Not the ones at the airport where we have done a lot of training, we have put a lot of money, but the ones for busses, mass transit, railroad, freight workers.

□ 1715

Mr. Speaker, this was a very important hearing because things have happened on buses and trains, like Madrid and London. We need to ensure that transit and rail employees receive adequate training on how to recognize and report potential threats; how to protect themselves; and how to help us, the passengers, if there is a disaster going on; how they would respond in an incident.

And there are other provisions in this motion to instruct: establish a national alert response system to ensure that populations are alerted if there is a serious threat; require the Department of Homeland Security to perform vulnerability assessments of freight and passenger rail and make recommendations on how to improve their security; and establish a program to increase the tracking and communications technology on trucks that carry hazardous materials.

These are some of the critical issues that this motion to instruct encompasses. So all of this work, Mr. THOMPSON, Ms. HARMAN, myself, Mr. LUNGREN, Mr. KING, is very important, and I am thrilled we are at this point.

But we can add more, and it will be good. We cannot wait another 5 years like we did with port security. We should do it now. I urge my colleagues to support improving rail, mass transit, surface transportation, and port security. Please vote for the motion to instruct.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the ranking member for his leadership.

Mr. Speaker, I rise today in strong support of the Democratic motion to instruct conferees on the SAFE Port Act. The Republican leadership has failed to fix the Department of Homeland Security's grant system which just this week failed to provide the port of Oakland in California, the fourth busiest port in the country in the heart of the Bay Area, with any money at all to protect this vital national security and economic security asset.

The most recent round of port security grant awards demonstrates the agencies' continued ignorance of the security needs of our Nation's ports, and the lack of a credible threat assessment by which to award funds.

Of course, should we be surprised? This is the same agency that identified Old McDonald's Petting Zoo as a vulnerable national asset, but left the Empire State Building off the list as a logical target in need of funding support.

We cannot do enough to protect our critical infrastructure in the United States; but without Ranking Member THOMPSON's motion to instruct, we will be leaving glaring vulnerabilities in our rail, subway, bus, and trucking systems.

The Republican leadership has had many opportunities to address these issues, separate and apart from ports legislation, but it has failed to take our Nation's domestic security seriously.

Today, through the motion to instruct, the House has the ability to show our absolute commitment to the safety and security of Americans who use our Nation's vital transportation systems. We should follow the leadership of the other body to secure our Nation's rail and transit systems, strengthen aviation security, secure the border, create a national warning and alert system, and provide first responders with post-disaster health monitoring.

By supporting the Democratic motion to instruct conferees, we will get it right; and we will instruct the conferees to accept the Senate positions on these important issues. We should not let this opportunity to do better, to strengthen security, and assist first responders pass us by.

Please support the Democratic motion to instruct.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

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

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of this motion to instruct conferees. As co-chair of the Congressional Port Security Caucus and a member of the Permanent Select Committee on Intelligence, I cannot stress enough the importance of adequately securing our ports.

The proposed sale of shipping operations to Dubai Ports World earlier this year was a wake-up call for this country, not because it would have jeopardized shipping operations here on the ground. Our longshoremen, terminal operators, Coast Guard, Customs and Border Patrol will do a great job no matter what company manages shipping operations. The Dubai deal was an eye opener because it did just that, it put the spotlight on our ports and showed the vulnerabilities that America could no longer ignore. The UAE spends a huge amount of money on securing its Dubai ports, and their ports are the safest in the world. The Dubai ports are safe because of the money invested in their ports and because they make their ports a priority.

We have not paid sufficient attention to our ports. We have not made our ports a priority. There are 539 ports in this country, making them an economic engine for America. The Port of Baltimore, which I represent, alone handles about 400,000 containers each year. A major event at a port would result in economic damages ranging from $58 billion to $1 trillion.

With so much at stake for our safety and economy, it is essential that we know what is coming in through our ports, where it came from, and who is sending it. Ironically, Dubai Ports World's failed attempt to take over shipping operations here in America was what finally got our country to focus on securing our ports. The SAFE Port/GreenLanes bill is a critical piece of legislation and a bipartisan effort. It is a comprehensive first step to make our ports safer. We must make port security a high priority.

I strongly support moving this bill through Congress.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his excellent work on this legislation.

I rise in support of the motion to instruct conferees offered by Mr. THOMPSON.

Mr. Speaker, the 9/11 Commission determined that the risk of maritime terrorism is at least as great if not greater than the risk of terrorism involving civilian aviation. We know that terrorists around the world want to obtain a nuclear bomb. We know that their plot includes an attempt to purchase a nuclear bomb in the former Soviet Union,

to transport that nuclear bomb to a port around the world, to place that nuclear bomb in a container on a ship, and then to bring that container on that ship to a port in the United States where that nuclear bomb can be detonated by remote control before that nuclear bomb is ever taken off that ship.

The majority is happy that they are going to screen once they reach the port in the United States. By then it is too late. The bomb can be detonated while it still is on the ship. That is our nightmare scenario. And that is something that the majority Republican Party has refused to put in place as a protection against this ultimate al Qaeda attack upon our country.

They support screening after it reaches the United States. They support having a demonstration project around the world. But as late as 2 days ago in the Homeland Security Committee hearing, Secretary Chertoff once again repeated the Bush administration policy, the Republican policy, that they do not support the mandatory screening of all cargo for nuclear bombs overseas, which is the 9/11 Commission report finding, that that is where the protection should be put in place.

So that is our problem. What we will do is we will have a ship with a container in Africa, in Europe, in Asia, and one of those containers will have had a nuclear bomb slipped into it. And then that ship, because there is no scanning for nuclear bombs around the world, that ship then heads for a port in the United States.

We would not be talking about losing 3,000 people or 5,000 people. We would be talking about losing tens or hundreds of thousands of Americans in that nuclear explosion.

If we don't scan for a nuclear bomb overseas, we can't be sure. If we don't scan and seal these containers overseas, then the United States will have to once again reinstitute a policy of duck and cover here in America with Americans learning how to protect themselves in the event of a nuclear bomb.

The bomb is not going to be delivered by an airplane or some submarine attack. Al Qaeda doesn't have that kind of capacity. This is the way in which the nuclear bomb is most likely to come into our country. It is an opening that is too big. It should be closed. The Republican majority just wants to use paperwork screening. It is almost like saying that they are going to check everyone of us at an airport in the United States, but having checked our paperwork they say, Get on the plane, you don't have to let us look at your bags. You don't have to show us your bags, take off your shoes, go right on the plane. Get on the plane. Thanks for showing us your paperwork.

We in America will never be happy with that, but that is what their policy is for nuclear bombs. Show us the paperwork. We are not going to actually check the inside of the container. We are not going to screen; we are not going to scan. We are going to screen your paperwork; we are not going to screen the container.

Can you imagine that as a policy for airlines in the United States? We are going to screen your paperwork before you get on the plane, but not screen you or your bags or computer to make sure that you are not going to blow up the plane. It just won't happen post-9/11.

Here is the huge opening. This is something that the Republican administration continues to listen too closely to the cargo industry and the shipping industry rather than to the real security interests of the American people.

I thank the gentleman from Mississippi for his leadership on these issues.

Mr. KING of New York. Mr. Speaker, I will just make several remarks before I reserve the balance of my time.

With reference to the gentleman from Massachusetts, unfortunately nothing he said in his statement relates to the motion to instruct. If he had read our bill and read the motion to instruct, he would know that nothing he said was germane to the motion to instruct.

Secondly, as to the issue of bipartisanship and 100 percent screening, I would also advise the gentleman that the language that is adopted in the SAFE Ports Act which is going to conference was the language proposed by Democrats in the Senate which provides for three pilot projects of 100 percent screening at three foreign ports. So we are adopting Democratic language. We had one in ours, and they had three in theirs. We are accepting the three. To me that is the essence of bipartisanship.

With that, I would have to dismiss the comments of the gentleman from Massachusetts.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for a very instructive motion to instruct.

I would say to the chairman that we have worked together on this committee as best that we could in a bipartisan manner.

But let me tell you why I think this motion to instruct is particularly important. And I was drawn to the floor, I had a bill on the floor and several meetings, at the same time as several committee hearings that had to do with rail security. I believe the Committee on Homeland Security, of which I am a member, knows that this is an important issue. But we are operating against a backdrop of a Department that questions whether or not this is an important challenge that we have to face.

I respect, Mr. THOMPSON, the fact that the leadership of our Department may have a different view from us.

□ 1730

But the Secretary recently said in the last year that the truth of the matter is that a fully loaded airplane with jet fuel, a commercial airliner, has the capacity to kill 3,000 people, but a bomb in a subway may kill only 30. I do not know how many of us are experts on the type of bomb or the type of transit that may be impacted, but I think that narrow view of rail security brings us to where we are today. That is why this motion to instruct is so important, because we have an atmosphere and a sense at the Homeland Security Department that rail security or the devastation that could occur by attacking, whether it is Amtrak or whether it is a subway or some other form of rail, that it is not serious.

Let me tell you why it is serious. I live in Houston, Texas, and the symbol for Houston is the crossing of two railroads. We are a railroad town, and that means that all throughout my district and all throughout my neighborhoods are railroad tracks that then have the opportunity for a cargo train or a passenger train to travel right next to a residential house. My husband might not care for me to say it, but he says he went to sleep with the railroad ring in his ears because his original home was near the railroad tracks.

So this motion to instruct is crucial to save lives, because it would authorize $3.5 billion for a mass transit security grant program and $1.2 billion for freight and passenger rail security.

Why can't we take the Senate bill? There are large populations that are impacted by rail transportation and/or cargo. The Assistant Secretary for Homeland Security told Congress just in March of this year that aviation security by law is a Federal responsibility. That is not the case with transit security. And he ends it at that.

But homeland security is a Federal responsibility; and, therefore, I would argue that the reasonableness of the distinguished gentleman from Mississippi's motion to instruct is an important step towards recognizing that rail and mass transit can be vulnerable. And I cite which has already been cited: Worldwide terrorist attacks on trains average 30 per year. The 9/11 Commission noted that rail and mass transit are particularly vulnerable, and our workers on mass transit are saying that as well.

So I simply want to applaud the gentleman and ask that my colleagues support this and realize that we have a challenge and that the reason why Congress has to act is because we need to instruct the Executive that we do have a problem because leadership at the Homeland Security Department has

said, one, ''It's not my job.'' We have heard that. And, two, ''Don't worry about it; only two or three are going to be lost.''

Well, I would simply say to my good friends at the Homeland Security Department, come to Houston, Texas, and weave your way through neighborhoods that are at the high economic level and low, and you will find that it would result in a terrible, horrific tragedy, Mr. Speaker, if there was a rail catastrophe.

I ask my colleagues to support the motion to instruct to provide real rail security.

I rise in strong support of the Motion to Instruct Conferees to accept the Senate amendments to H.R. 5494 the "SAFE Port Act." I particularly wish to thank the gentleman from Mississippi, Mr. THOMPSON, the Ranking Member of the Homeland Security Committee, for introducing this important and much needed motion.

The SAFE Port Act, H.R. 4954, was reported out by the Homeland Security Committee and passed by the House in May of this year. On balance, the SAFE Port Act is a good bill but it only addresses port and shipping container security. The Senate bill contains similar port security provisions, but also includes several provisions which will have the salutary effect of substantially enhancing the safety and security of America's rail, subway, buses and trucking systems. The Senate bill also strengthens aviation security, border security, and creates a National Warning and Alert System which provides first responders with post-disaster health monitoring.

Mr. Speaker, the House Republican Leadership has had many opportunities to address these security issues, but it has failed to do so. The time for action has long since passed. We need a new direction. We need a new approach. It is time for action and a new approach. The Senate bill is a bipartisan step in the right direction. We should take advantage of this opportunity to strengthen security and assist first responders. The final Conference Report should reflect the Senate's positions on rail, mass transit, and border security; and warning and alert systems.

Mr. Speaker, unlike the House, the Senate approved an amendment that would authorize $3.5 billion for mass transit security grant programs and $1.2 billion for freight and passenger rail security. This is reason alone to instruct the Conferees to accede to the Senate position on mass transit and rail security.

America's rail and mass transit systems remain vulnerable on the watch of the House Republican leadership. We need a new direction. Consider the following: Worldwide Terrorist Attacks on Trains Average 30 Per Year; The 9/11 Commission Noted That Rail and Mass Transit Are Particularly Vulnerable; International Brotherhood of Teamsters (IBT) Found a Lack of Security Along Railroad Tracks and in Rail Yards Across the County; Mass Transit Becomes More Vulnerable to Terrorist Attack as Airline Security Improves.

RAIL SECURITY IN THE SENATE BILL

The Senate bill also advances the ball on meaningful rail security by requiring the Departments of Homeland Security and Transportation to conduct vulnerability assessments for freight and passenger rail systems. The bill authorizes $5 million in FY 2007 to carry out this requirement.

Without any requirements that these agencies conduct comprehensive reviews of rail security, how can we move in a meaningful direction to protecting America's rail systems?

This bill also authorizes for fiscal years 2007–2010 critical fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York City, New York ($470 million); Baltimore, Maryland ($47 million); and Washington, DC ($32 million). This money will be spent specifically on communication, lighting, and passenger egress upgrades. If a terrorist attack were to occur in these cities, it is vitally important that riders be able to successfully leave the tunnels—this could mean the difference between life and death.

The Senate bill authorizes $350 million for FY 2007 for security grants to freight railroad, Alaska Railroad, hazardous materials shippers and AMTRAK. This is badly needed funding and not just lip-service about rail security.

This bill also requires that hazardous material shippers create and implement threat mitigation plans to be reviewed by the Departments of Homeland Security and Transportation.

Research and development is also important component in making sure that our rail systems are secure. This bill authorizes $50 million in fiscal years 2007 and 2008. The money will be used to test new emergency response techniques and technologies; develop improved freight technologies; and test wayside detectors.

Rail employees are the vital eyes and ears of the system. They will be the first ones to know if there is a problem. However, they must be protected. The Senate bill provides them with whistleblower protections in order to ensure that they won't be penalized for reporting problems.

These are just some of the reasons I support the Motion to Instruct Conferees to accede to the Senate position on the SAFE Port Act, H.R. 5494. I urge my colleagues to join me. I yield back the remainder of my time. Thank you.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume to close on our side very briefly.

Mr. Speaker, I strongly oppose the motion to instruct. I strongly support the underlying bill.

The bottom line is we are in full agreement on a port security bill and that is what this is all about. It is a port security bill which would provide $400 million in port security grants. It sets up a risk-based formula for those grants. It establishes a domestic nuclear detection office. It sets up three pilot projects overseas with 100 percent scanning. It is a bipartisan bill. The underlying bill passed this House by a vote of 421–2.

We have carried it this far. Let us not let the perfect be the enemy of the good. I respect the gentleman. I respect his motion. But at this stage I say let us go on to the conference. Let us do what has to be done. Let us put an end to the entire crisis which resulted out of the Dubai Ports issue. Let us show the American people we can get the job done. Let us finish it. Let us go to conference.

With that I urge defeat of the motion.

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

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

This motion to recommit with instructions is clearly intended to make the bill better. We clearly have rail and safety issues still outstanding. What I have tried to prepare for Congress is an opportunity to get it right. Piecemealing is not the way to go. We absolutely can fix it right here, right now with this motion to instruct. If we do it, we can all go home feeling that America will be safer. If we don't, we leave substantial work yet to be done.

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

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

There was no objection.

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

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

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## PROVIDING FOR CONSIDERATION OF H.R. 5825, ELECTRONIC SURVEILLANCE MODERNIZATION ACT

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1052 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1052

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5825) to update the Foreign Intelligence Surveillance Act of 1978. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 90 minutes of debate, 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 minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5825 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

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

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

Mr. PUTNAM. Mr. Speaker, I am pleased to bring to this floor House Resolution 1052. The resolution is a rule that provides for consideration of H.R. 5825, the Electronic Surveillance Modernization Act. H.R. 5825 relates to the manner in which the Federal Government collects oral, wire, and electronic communications for foreign intelligence purposes.

In order to safeguard fourth amendment protections, Congress has created procedures to allow limited law enforcement access to private communications and communication records. Specifically, Congress enacted title III of the Omnibus Crime Control and Safe Streets Act of 1968 that outlines what is and what is not permissible with regard to wiretapping and electronic eavesdropping.

Title III of the Crime Control Act authorizes the use of electronic surveillance for specific crimes. While Congress did not cover national security cases in the Crime Control Act, it did include a disclaimer that the wiretap laws did not affect the President's constitutional duty to protect our national security.

In 1972, the U.S. Supreme Court specifically invited Congress to establish similar standards for domestic intelligence that were established for criminal investigations.

Congress enacted the Foreign Intelligence Surveillance Act of 1978, FISA, to prescribe procedures for foreign intelligence that is collected domestically. FISA authorized the Federal Government to collect intelligence within the United States on foreign powers and agents of foreign powers. It established a special court to review and authorize or deny wiretapping and other forms of electronic eavesdropping for purposes of foreign intelligence gathering in domestic surveillance cases. FISA was enacted by Congress to secure the integrity of the fourth amendment, while protecting the national security interests of the United States by providing a mechanism for the domestic collection of foreign intelligence information.

Mr. Speaker, the purpose of the Electronic Surveillance Modernization Act is to modernize the Foreign Intelligence Surveillance Act to strengthen oversight of the executive branch concerning electronic surveillance and intelligence and to provide clear electronic surveillance authority to the national intelligence agencies in the event of a terrorist attack, armed attack, or imminent threat against this Nation.

FISA was originally constructed in 1978, more than 25 years ago. Changes in technology have caused an unintentional shift in the focus and reach of FISA. The complexity, variety, and means of communications technology has since mushroomed exponentially, while the world has become more interconnected. Think of the revolution in communications technology that has occurred in the past 25 years. The cellular technology, wireless technology, the development and explosion of Internet access, all communications tools, all technologies that allow those who would plot terrorist acts against our people to use and access in a readily available form.

We now have terrorists in remote camps who can easily communicate globally with cells around the world and within this country through the use of wireless technology and satellites. Think of the images from Afghanistan of broadcasts through wireless laptop devices using satellite technology from a cave.

The structure of our surveillance laws has remained confined to the technology of a generation-old copper wire telephone, while the terrorists are utilizing every technology and communication device at their disposal.

The House Permanent Select Committee on Intelligence received testimony that the current provisions of FISA are ''dangerously obsolete.'' H.R. 5825 modernizes the law in a number of critical respects. It updates FISA to make it technology neutral and neutral as to the means of communication. Provisions now apply to a land line phone as well as cellular and wireless modes of communication.

This legislation streamlines the surveillance approval process to keep the focus on gaining knowledge of those who would do harm to the United States while protecting the civil liberties of average Americans. It gives our intelligence personnel the necessary tools to help detect and prevent acts of terrorism and to respond to terrorist attacks.

As reported, the bill also ensures that adequate authority exists to conduct necessary electronic surveillance when a threat of imminent attack exists. The Electronic Surveillance Modernization Act also enhances congressional and judicial oversight of U.S. Government electronic surveillance activities to ensure that activities conducted under both FISA and the authorities in this bill will be utilized by the President only, only, with the knowledge and coordination of the other branches of government.

More broadly than just FISA, the bill also addresses the fundamental separation of powers concerns expressed by Members through amendments to the National Security Act by providing express authority for the chairman of the congressional Intelligence Committees to broaden their reporting on sensitive issues to additional members of the committee at his or her discretion on a bipartisan basis in necessary circumstances.

H.R. 5825 enhances the overall authorities of our Nation to act as a whole to protect itself in times of war and heightened threat of attack, both terrorist and otherwise.

□ 1745

I am pleased with the efforts of the House Permanent Select Committee on Intelligence and the House Judiciary Committee. This bill is an excellent example of how Congress and the executive branch can work together to ensure our national security. I thank Chairman HOEKSTRA and Chairman SENSENBRENNER and all the members of the committees for their work. I urge Members to support the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman, my friend from Florida, for the time; and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong option to this closed rule and the underlying legislation. First, let me say that I really am pleased that Congress belatedly sees a need to address the President's unconscionable, declared by court, unconstitutional domestic spying program.

Unfortunately, we are considering a bill today that was primarily drafted by the White House. I do not relish the notion of criticizing this bill; but because what it does to the Constitution, however, and I am sworn to uphold, as are all of the Members of this body, to uphold and defend that Constitution, I am not going to sit idly by and watch people trample on it.

Now, I have lived and seen how unchecked power in the hands of bureaucrats can be used to squelch legitimate first amendment exercises. We have seen monitoring of students, preachers and housewives.

I have seen what happens when government protectors think they answer to no one. And, frankly, it is not pretty. I just implore you all to think back to the 1970s,and Americans were shocked to learn about President Nixon's unchecked spying for political advantage.

Americans were similarly dismayed over the legendary J. Edgar Hoover's listening in not only on Dr. King, but many other targets. Those illegal surveillance scandals were, in part, what led to the creation of the select committees of intelligence.

It is our job, Congress's job, to ensure that we effectively oversee the activities of the NSA, the FBI, and the CIA. To the point. This White House bill really does scare me. We would be giving not just President Bush's administration, but every subsequent administration a blank check.

This bill does so much to chip away at the civil liberties and privacy protections built into the Foreign Intelligence Surveillance Act, you will hear it referred to often as FISA, that it could, if passed, have very disastrous effects.

It redefines the definition of surveillance in an irresponsible way. The effect is that the NSA, the FBI, would be able to listen to any call or read any e-mail that comes into or goes out of the United States. So if a soldier overseas calls her husband, NSA can listen in. If a little girl in my home town of Mirimar, Florida, sends an e-mail to her grandmother in Israel, NSA can read it.

If a student at Florida Atlantic University is studying in France and calls her father at home in Ft. Lauderdale, NSA can listen in. Now, that soldier putting her life on the line in Iraq is not a terrorist. The little girl in Mirimar and her grandmother I think we can all assume are not plotting to overthrow anything.

The student at Florida Atlantic and her father I am just guessing have likely not sworn their lives to overthrowing the United States Government.

At the risk of being trite, the White House-drafted bill has more holes than Swiss cheese. Maybe we ought to just call it the Swiss cheese bill. It throws out some pretty broad terms and never defines them.

What is an armed attack? What is an imminent threat or imminent attack? They are not defined in this bill. Yet, the President has broad authority under this bill to do whatever he pleases under these conditions. Footnote right there. Let's make this very clear, not just this administration but succeeding administrations would have this power.

Arguably under this bill, every single day since September 11, 2001, we have been under the imminent threat of a terrorist attack. And if the mover of this bill and the White House get their way, every call and every e-mail, even domestic ones, would be subject to warrantless surveillance.

Allowing this President or any President to conduct warrantless electronic surveillance under these vaguely described circumstances is, simply put, dangerous. You never know how the next President might use or abuse her power when she gets it.

You know, Mr. Speaker, I am fond of quoting Ben Franklin, and so I am going to do it again today. The legendary Ben Franklin said: ''Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.''

This is what we might do today again. This piece of legislation may be one of the most important bills that the House will consider this year or any year, and not one Member of the House, not one, will be able to offer an amendment. That bothers me generally, Mr. Speaker. Today it bothers me specifically.

There was an amendment rejected at the Rules Committee offered by our colleagues, Mr. SCHIFF and Mr. FLAKE, that was similar to an amendment that I offered at the Select Committee on Intelligence of the House of Representatives. My amendment simply would have made the Foreign Intelligence Surveillance Act more transparent to the people who depend on it most. It was legislation more or less drafted at their request to clear perceived ambiguity in the current law.

My language would have made it clear, even to the people in President Bush's administration, what constituted domestic spying and what was foreign-based. Yesterday, the distinguished chairman of the Rules Committee, my friend, DAVID DREIER, when he did not permit amendments on this floor said: ''Well, Democrats did not have a substitute.''

Well, today, we have one. And what is your excuse now, Mr. Chairman? Not to worry, it is a rhetorical question. The answer I well know is to squelch democracy here in the United States House of Representatives.

You beat with rulemaking that which you know you cannot beat with reason. And what message does that send to those that would follow our lead, those we are trying to teach our Democracy Assistants Commission? I know what you say: do as we say, not as we do. For today, in the people's House, democracy is being eviscerated by those who recommend it to others.

I have said it before: the way the majority runs the House is shameful. It is hypocritical. It is un-American, and it is undemocratic, and it happens every single day that we have a closed rule, and in other circumstances as well.

Could it be any clearer that America needs a new direction? Stopping, thwarting the will of those of us in the House of Representatives who have a different point of view, or at least should have an opportunity to have discussed a different point of view and have the will of the body make the decision as to whether or not that point of view or the one offered by the majority ought prevail, should be what we should be about in democracy.

Obviously, Mr. Speaker, I urge my colleagues to oppose this closed rule and the White House legislation which brings it to the floor.

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

Mr. PUTNAM. Mr. Speaker, I yield 2½ minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I would like to thank my colleague from the Rules Committee, and I would also like to thank the sponsor of this legislation, Mrs. WILSON, for her doggedness and her determination to do this right.

Mr. Speaker, I rise today in support of the rule and the underlying legislation, the Electronic Surveillance Modernization Act. We are at war against a sophisticated, worldwide terrorist adversary that uses all of the advantages modern day technology has to offer.

We know that these terrorists are continuing to plot attacks against the United States, our allies, and our interests around the world. In August, the coordination of the United States, British, and Pakistani intelligence helped British authorities apprehend terrorists plotting to blow up aircraft bound for the United States.

Against this backdrop, it is absolutely critical that our government have the ability to monitor electronic communications by terrorist organizations. We are talking about allowing the government to intercept communications of cold-blooded killers who seek to do our Nation harm, not grandchildren e-mailing their grandmother.

The FISA process should be used whenever possible, but we cannot hinder the ability of this President or future Presidents to monitor communications that could stop a terrorist attack. It is appropriate to allow the President to authorize electronic surveillance when there is an imminent threat of an attack against our country, when we have identified the responsible organization, and when we have reasonable belief that the person being targeted is communicating with a terrorist group.

We must do everything possible to prevent future terrorist attacks. Our enemies will not delay their plans to harm our citizens while we go to court to obtain a warrant. We have to be right 100 percent of the time.

The bill strengthens congressional oversight of the Terrorist Surveillance Program and requires FISA warrants in most cases, the exceptions being after an armed attack, after a terrorist attack, or when the threat is imminent.

The bill is reasonable. It protects the rights of our citizens; but, most importantly, it will preserve a critical authority that we must have to protect our homeland. We are at war and this is critical to our winning that war. I urge my colleagues to pass this rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4¼ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I want to thank my friend from Florida for yielding me the time.

Mr. Speaker, yesterday we dealt with the issues of torture and military tribunals under a closed rule. No amendments allowed. Today we deal with the issue of domestic spying, also under a closed rule.

Never mind that there are profound constitutional issues at stake. This Republican leadership has decided it is more important to debate suspension bills than matters that could likely undermine the most sacred rights of our people.

This bill authorizes more warrantless surveillance of American citizens than Congress has ever authorized in American history. And if this rule passes, it will be debated on the House floor for an hour and a half.

The Founding Fathers must be spinning in their graves. Today, the Republican leadership found time on the floor to rename post offices and to congratulate Little League teams, but it cannot find the time to thoughtfully debate this far-reaching bill. This Congress has become a place where trivial issues get debated passionately and important ones not at all.

After hours of testimony in the Rules Committee this afternoon listening to both Republicans and Democrats, offering thoughtful amendments and substitutes, the Republican majority on the Rules Committee said ''no'' to every single one of them.

□ 1800

During the Rules Committee meeting, I asked the Republican authors of this bill whether or not they would be open to considering thoughtful amendments and substitutes. They said it was up to the Rules Committee, that they did not really have an opinion.

No opinion, Mr. Speaker? No opinion on whether Members who believe there should be judicial oversight on domestic spying should have the right to offer an amendment? No opinion on whether or not a bipartisan substitute should be made in order? No opinion? Give me a break.

Mr. Speaker, yesterday on the House floor, as the distinguished gentleman from Florida pointed out, the Chairman of the Rules Committee defended his decision to not allow Democrats to offer thoughtful amendments to the torture bill. He said that we should have offered a substitute instead.

So, today, Democrats and Republicans attempted to offer a full bipartisan substitute to this domestic spying bill, but the Rules Committee refused to make that in order, too. How do you defend that, Mr. Speaker? How do you look Members of your own party in the eye and say your ideas do not matter?

If the Republican leadership does not agree with the bipartisan substitute, then they should defeat it on the House floor after a full and open debate. Instead, they cower behind procedural tricks, parliamentary sleight of hand and closed rules. No wonder the American people are disgusted with Congress.

Let me speak for a moment to my friends on the other side of the aisle. No matter what our policy differences, I would like to think that we all think democracy is a good thing. I would like to think that we all want good legislation to come out of this House. I am sad to say that I am having a hard time thinking that anymore.

If my Republican friends want this trend of closed rules, of no amendments, of no democracy in the House to continue, then by all means vote for this rule. Just go along to get along.

But if you believe, as I do, that the monopoly on good ideas is not held by a few members of the leadership in a closed room, then vote ''no.'' Have the guts to vote ''no.''

Thoughtful Republican amendments are routinely shut out by the Rules Committee, including here on this bill. The only way to bring this trend to an end is to start defeating closed rules and to demand more openness in this House of Representatives. If you continue to reward bad behavior, then bad behavior is what you will continue to get.

Let us put a stop to this nonsense. Let us stop diminishing this House of Representatives. I urge my colleagues to vote ''no'' on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, when we were in the Rules Committee in those hours of debate, how fast after that discussion when these people presented themselves did the rule come to the floor? In short, was there any deliberation?

Mr. MCGOVERN. Less than a second. The deal was done early on in the day. I mean, the Members who came up and testified and presented their thoughtful amendments wasted their time because the leadership had decided to close this thing down earlier in the day, and that is unforgivable. This issue is too important.

Mr. PUTNAM. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), my colleague on the Rules Committee, to talk about the issue at hand, the Electronic Surveillance Modernization Act.

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

I rise today fully in support of this rule and the underlying legislation for H.R. 5825, the Electronic Surveillance Modernization Act of 2006, because I believe protecting innocent Americans from terrorist plots is one of our government's most critical duties.

This bill updates the FISA, Foreign Intelligence Surveillance Act of 1978, to authorize the expanded use of electronic surveillance on suspected terrorists, with mandated congressional oversight. Its immediate passage is absolutely essential to prevent future terrorist attacks against this Nation.

Mr. Speaker, much has changed since FISA was enacted in 1978. The war on terror has replaced the Cold War as our preeminent national security issue. There have been monumental advances in technology, and our terrorist adversaries are capitalizing on these changes in technology as they aggressively plot our destruction. If we are to be prepared for the foremost threat to our Nation's safety today, the 1978 bill must be amended for the realities of today and tomorrow.

Mr. Speaker, this bill would authorize the NSA Terrorist Surveillance Program to monitor the international, let me repeat, international communication of suspected terrorists inside the United States, while respecting our citizens' privacy.

Simply put, this bill streamlines the process by which a FISA warrant can be obtained. It gives NSA more time to conduct emergency surveillance on suspected terrorists without a warrant, and it allows the President to authorize warrantless electronic surveillance for up to 90 days of suspected terrorists when it is believed an attack on America is imminent.

While this bill helps us stop terrorists before they inflict destruction, it also protects the rights of law-abiding United States citizens by requiring our President to inform Congress and the FISA court of these emergency surveillances.

Mr. Speaker, authorizing the electronic surveillance of terrorists is a matter of common sense. By listening to the phone conversations of al Qaeda members and of organizations working in support of al Qaeda, we stand to learn much more about their terrorist activities, including likely targets of attack.

Mr. Speaker, I was tremendously disappointed that 160 of my Democratic colleagues voted yesterday against the Military Commissions Act, and I am still struggling to understand why. But I am hopeful that they will not vote today to limit our ability to monitor the terrorists' phone calls so that we can disrupt these devastating plots.

In any regard, my Republican colleagues and I remain committed to the safety of this Nation. To ensure that we give our government the tools it needs to fight and win the war on terror, I urge support for this rule on both sides of the aisle and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is very sad to say that what we are doing today is simply a march toward the November election. There is a certain calculated plan as to what Republicans need to be able to do to win the House, and obviously it has to do with the security of America.

There is no divide among Democrats and Republicans about our resolve to secure this Nation. Not a one of us in this Congress if asked or if needed to defend this Nation in the immediacy of time would refuse that request.

The reason why there is such a sharp divide is because this is not a serious attempt to secure America. It is, frankly, a serious attempt to eliminate for the American people rights that are a part of their birthright.

This is a closed rule, and I oppose it because security and civil liberties of those who are citizens of the United States can be intertwined, and you can secure the Nation with rights protected, therefore there should have been open rule.

I would have offered an amendment that would have improved the bill immeasurably by striking the golden mean between providing the President the emergency tools needed to respond to an act of war against our country, while at the same time protecting all Americans from the dangerous secret exercise of unchecked and unreviewable power to surveil and search any person deemed by the President to pose a threat to the country. This would have provided the President the authority to conduct surveillance and searches without a warrant for 15 days following either a declaration of war or an authorization for the use of military force.

In addition, it is very clear that the FISA provisions now allow for the President to act without judicial authority. Authority can be given after the fact, and the evidence that is given to the court can be and is secret.

It is worthwhile saying that this, again, is not a question of can we resolve this and give this bill. It is a rush to judgment to ensure that this would be a good political sound bite for Republicans who are running for re-election. This is a bad way to secure America, and I ask my colleagues to oppose this rule because the American people frankly, are not prepared to give up their civil liberties when we can do both—civil liberties and a secure Nation.

I rise in opposition to this closed rule providing for consideration of H.R. 5825, the Electronic Surveillance Modernization Act. I oppose the rule because it forecloses members from offering constructive amendments that would improve a bill that otherwise will represent an unwarranted and dangerous delegation of authority to the executive branch. Specifically, the bill does not impose limits on the President's powers; it remains silent on the NSA's warrantless surveillance and expands the government's powers under the Foreign Intelligence Surveillance Act to collect information on Americans without judicial review.

This sad state of affairs could have been avoided if the Rules Committee had fashioned an open rule, allowing consideration of amendments of the type I and my colleagues offered during the Judiciary Committee markup.

For example, I offered an amendment that would have provided the President authority to conduct surveillance and searches without a warrant for 15 days following either: (1) a declaration of war; or (2) "an authorization for the use of military force" (AUMF) within the meaning of Section 2(c)(2) of the War Powers Act.

This amendment improves the bill immeasurably by striking the golden mean between providing the President the emergency tools needed to respond to an act of war against our country, while at the same time protecting all Americans from the danger of secret exercise of unchecked and unreviewable power to surveil and search any person deemed by the President to pose a threat to the country.

Mr. Speaker, it is worth remembering that while armies fight battles, it is a nation that goes to war. And the Constitution is neither silent nor coy as to where the power to take a nation to war rests: it is vested in the Congress of the United States, not the President.

The power to conduct secret, warrantless surveillance and searches in response to an act of war or a terrorist attack fundamentally is a war power. That is why the acquisition and exercise of that power properly must flow from a congressional declaration of war or authorization to use military force in response to an act of war.

I believe we should have an open rule to permit such an amendment because it keeps faith with the Founding Fathers and honors the Constitution that every member of Congress, and each of our brave troops who risk their lives to keep us free, take an oath to uphold.

Mr. Speaker, H.R. 5825 goes dangerously far afield by authorizing the President to conduct warrantless surveillance and searches for 90 days after "an armed attack against the territory of the United States," or a "terrorist attack against the United States." Moreover, this new surveillance power would extend to U.S. soil, regardless of any nexus to the actual event that triggered the exercise of emergency surveillance authority.

Mr. Speaker, the phrases "armed attack against the territory of the United States" and "terrorist attack against the United States" are so broad that they can be triggered by nearly any act of violence directed against the interests of the United States, including:

The recent bombing of the U.S. embassy in Syria. If H.R. 5825 were in effect today, we could have a warrant-free environment in the United States right now.

An attack on U.S. armed forces abroad, including any attack on soldiers in Iraq or Afghanistan, which according to press reports, is a daily occurrence.

Mr. Speaker, we do not need to surrender the liberties of the American people in order to protect the security of the American people. As the Framers understood so well when they devised our magnificent Constitution, we can have both liberty and security. All we need is wisdom and good counsel, what the Greeks called "euboule". That is what is lacking in this rule and with respect to H.R. 5825, the Electronic Surveillance Modernization Act.

Another amendment that could have been offered if we had an open rule is an amendment that reiterates that FISA is the exclusive procedure and authority for wiretapping Americans to gather foreign intelligence.

In the absence of the reaffirmation of this critically important principle, H.R. 5825 would have the unacceptable consequence of rewarding the President's refusal to follow FISA by exempting him from following these procedures. The effect of this would be to allow any president to make up his own "rules" for wiretapping Americans and secretly implementing those rules unless and until a court finds such rules unconstitutional. This would make tangible President Nixon's 1977 claim to David Frost that "when the president does it that means that it is not illegal." By flirting with the misguided and dangerous idea of inherent presidential power to wiretap, H.R. 5825 would resurrect the very provision in the criminal code that President Nixon relied upon in his warrantless wiretaps of countless Americans based on their political views.

The legislative history of FISA provides an important rebuttal to the Administration's claims regarding inherent authority to ignore federal law: "[E]ven if the president has the inherent authority in the absence of legislation to authorize warrantless electronic surveillance for foreign intelligence purposes, Congress has the power to regulate the conduct of such surveillance by legislating a reasonable procedure, which then becomes the exclusive means by which such surveillance may be conducted." H.R. Rep. No. 95–1283, pt. 1, at 24 (1978).

By eliminating the exclusivity of these procedures, Congress would be acquiescing in the destruction of one of the pillars of FISA that has helped to protect the civil liberties of hundreds of millions of Americans from unilateral spying by the executive branch. To paraphrase the Supreme Court, our Fourth Amendment freedoms cannot properly be guaranteed if electronic surveillance may be conducted solely within the discretion of the president. See United States v. United States District Court, 407 U.S. 297 (1972).

Without such language, H.R. 5825 would undo the Congress' manifest intent in passing FISA, which "was designed . . . to curb the practice by which the Executive Branch may conduct warrantless electronic surveillance on its own unilateral determination that national security justifies it." (See S. Rep. No. 95–604(1), at 7, 1978 U.S.C.C.A.N. 3904, 3908). By eliminating the requirement that the president follow FISA and get a court order to search based on evidence an American is conspiring with a foreign agent, H.R. 5825 would places our rights at the secret will of the president—any president.

Mr. Speaker, it is more than a truism that real security for the American people comes not from deferring to the President but from preserving the separation of powers and adhering to the rule of law.

I therefore cannot support this closed rule and urge my colleagues to vote against the rule. We have time to come up with a better product and we should. The American people deserve no less.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), the sponsor of the underlying legislation.

Mrs. WILSON of New Mexico. Mr. Speaker, I would like to start out first by correcting a few misstatements and giving a few facts.

The first is that somehow anything less than a warrant on an international phone call erodes civil liberties that we have enjoyed 219 years and does some violation to the Constitution.

The truth is that limitations on gathering foreign intelligence in the United States is relatively recent. It was the FISA law passed in 1978 that really set out the first limitations on the gathering of foreign intelligence within the United States.

In World War II, all international communications were subject to listening. In World War I, the government not only listened to international calls but opened the mail. Shortly after the invention of the telegraph during the Civil War we were intercepting communications.

The constitutional test is reasonableness, and this bill is reasonable. I thank my colleague from Florida for

bringing forward this rule today, but I think it is important to understand why we are here.

We are trying to modernize the Electronic Surveillance Acts of this country so that we allow our intelligence agencies to collect the intelligence to keep us safe, while also putting in place rules of the road to protect American civil liberties. The provisions that we have put in the Act are completely reasonable and pretty commonsense because we are in a different situation.

Intelligence is the first line of defense in this war on terror, and all of us 5 or 6 weeks ago now woke up to the news that in the U.K. they had arrested 16 people who intended to walk onto American Airlines airplanes at Heathrow Airport and blow them up over the Atlantic Ocean.

Our intelligence agencies have to be faster than the terrorists who are trying to kill us. This bill will give them the authority and the rules and the tools they need to intercept international communications between a known terrorist and someone in the United States of America, at the same time requiring notification to different branches of government, putting time limitations in place so that we protect the civil liberties of Americans.

We need to update our laws so that we protect the civil liberties of Americans and we keep Americans safe. The test is reasonableness, and I believe that the underlying bill passes the test.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 5½ minutes to the distinguished gentleman from California (Mr. SCHIFF), my friend, who offered an amendment that I offered in the Select Committee on Intelligence.

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

This afternoon, we had a lengthy debate in the Rules Committee on the base bill offered by my colleague from New Mexico and a substitute amendment that was offered by Mr. FLAKE of Arizona and by myself. It was a lengthy debate. I think it was a good debate. It would have been a better debate, however, if the conclusion had not been predetermined, if, in fact, it was a real debate in the sense that the outcome had not been decided before we entered the room.

The gentleman asked how long did it take for the committee to decide not to allow the bipartisan alternative, and I can tell the gentleman, by the time it took me to walk from the Rules Committee across the street to my office, the committee had decided it would not allow a bipartisan alternative. But I suppose that was my own fault for walking too fast. Perhaps if I had walked slower across the street, I might have gotten to my office before the committee ruled.

So I am going to tell you today about the bill we will not have the opportunity to vote on, not in an up-or-down fashion, and I think I will tell you a little bit about why we will not have the opportunity to vote on this bipartisan bill.

The ''why'' I think is relatively straightforward. Because the majority does not have the confidence that it has the votes to allow the substitute to come before this House. Because the substitute, which was the product of about 6 months of work between Mr. FLAKE and myself and in its other forum, legislative forum, has the support of seven Republicans and seven Democrats, as bipartisan as you can make it in this House, very well might command the majority of this House. That runs afoul of the rule of the Speaker that unless it enjoys a majority of the majority you do not get a vote in this House of Representatives. So we will not have a vote on the bipartisan alternative.

But let me tell you and the rest of the country what we are being denied the chance to vote on in the substitute. The Schiff-Flake substitute would do the following:

It would extend the warrantless electronic surveillance authority from the current 72 hours after the fact to 7 days, because the Justice Department and the NSA said that they needed more time after a wiretap is initiated to go to court and get an authorization. It is important for people to recognize that under current law you do not need to get a warrant before you go up on a wiretap. Under FISA, you have 72 hours. The government said that is not enough, we want 7 days; and in our substitute, we give them 7 days.

We enhance the surveillance authority after an attack. The Justice Department and the NSA say, well, under current law, we have 15 days to do warrantless surveillance after the declaration of war. Well, we do not even declare war, and so our substitute provides that when we authorize the use of force and we make it explicit that we will permit warrantless surveillance for 15 days. That authorization to use force grants that surveillance authority after an attack.

□ 1815

We also address the main issue that was raised by the NSA in the public hearings, the main problem the NSA advocated needed to be addressed, and that is that when one foreigner is talking with another foreigner on foreign soil, but because of the changes in telecommunications since the passage of FISA more than a quarter century ago, and that communication touches down somewhere in the United States or is intercepted in the United States, FISA shouldn't be involved. You should not have to go to court when you want to intercept a communication between one foreigner and another foreigner on foreign soil. And so we fixed that problem.

Our substitute permits continued surveillance when targets travel internationally. That was another request made by Justice and NSA. We streamline the FISA application process and remove redundant requirements in the application process. We increase the speed and the agility of the FISA process. We authorize additional resources to hire more personnel to make the applications.

But we also do something very important, which the base bill doesn't do, and that is we reiterate the fact that when you are going to surveil an American on American soil, and that is after all the heart of this matter, when you are going to surveil an American on American soil, the court should be involved, if not before you go and surveil, then within 7 days, that FISA sets up the exclusive authority for that.

Now, my colleague from New Mexico says the constitutional standard is reasonable in this, and that is right. Americans under the fourth amendment have the right to be secure from unreasonable searches and seizures. We have the right to be protected in our reasonable expectation of privacy. So I ask you, What is your reasonable expectation of privacy, Americans? Is it that if you are not engaged in terrorism, if you are not in contact with terrorists, if you are not engaged in harmful activity that you should be secure in knowing that your phone conversations will not be tapped without someone going to court to prove the facts?

But Members of this body will not have a chance to vote on this bipartisan substitute because the majority doesn't have the confidence they can defeat it. And for that reason, I urge a ''no'' vote on this rule.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 4 minutes to one of the architects of this legislation, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding, and I note the gentleman from Florida's fondness for quoting Benjamin Franklin. It is interesting the debate we are engaged in today is not a new debate, because there has always been debate about the tension that has been developed or actually written into the Constitution among the three branches of government dealing with difficult issues like this.

And while the gentleman from Florida commended us to a conversation by the esteemed Founding Father Benjamin Franklin, I would give him another one. In 1776, Benjamin Franklin and the other four members of the Committee on Secret Correspondence explained their unanimous decision not to tell their colleagues in the Continental Congress about a sensitive U.S.-French covert operation by writing: ''We find, by fatal experience, that Congress consists of too many Members to keep secrets.''

There was a tension that they understood at that time, and there is a tension that naturally resides in this because of the unique character of the

President as Commander in Chief and his ability to ferret out foreign intelligence. So the question is how do we try and deal with that tension?

I would suggest to my colleagues that the fact that we have not had an attack since 2001 on U.S. soil is something for which we can all be thankful, but safer does not mean there is any room for complacency. As the events in Bali, Madrid, and London on 7–7 indicate, we are still at war with an enemy that is fully devoted to one thing: the murder of innocent people, specifically Americans, men, women, and children.

And in this effort to protect our citizens, the daunting task before us is to thwart the efforts of an enemy who operates underground by stealth and deception and at the same time not rip up our Constitution. This is made all the more difficult, in that, unlike traditional criminal cases, our success will be measured by the ability to prevent a future terrorist attack. This requires an ongoing assessment of how best to equip law enforcement and the intelligence community with the tools to respond to an enemy who is constantly morphing.

In meeting this challenge, intelligence is the necessary bridge to successful homeland security protection. The Foreign Intelligence Surveillance Act is, therefore, an essential and critical tool in our efforts to protect the American people. But one aspect of this challenge requires us to try and ensure that any gaps between the state of law and technology are closed to prevent their exploitation by a lethal enemy. In this regard, this bill before us, H.R. 5825, seeks a technology-neutral approach, which places greater emphasis on the nature of those surveilled and their location.

For example, an international call by a non-U.S. citizen to a terrorist organization would be treated the same under the law regardless of whether the non-U.S. person uses wire or radio technology. When FISA was enacted, domestic communications were transmitted via wire, while international communications were transmitted via radio. In recent years, international communications are increasingly transmitted through undersea cables, which are considered wire. This bill recognizes that international communications should be treated the same regardless of the specific technology at issue.

At the same time, this bill enables us to focus on protecting the reasonable privacy expectation of U.S. persons. Those with legitimate concerns over the scope of electronic surveillance should join us in supporting this legislation and supporting this rule to allow consideration of the legislation. In fact, the bill provides greater clarity in circumscribing the permissible limits of such surveillance.

Remember what the 9/11 Commission said: ''The choice between security and liberty is a false choice. As nothing is more likely to endanger America's liberties than the success of a terrorist attack at home.'' Support this rule and support this bill.

Mr. HASTINGS of Florida. My good friend, the distinguished gentleman from California, has cited again Franklin and those three other persons. But I would remind him that they did not yield all of their power to the President. They did consider that separation of power.

And Mrs. WILSON stated a minute ago that this bill puts in place rules of the road. The problem is that the rules are optional and the President gets to ignore them essentially whenever.

Mr. Speaker, I am very pleased at this time to yield 1 minute to my good friend, the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

It is good to cite Ben Franklin. Maybe we should also be citing Phineas T. Barnum, because there is a section in this bill, section 10, entitled ''Compliance with Court Orders and Antiterrorist Programs.'' That actually amounts to a get-out-of-jail-free card for someone who may have leaked classified information.

Now, Gerald Ford gave Richard Nixon a pardon. I am wondering to whom this bill is giving a pardon. Does it give immunity or impunity for certain crimes and misdemeanors? This bill may actually be about someone's legal problems.

We need to look at this. We need to find out if someone leaked classified information and this bill is going to give them a get-out-of-jail-free card. Read the bill. Take a look at section 10. I want the sponsor to tell me that no one is going to get out of jail free who may have leaked classified information, and no one is going to escape prosecution for certain crimes and misdemeanors once this bill passes.

I want them to tell that to the Congress. Tell us you are not slipping in a clause here where you are trying to get somebody out of jail. Tell me that. Tell us that.

Mr. PUTNAM. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to my good friend, the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. I want to thank the gentleman for yielding and for his leadership.

Mr. Speaker, I rise in total opposition to the rule for H.R. 5825, the Electronic Surveillance Act, and the underlying bill.

The FISA law the President chose to ignore, and that this bill seeks to bypass, is a law that powerfully symbolizes both the risk of the abuse of executive power and the strength of our system of checks and balances.

Now, the FISA law was enacted to protect against very real abuses in the name of fighting communism, if you remember. Not terrorism then, it was communism. Our executive branch, through the likes of J. Edgar Hoover and COINTELPRO perpetrated massive abuses and surveillance of innocent Americans. These abuses included the surveillance, among many others, of Dr. Martin Luther King, Jr. and his wife Coretta as part of what the Church Commission described as ''an intensive campaign by the Federal Bureau of Investigation to neutralize him as an effective civil rights leader.''

The only thing that redeems our Nation's great shame at these abuses was that the system of checks and balances created by our Constitution worked. Congress passed a law that allowed us to protect our Nation and our Constitution and our citizens.

Mr. PUTNAM. Mr. Speaker, I just rise to point out to the Members that we are here to modernize the FISA bill of 1978, and I ask Members to think about all of the changes in sophistication and accessibility of communication devices today.

Think about your own e-mail, your own BlackBerry, your own cell phone, your own laptop, your own desktop, just the handful of things that are directly involved in this line of work, in any routine business in America. All of those things offer multiple avenues per device to communicate around the world in an instantaneous manner at almost no cost.

Tracking that type of communication device, when it is being used by people who would fly airliners into the World Trade Center; when it is being used by people who would fly an airliner full of innocent women and children and students on field trips, and bands who have spent all year having car washes to be able to go on that trip into the center of our defense might, the symbol of our Armed Services, into the Pentagon; the kind of people who would plot to blow up 10 more airliners as recently as 5 weeks ago.

Now, it seems odd to me that that is a difficult choice, that we would want not to give all the tools possible to our law enforcement and intelligence officials. The plot that was broken up in London several weeks ago reflected two things to me: one, that we are still in grave danger; that the enemy is still, to this day, 5 years after 9/11, getting up every morning, going to bed late every night thinking of ways to destroy not just the United States, not just our allies, but those who share our values, Western Civilization in general: Madrid, Spain; London, England; the Danish, because of their free speech; and the United States are just some of the most blatant examples. We are still very much in danger. That is the first lesson of the disruption of that plot.

The second lesson of the disruption of that plot is that legislation that has passed in this country and in the U.K. in the 5 years since 9/11 worked, tearing down walls that separate discussions between intelligence gatherers and law enforcement. That legislation worked. Tracking financial transactions to be

able to follow money from Hamburg to Pakistan, back to London to the ticket agent where people are about to board an airplane that they intend to blow up worked. Tracking communications among terrorists works.

If a laptop is discovered in a cave in Afghanistan, and you look on their contacts list; if a cell phone is picked up in a desk drawer in a hotel in Islamabad and you look at who their frequently called numbers are, don't you think that says a lot about that person and who they are talking to? Certainly if you look at your own it says an awful lot about you, who your friends are, who your stockbroker is, what your wife's cell phone number is. Look at your own device. And we use that same common sense, that same investigative approach to the terrorists.

So when we look at the laptop or when we look at the cell phone in Islamabad or London or Hamburg or New York and there are numbers on there from a known al Qaeda operative to someone in the United States, we ought to be on that number as quickly as possible.

□ 1830

Anything else is an assault on common sense. We must move as quickly, as efficiently as possible, using every technology at our disposal to prevent terrorist attacks, to disrupt terrorist attacks, and to bring to justice the people who are planning them.

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

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

Mr. Speaker, I have some suggestions about implementing every tool at our disposal. The 9/11 Commission would be one.

I would urge the gentleman not to lecture us regarding our commitment. We offered a measure to improve this measure. Everyone wants to catch the same people you are talking about catching. There is no problem in that regard.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), my colleague on the Intelligence Committee.

Mr. RUPPERSBERGER. Just in response to the comments made by my friend from Florida, also, I agree with most of what you are saying. We need to protect our country. We need to be able to have the tools to go on the computer or to go on the cell phone or whatever we need. But we are a country of laws, and our forefathers created an excellent, excellent country and a Constitution, and that Constitution created checks and balances. That is about what we are talking about here today.

Now, I have an amendment that was before the Rules Committee today that was rejected. One of the administration's biggest arguments is that they need more time and flexibility to track down terrorists without going to a FISA judge. My amendment that was just rejected by the Rules Committee does that.

My amendment extends the duration of emergency authorizations from 7 to 14 days. That means the people who work at NSA have 14 days before they have to go to a FISA judge, but they do have to go to a FISA judge. So if it is the opinion of the administration that there is an emergency situation to protect our country, they can go on that phone to find that terrorist, but they would be able to have 14 days before they go to a FISA judge. But the issue is they have to go to a FISA judge, and that is the check and balance we do have in this country.

If we get information on an important target, we can conduct warrantless surveillance for 14 days before going to a FISA judge. That is giving the tools that we need. That amendment was rejected.

The purpose of my amendment was to make sure that in an emergency there was absolutely no chance that the men and women of the NSA would have to turn off their equipment just because they didn't have enough time to get a warrant.

As the Member who represents NSA, which is in my district, who sits on the Intelligence Committee and is one of the handful of Members briefed into the President's program, I would have hoped that my amendment would have been in order. My amendment was an attempt to do the right thing for the country and NSA.

We should remember that what makes our country great is our system of checks and balances. My amendment would have done that.

We should not have a closed rule on this bill. We should be willing to take whatever amendments are necessary to make the underlying bill the best one we can for the security of our country.

I urge my colleagues to vote ''no'' on the rule.

Mr. PUTNAM. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1½ minutes to my very good friend, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Florida. I thank him for his great leadership.

Let us be clear. There is no question that our government must make every effort to uncover, disrupt and prevent terrorist attacks. The 9/11 strikes demonstrated the devastation that can result if we fail to detect terrorist plots.

The question is not whether our intelligence agencies should be allowed to conduct electronic surveillance of suspected terrorists. The answer is, of course, yes. The question before us is whether a court should review such surveillance so innocent American citizens are not spied upon as the government conducts surveillance operations.

The bill we are considering today fails to provide the vital civil liberty safeguards for American citizens that are the cornerstone of our democracy.

This bill is badly flawed. It expands the President's authority to secretly wiretap U.S. citizens without going for a warrant to a court. Under current law, warrantless wiretapping is permitted in certain emergency situations. This bill more than doubles the amount of time that the President can conduct surveillance of U.S. citizens without a warrant.

This bill also increases the likelihood that innocent Americans will be caught up in government-run surveillance operations. That is because the bill reduces the amount of specific information the government must provide when seeking approval from the FISA court.

Mr. Speaker, the President wants to go on a fishing expedition, but he doesn't want to have to get a fishing license from a court that guarantees that he has not exceeded the Constitution of the United States.

Mr. Speaker, the bill before us today attempts to authorize an illegal Bush Administration program that a Federal judge has determined "blatantly disregards" the Bill of Rights.

The Bush Administration's secret domestic surveillance program uncovered last year not only ignored constitutional protections against unreasonable searches and seizures, but also failed to abide by laws enacted before and after the September 11th attacks that give government authorities the tools needed to tap terrorist communications and track down terrorists while protecting the civil liberties of American citizens.

Let us be clear: there is no question that our government must make every effort to uncover, disrupt and prevent terrorist attacks—the 9/11 strikes demonstrated the devastation that can result if we fail to detect terrorist plots.

The question is not whether our intelligence agencies should be allowed to conduct electronic surveillance of suspected terrorists. The answer is, "of course. Yes." The question before us is whether a court should review such surveillance so that innocent American citizens are not spied upon as the government conducts secret surveillance operations. The bill we are considering today fails to provide the vital civil liberties safeguards for American citizens that are the cornerstone of our democracy.

This bill is badly flawed.

It expands the President's authority to secretly wiretap U.S. citizens without a warrant from the FISA court. Under current law, the government can conduct warrantless surveillance for up to a year of any "agent of a foreign power"—such as a foreign official or spy in the United States. But current law places a restriction on this authority—no communications of U.S. citizens or residents must be likely to be intercepted in the process. The bill before us today removes this important protection. That means that the phone calls and e-mail communications of any U.S. citizen could be intercepted while the government conducts warrantless surveillance of foreign agents.

Under current law, warrantless wiretapping is permitted in certain emergency situations. This bill more than doubles the amount of time that the Bush Administration can conduct surveillance of U.S. citizens without a warrant—

from the current three days to up to seven days.

This bill also increases the likelihood that innocent Americans will be caught up in government-run surveillance operations. That's because the bill reduces the amount of specific information the government must provide when seeking approval from the FISA court, such as details on the type of information the government is looking for and the procedures in place to prevent information from U.S. citizens from being collected in the surveillance operation.

Congress should be holding the Bush Administration accountable for illegally eavesdropping on thousands of U.S. citizens. Instead, the House is considering a bill that would expand the power of the Bush Administration to conduct such spying.

The Constitution says "We the People", but we have a President who seems to have forgotten this—he thinks it's "Me the People." From secret wiretapping programs to signing statements that cast aside the intent of Congress, this President has shredded constitutional protections and ignored the checks and balances that are essential to our democracy.

I urge my colleagues to defeat this bill, which has been rushed to the House Floor without sufficient evaluation. This bill will not make us safer. It will make everyday Americans more vulnerable to secret government eavesdropping conducted outside of the special court process that was designed to track terrorists without trampling on civil liberties.

Mr. PUTNAM. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will amend the rule to provide that the House will immediately consider legislation that implements the recommendations of the 9/11 Commission, bipartisan commission, that this Congress has ignored up to this time.

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

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, we have spent the past few days debating constitutionally suspect bills that are designed, in my opinion, to advance the Republican midterm election political agenda rather than make real progress in the serious war on terror.

The 9/11 Commission gave Congress failing grades for good reason; we have failed to do all we can to protect our citizens. Why don't we take a few hours to debate the proposals that this bipartisan panel of experts has advised would actually make our borders more secure and help us stop the next terrorist attack? A debate like this may not fit into the majority's midterm election strategy, but it might actually lead to some good policy.

Again, I urge a no vote on the previous question, so we can have a debate and vote on the recommendations of the bipartisan 9/11 Commission. Please vote ''no'' on this closed rule.

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

Mr. PUTNAM. Mr. Speaker, it is my desire to bring this focus back to the issue at hand and bring something of a commonsense approach to this.

We are trying to modernize the FISA Act, the Foreign Intelligence Surveillance Act of 1978. Since 1978, there has been a technology revolution in communications: the Internet, cell phones, laptops, desktops for under $500, immediate, rapid, global, affordable communications on demand, satellite phones, GPS for $99. The bottom line is the terrorists can communicate, conspire, organize, recruit and train on a global basis from any spider hole, cave or clubhouse anywhere in the world.

We have to modernize the legislation that allows our intelligence agencies and our law enforcement officials to track down those bad guys, not after they have blown up the World Trade Center or after they have flown a plane into the Pentagon, but before they do those things. In other words, a September 12th mentality, as opposed to a September 10th mentality, the idea that we have to recommit ourselves to the notion that we are very much at war and that we are very much in grave danger by these radicals who have at their disposal all the tools that modern technology can provide and we are arming our law enforcement officials with 25-year-old authority.

To change that, to bring us out of the copper wire telephone world into the wireless, cellular satellite world, we have to pass this legislation. By passing this legislation, we can be assured that we are giving them everything that they need to disrupt terror attacks on our soil.

It seems to me to be a no-brainer that we should give them the tools to listen to anyone who is in regular communication with a member of al Qaeda, to anyone who is in regular communication with someone whose laptop is seized in a cave in Afghanistan after a firefight with allied forces, whose records are found in the desk drawer of a hotel in Hamburg that has been traced to be money laundering through Pakistan, through the European Union, through London, to set up cells in the United States, to buy airplane tickets, to send people to flight school.

Those are the tools that we have to give our law enforcement officials and intelligence agencies, just like the tools that we gave them when we tore down the walls that separated them and prevented them from communicating, just like the tools we gave them to track the movement of money that the terrorists were handling and these nation states who fund the terrorists were handling. Those are the tools that we give to reflect the nature of this global war on terror and to reflect the realities of modern communication technologies.

It is vitally important that we pass this bill. To pass the bill, we have to pass this rule.

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

PREVIOUS QUESTION FOR H. RES.—H.R. 5825—ELECTRONIC SURVEILLANCE MODERNIZATION ACT

At the end of the resolution add the following new Sections:

Sec. . Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bill listed in Sec. :

Sec. . The bills referred to in Sec. . are as follows:

1) a bill to implement the recommendations of the 9/11 Commission.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 1052 will be followed by 5-minute votes on adoption of H. Res. 1052, if ordered, and the motion to instruct conferees on H.R. 4954.

The vote was taken by electronic device, and there were—yeas 225, nays 197, not voting 10, as follows:

[Roll No. 498]

YEAS—225

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

NAYS—197

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

NOT VOTING—10

Cardoza
Castle
Chabot
Evans
Green (WI)
Lewis (GA)
Meehan
Ney
Strickland
Stupak

□ 1905

Messrs. GEORGE MILLER of California, WEINER, and LARSON of Connecticut changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

## CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky submitted the following conference report and statement on 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:

CONFERENCE REPORT (HOUSE REPT. NO. 109–699)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for the Department of Homeland Security and for other purposes, namely:

### *TITLE I*

### *DEPARTMENTAL MANAGEMENT AND OPERATIONS*

#### *OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT*

*For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $94,470,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses: Provided further, That of the funds provided under this heading, $5,000,000 shall not be available for obligation until the Secretary of Homeland Security submits a comprehensive port, container, and cargo security strategic plan to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Homeland Security of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committee on Commerce, Science, and Transportation of the Senate that requires screening all inbound cargo, doubles the percentage of inbound cargo*

*currently inspected, sets minimum standards for securing inbound cargo, and includes the fiscal year 2007 performance requirements for port, container, and cargo security as specified in the joint explainatory statement accompanying this Act: Provided further, That of the funds provided under this heading, $10,000,000 shall not be available for obligation until the Secretary submits the Secure Border Initiative multi-year strategic plan to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on the Judiciary of the Senate and the House of Representatives no later than December 1, 2006, that includes: a comprehensive mission statement, an identification of long-term goals, an explanation of how long-term goals will be achieved, schedule and resource requirements for goal achievement, an identification of annual performance goals and how they link to long-term goals, an identification of annual performance measures used to gauge effectiveness towards goal achievement by goal, and an identification of major capital assets critical to program success.*

*OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

*For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $153,640,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, $8,206,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.*

*OFFICE OF THE CHIEF FINANCIAL OFFICER*

*For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $26,000,000.*

*OFFICE OF THE CHIEF INFORMATION OFFICER*

*For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $349,013,000; of which $79,521,000 shall be available for salaries and expenses; and of which $269,492,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.*

*ANALYSIS AND OPERATIONS*

*For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $299,663,000, to remain available until September 30, 2008, of which not to exceed $5,000 shall be for official reception and representation expenses.*

*OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING*

*For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: Provided, That $1,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan for fiscal year 2007.*

*OFFICE OF INSPECTOR GENERAL*

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $85,185,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General: Provided, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: Provided further, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation.*

*TITLE II*

*SECURITY, ENFORCEMENT, AND INVESTIGATIONS*

*UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY*

*For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $362,494,000, to remain available until expended: Provided, That of the total amount made available under this heading, $200,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—*

*(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;*

*(2) complies with the Department of Homeland Security information systems enterprise architecture;*

*(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;*

*(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;*

*(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget;*

*(6) is reviewed by the Government Accountability Office;*

*(7) includes a comprehensive strategic plan for the United States Visitor and Immigrant Status Indicator Technology project; and*

*(8) includes a complete schedule for the full implementation of a biometric exit program.*

*UNITED STATES CUSTOMS AND BORDER PROTECTION*

*SALARIES AND EXPENSES*

*For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (3,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $5,562,186,000; of which $379,602,000 shall be used to hire additional border patrol agents, of which $93,000,000 shall be available until September 30, 2008; of which $3,026,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $175,796,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That of the amount provided under this heading, $100,000,000 of inspection and detection technology investments funding is designated as described in section 520 of this Act: Provided further, That for fiscal year 2007, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.*

*AUTOMATION MODERNIZATION*

*For expenses for customs and border protection automated systems, $451,440,000, to remain available until expended, of which not less than $316,800,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, $216,800,000 may not be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—*

*(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;*

*(2) complies with the Department of Homeland Security information systems enterprise architecture;*

*(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;*

*(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;*

*(5) is reviewed and approved by the Department of Homeland Security Investment Review*

*Board, the Secretary of Homeland Security, and the Office of Management and Budget; and*

*(6) is reviewed by the Government Accountability Office.*

*BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY*

*For expenses for customs and border protection fencing, infrastructure, and technology, $1,187,565,000, to remain available until expended: Provided, That of the amount provided under this heading, $1,159,200,000 is designated as described in section 520 of this Act: Provided further, That of the amount provided under this heading, $950,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security and submitted within 60 days after the date of enactment of this Act, to establish a security barrier along the border of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology, that—*

*(1) defines activities, milestones, and costs for implementing the program;*

*(2) demonstrates how activities will further the goals and objectives of the Secure Border Initiative (SBI), as defined in the SBI multi-year strategic plan;*

*(3) identifies funding and the organization staffing (including full-time equivalents, contractors, and detailees) requirements by activity;*

*(4) reports on costs incurred, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;*

*(5) includes a certification by the Chief Procurement Officer of the Department of Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;*

*(6) complies with all applicable acquisition rules, requirements, guidelines, and best systems acquisition management practices of the Federal Government;*

*(7) complies with the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;*

*(8) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and*

*(9) is reviewed by the Government Accountability Office.*

*AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT*

*For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $602,187,000, to remain available until expended: Provided, That of the amount provided under this heading, $232,000,000 of procurement is designated as described in section 520 of this Act: Provided further, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2007 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.*

*CONSTRUCTION*

*For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $232,978,000, to remain available until expended: Provided, That of the amount provided under this heading, $110,000,000 is designated as described in section 520 of this Act.*

*IMMIGRATION AND CUSTOMS ENFORCEMENT*

*SALARIES AND EXPENSES*

*For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $3,887,000,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2007, of which not to exceed $6,000,000 shall remain available until expended.*

*FEDERAL PROTECTIVE SERVICE*

*The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary submit a report, approved by the Office of Management and Budget, to the Committees on Appropriations of the Senate and the House of Representatives no later than November 1, 2006, demonstrating how the operations of the Federal Protective Service will be fully funded in fiscal year 2007 through revenues and collection of security fees.*

*AUTOMATION MODERNIZATION*

*For expenses of immigration and customs enforcement automated systems, $15,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $13,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—*

*(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;*

*(2) complies with the Department of Homeland Security information systems enterprise architecture;*

*(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;*

*(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;*

*(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and*

*(6) is reviewed by the Government Accountability Office.*

*CONSTRUCTION*

*For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $56,281,000, to remain available until expended: Provided, That of the amount provided under this heading, $30,000,000 is designated as described in section 520 of this Act.*

*TRANSPORTATION SECURITY ADMINISTRATION*

*AVIATION SECURITY*

*For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,731,814,000, to remain available until September 30, 2008, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,768,266,000 shall be for screening operations, of which $141,400,000 shall be available only for procurement of checked baggage explosive detection systems and $138,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $963,548,000 shall be for aviation security direction and enforcement: Provided further, That of the funds appropriated under this heading, $5,000,000 shall not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a detailed report in response to findings in the Department of Homeland Security Office of Inspector General report (OIG–04–44) concerning contractor fees: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,311,814,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2008: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and not more than 90 percent for any other airport, and all funding provided by section 44923(h) of title 49, United States Code, or from appropriations authorized under section 44923(i)(1) of title 49, United States Code, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: Provided further, That by December 1, 2006, the Transportation Security Administration shall submit a detailed air cargo security action plan addressing each of the recommendations contained in the 2005 Government Accountability*

*Office Report (GAO–06–76) on domestic air cargo security to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Homeland Security of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committee on Commerce, Science, and Transportation of the Senate: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening: Provided further, That beginning in fiscal year 2007 and thereafter, reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for those purposes: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.*

*SURFACE TRANSPORTATION SECURITY*

*For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $37,200,000, to remain available until September 30, 2008.*

*TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING*

*For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $39,700,000, to remain available until September 30, 2008.*

*TRANSPORTATION SECURITY SUPPORT*

*For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $525,283,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, $5,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a detailed expenditure plan for explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2007: Provided further, That this plan shall be submitted no later than 60 days after the date of enactment of this Act.*

*FEDERAL AIR MARSHALS*

*For necessary expenses of the Federal Air Marshals, $714,294,000.*

*UNITED STATES COAST GUARD*

*OPERATING EXPENSES*

*For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,477,657,000, of which $340,000,000 shall be for defense-related activities; of which $24,255,000 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 (33 U.S.C. 2712(a)(5)); and of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That not to exceed five percent of this appropriation may be transferred to the ''Acquisition, Construction, and Improvements'' appropriation for personnel compensation and benefits and related costs to adjust personnel assignment to accelerate management and oversight of new or existing projects without detrimentally affecting the management and oversight of other projects: Provided further, That the amount made available for ''Personnel, Compensation, and Benefits'' in the ''Acquisition, Construction, and Improvements'' appropriation shall not be increased by more than 10 percent by such transfers: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of each transfer within 30 days after it is executed by the Treasury.*

*ENVIRONMENTAL COMPLIANCE AND RESTORATION*

*For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $10,880,000, to remain available until expended.*

*RESERVE TRAINING*

*For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $122,448,000.*

*ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

*For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,330,245,000, of which $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 (33 U.S.C. 2712(a)(5)); of which $26,550,000 shall be available until September 30, 2011, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $15,000,000 shall be available until September 30, 2011, to increase aviation capability; of which $119,823,000 shall be available until September 30, 2009, for other equipment; of which $22,000,000 shall be available until September 30, 2009, for shore facilities and aids to navigation facilities; of which $81,000,000 shall be available for personnel compensation and benefits and related costs; and of which $1,065,872,000 shall be available until September 30, 2011, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2009: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2008 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; a description of how the Coast Guard is planning for the human resource needs of Deepwater assets; a description of the competitive process conducted in all contracts and subcontracts exceeding $5,000,000 within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—*

*(1) the proposed appropriation included in that budget;*

*(2) the total estimated cost of completion;*

*(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;*

*(4) an estimated completion date at the projected funding levels; and*

*(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That of the amount provided under this heading, $175,800,000 is designated as described in section 520 of this Act.*

*ALTERATION OF BRIDGES*

*For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $16,000,000, to remain available until expended.*

*RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

*For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $17,000,000, to remain available until expended, of which $495,000 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 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.*

*RETIRED PAY*

*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 Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,063,323,000.*

*UNITED STATES SECRET SERVICE*

*PROTECTION, ADMINISTRATION, AND TRAINING*

*For necessary expenses of the United States Secret Service, including purchase of not to exceed 755 vehicles for police-type use, of which*

*624 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $961,779,000, of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2008: Provided further, That up to $18,400,000 for candidate nominee protection shall remain available until September 30, 2009: Provided further, That up to $1,000,000 for National Special Security Events shall remain available until expended: Provided further, That of the total amount provided under this heading, $2,000,000 shall not be available for obligation until the Director of the Secret Service submits a comprehensive workload re-balancing report to the Committees on Appropriations of the Senate and the House of Representatives that includes funding and position requirements for current investigative and protective operations: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.*

*INVESTIGATIONS AND FIELD OPERATIONS*

*For necessary expenses for investigations and field operations of the United States Secret Service, not otherwise provided for, including costs related to office space and services of expert witnesses at such rate as may be determined by the Director of the Secret Service, $311,154,000; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended.*

*ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES*

*For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended: Provided, That of the total amount provided under this heading, $500,000 shall not be available for obligation until the Director of the Secret Service submits a revised master plan to the Committees on Appropriations of the Senate and the House of Representatives for the James J. Rowley Training Center.*

*TITLE III*

*PREPAREDNESS AND RECOVERY*

*PREPAREDNESS*

*MANAGEMENT AND ADMINISTRATION*

*For salaries and expenses of the immediate Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, $30,572,000, of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $6,459,000 shall be for the National Preparedness Integration Program: Provided, That none of the funds made available under this heading may be obligated for the National Preparedness Integration Program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: Provided further, That not to exceed $7,000 shall be for official reception and representation expenses: Provided further, That for purposes of planning, coordination and execution of mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be included in efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.*

*OFFICE OF GRANTS AND TRAINING*

*STATE AND LOCAL PROGRAMS*

*For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,531,000,000, which shall be allocated as follows:*

*(1) $525,000,000 for formula-based grants and $375,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and the Office of Grants and Training shall act within 90 days after receipt of an application: Provided further, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds; except in the case of Puerto Rico, where not less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds.*

*(2) $1,229,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—*

*(A) $770,000,000 shall be for use in high-threat, high-density urban areas: Provided, That not later than September 30, 2007, the Secretary shall distribute any unallocated funds made available for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) determined by the Secretary to be at high-risk of international terrorist attack under title III of the Department of Homeland Security Appropriations Act, 2006 under the heading ''Office for Domestic Preparedness—State and Local Programs'' (Public Law 109–90; 119 Stat. 2075) in paragraph (2)(A): Provided further, That applicants shall identify for the Secretary's consideration prior threats or attacks (within or outside the United States) by a terrorist organization, network, or cell against an organization described in the previous proviso, and the Secretary shall consider prior threats or attacks (within or outside the United States) against like organizations when determining risk: Provided further, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives the high risk or potential high risk to each designated tax exempt grantee at least five full business days in advance of the announcement of any grant award;*

*(B) $210,000,000 shall be for port security grants pursuant to the purposes of section 70107(a) through (h) of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as described in subsections (b)(2) through (4);*

*(C) $12,000,000 shall be for trucking industry security grants;*

*(D) $12,000,000 shall be for intercity bus security grants;*

*(E) $175,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and*

*(F) $50,000,000 shall be for buffer zone protection grants:*

*Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of Grants and Training shall act within 90 days after receipt of an application: Provided further, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That for grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office of Grants and Training shall act on such applications not later than 60 days after the date on which such an application is received.*

*(3) $50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.*

*(4) $352,000,000 for training, exercises, technical assistance, and other programs:*

*Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the preceding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Office of Grants and Training certified training, as needed: Provided further, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary for the purpose of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: Provided further, That within seven days after the date of enactment of this Act, the Secretary shall provide the Government Accountability Office with the risk methodology and other factors that will be used to allocate discretionary grants funded under this heading.*

*FIREFIGHTER ASSISTANCE GRANTS*

*For necessary expenses for programs authorized by the Federal Fire Prevention and Control*

*Act of 1974 (15 U.S.C. 2201 et seq.), $662,000,000, of which $547,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $115,000,000, shall be available to carry out section 34 of that Act (15 U.S.C. 2229a) to remain available until September 30, 2008: Provided, That not to exceed five percent of this amount shall be available for program administration.*

*EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

*For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $200,000,000: Provided, That total administrative costs shall not exceed three percent of the total appropriation.*

*RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

*The aggregate charges assessed during fiscal year 2007, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2007, and remain available until expended.*

*UNITED STATES FIRE ADMINISTRATION AND TRAINING*

*For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $46,849,000.*

*INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY*

*For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $547,633,000, of which $470,633,000 shall remain available until September 30, 2008: Provided, That of the amount made available under this heading, $10,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and House of Representatives the report required in House Report 109–241 accompanying the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90) on Department of Homeland Security resources necessary to implement mandatory security requirements for the Nation's chemical sector and to create a system for auditing and ensuring compliance with the security standards.*

*FEDERAL EMERGENCY MANAGEMENT AGENCY*

*ADMINISTRATIVE AND REGIONAL OPERATIONS*

*For necessary expenses for administrative and regional operations, $282,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.*

*READINESS, MITIGATION, RESPONSE, AND RECOVERY*

*For necessary expenses for readiness, mitigation, response, and recovery activities, $244,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, $25,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs.*

*PUBLIC HEALTH PROGRAMS*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $33,885,000: Provided, That the total amount appropriated and, notwithstanding any other provision of law, the functions, personnel, assets, and liabilities of the National Disaster Medical System established under section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)), including any functions of the Secretary of Homeland Security relating to such System, shall be permanently transferred to the Secretary of the Department of Health and Human Services effective January 1, 2007.*

*DISASTER RELIEF*

*(INCLUDING TRANSFER OF FUNDS)*

*For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,500,000,000, to remain available until expended: Provided, That of the total amount provided, not to exceed $13,500,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to natural disasters subject to section 503 of this Act.*

*DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

*For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $569,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).*

*FLOOD MAP MODERNIZATION FUND*

*For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $198,980,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed three percent of the total appropriation.*

*NATIONAL FLOOD INSURANCE FUND*

*(INCLUDING TRANSFER OF FUNDS)*

*For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $128,588,000, which is available as follows: (1) not to exceed $38,230,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed $90,358,000 for flood hazard mitigation which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain available until September 30, 2008, including up to $31,000,000 for flood mitigation expenses under section 1366 of that Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2008: Provided, That in fiscal year 2007, no funds shall be available from the National Flood Insurance Fund in excess of: (1) $70,000,000 for operating expenses; (2) $692,999,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $50,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of that Act (42 U.S.C. 4030), which shall remain available until expended: Provided further, That total administrative costs shall not exceed three percent of the total appropriation.*

*NATIONAL FLOOD MITIGATION FUND*

*(INCLUDING TRANSFER OF FUNDS)*

*Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $31,000,000, to remain available until September 30, 2008, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $31,000,000 shall be derived from the National Flood Insurance Fund.*

*NATIONAL PREDISASTER MITIGATION FUND*

*For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $100,000,000, to remain available until expended: Provided, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): Provided further, That total administrative costs shall not exceed three percent of the total appropriation.*

*EMERGENCY FOOD AND SHELTER*

*To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $151,470,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.*

*TITLE IV*

*RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES*

*UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES*

*For necessary expenses for citizenship and immigration services, $181,990,000, of which $93,500,000 is available until expended: Provided, That $47,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a strategic transformation plan for United States Citizenship and Immigration Services that has been reviewed and approved by the Secretary of Homeland Security and reviewed by the Government Accountability Office.*

*FEDERAL LAW ENFORCEMENT TRAINING CENTER*

*SALARIES AND EXPENSES*

*For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile*

*phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $211,033,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2008; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) is amended by striking ''5 years after the date of the enactment of this Act'' and inserting ''December 31, 2007'', and by striking ''250'' and inserting ''350''.*

*ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES*

*For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $64,246,000, to remain available until expended: Provided, That of the amount provided under this heading, $22,000,000 is designated as described in section 520 of this Act: Provided further, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.*

*SCIENCE AND TECHNOLOGY*

*MANAGEMENT AND ADMINISTRATION*

*For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $135,000,000: Provided, That of the amount provided under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan by program, project, and activity; with a detailed breakdown and justification of the management and administrative costs for each; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office: Provided further, That the expenditure plan shall describe the method utilized to derive administration costs in fiscal year 2006 and the fiscal year 2007 budget request: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.*

*RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

*For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed five vehicles, $838,109,000, to remain available until expended: Provided, That of the amounts made available under this heading, $50,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a report prepared by the Under Secretary of Science and Technology that describes the progress to address financial management deficiencies, improve its management controls, and implement performance measures and evaluations.*

*DOMESTIC NUCLEAR DETECTION OFFICE*

*MANAGEMENT AND ADMINISTRATION*

*For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, $30,468,000: Provided, That no funds will be made available for the reimbursement of individuals from other Federal agencies or organizations in fiscal year 2009: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.*

*RESEARCH, DEVELOPMENT, AND OPERATIONS*

*For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $272,500,000, to remain available until expended: Provided, That of the amount provided under this heading, $15,000,000 shall not be obligated until the Secretary of Homeland Security provides notification to the Committees on Appropriations of the Senate and the House of Representatives that the Domestic Nuclear Detection Office has entered into a Memorandum of Understanding with each Federal entity and organization: Provided further, That each Memorandum of Understanding shall include a description of the role, responsibilities, and resource commitment of each Federal entity or organization for the global architecture.*

*SYSTEMS ACQUISITION*

*For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $178,000,000, to remain available until September 30, 2009; and of which no less than $143,000,000 shall be for radiation portal monitors; and of which not to exceed $5,000,000 shall be for the Surge program: Provided, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.*

*TITLE V*

*GENERAL PROVISIONS*

*SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

*SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.*

*SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any function or activity for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.*

*(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.*

*(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.*

*(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.*

*SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the ''Department of Homeland Security Working Capital Fund'', except for the activities and amounts allowed in the President's fiscal year 2007 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: Provided, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.*

*SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2007 from appropriations for salaries and expenses for fiscal year 2007 in this Act shall remain available through September 30, 2008, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.*

*SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.*

*SEC. 507. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.*

*SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary*

*grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance: Provided, That no notification shall involve funds that are not available for obligation: Provided further, That the Office of Grants and Training shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award of formula-based grants; law enforcement terrorism prevention grants; or high-threat, high-density urban areas grants.*

*SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.*

*SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.*

*SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.*

*SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).*

*SEC. 513. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 435b) and the entity selected pursuant to section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.*

*SEC. 514. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the conditions contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.*

*(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten conditions have been successfully met.*

*(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed plan that describes (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).*

*(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.*

*(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.*

*(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.*

*SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).*

*SEC. 516. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.*

*SEC. 517. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.*

*(b) Beginning in fiscal year 2008, none of the funds appropriated by this or any other Act to the United States Secret Service shall be made available for the protection of a person, other than persons granted protection under section 3056(a) of title 18, United States Code, and the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such protection on a fully reimbursable basis for protectees not designated under section 3056(a) of title 18, United States Code.*

*SEC. 518. The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.*

*SEC. 519. (a) The Secretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.*

*(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.*

*(c) The Transportation Security Administration shall report air cargo inspection statistics quarterly to the Committees on Appropriations of the Senate and the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter including any reason for non-compliance with the second proviso of section 513 of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334, 118 Stat. 1317).*

*SEC. 520. For purposes of this Act, any designation referring to this section is the designation of an amount as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by H. Res. 818 (109th Congress), and as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress) as made applicable to the Senate by section 7035 of Public Law 109–234.*

*SEC. 521. (a) RESCISSION.—From the unexpended balances of the United States Coast Guard ''Acquisition, Construction, and Improvements'' account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying Public Law 109–90 for the Fast Response Cutter, the service life extension program of the current 110-foot Island Class patrol boat fleet, and accelerated design and production of the Fast Response Cutter, $78,693,508 are rescinded.*

*(b) ADDITIONAL APPROPRIATION.—For necessary expenses of the United States Coast Guard for ''Acquisition, Construction, and Improvements'', there is appropriated an additional $78,693,508, to remain available until September 30, 2009, for the service life extension program of the current 110-foot Island Class patrol boat fleet and the acquisition of traditional patrol boats (''parent craft'').*

*SEC. 522. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such section.*

*SEC. 523. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.*

*SEC. 524. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' in fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to notification.*

*SEC. 525. (a) Within 30 days after enactment of this Act, the Secretary of Homeland Security shall revise Department of Homeland Security (DHS) Management Directive (MD) 11056 to provide for the following:*

*(1) That when a lawful request is made to publicly release a document containing information designated as sensitive security information*

*(SSI), the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code;*

*(2) That sensitive security information that is three years old and not incorporated in a current transportation security directive, security plan, contingency plan, or information circular; or does not contain current information in one of the following SSI categories: equipment or personnel performance specifications, vulnerability assessments, security inspection or investigative information, threat information, security measures, security screening information, security training materials, identifying information of designated transportation security personnel, critical aviation or maritime infrastructure asset information, systems security information, confidential business information, or research and development information shall be subject to release upon request unless:*

*(A) the Secretary or his designee makes a written determination that identifies a rational reason why the information must remain SSI; or*

*(B) such information is otherwise exempt from disclosure under applicable law:*

*Provided, That any determination made by the Secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and the House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088); and*

*(3) Common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking.*

*(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the requirements of this section and of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088).*

*(c) Not later than one year from the date of enactment of this Act, the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on DHS progress and procedures in implementing the requirements of this section.*

*(d) That in civil proceedings in the United States District Courts, where a party seeking access to SSI demonstrates that the party has substantial need of relevant SSI in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the information by other means, the party or party's counsel shall be designated as a covered person under 49 CFR Part 1520.7 in order to have access to the SSI at issue in the case, provided that the overseeing judge enters an order that protects the SSI from unauthorized or unnecessary disclosure and specifies the terms and conditions of access, unless upon completion of a criminal history check and terrorist assessment like that done for aviation workers on the persons seeking access to SSI, or based on the sensitivity of the information, the Transportation Security Administration or DHS demonstrates that such access to the information for the proceeding presents a risk of harm to the nation: Provided, That notwithstanding any other provision of law, an order granting access to SSI under this section shall be immediately appealable to the United States Courts of Appeals, which shall have plenary review over both the evidentiary finding and the sufficiency of the order specifying the terms and conditions of access to the SSI in question: Provided further, That notwithstanding any other provision of law, the Secretary may assess a civil penalty of up to $50,000 for each violation of 49 CFR Part 1520 by persons provided access to SSI under this provision.*

*SEC. 526. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2007.*

*SEC. 527. RESCISSION. Of the unobligated balances from prior year appropriations made available for the ''Counterterrorism Fund'', $16,000,000 are rescinded.*

*SEC. 528. (a) The report required by Public Law 109–62 and Public Law 109–90 detailing the allocation and obligation of funds for ''Disaster Relief'' shall hereafter be submitted monthly and include: (1) status of the Disaster Relief Fund (DRF) including obligations, allocations, and amounts undistributed/unallocated; (2) allocations, obligations, and expenditures for Hurricanes Katrina, Rita, and Wilma; (3) information on national flood insurance claims; (4) information on manufactured housing data; (5) information on hotel/motel data; (6) obligations, allocations and expenditures by State for unemployment, crisis counseling, inspections, housing assistance, manufactured housing, public assistance and individual assistance; (7) mission assignment obligations by agency, including (i) the amounts reimbursed to other agencies that are in suspense because FEMA has not yet reviewed and approved the documentation supporting the expenditure and (ii) a disclaimer if the amounts of reported obligations and expenditures do not reflect the status of such obligations and expenditures from a government-wide perspective; (8) the amount of credit card purchases by agency and mission assignment; (9) specific reasons for all waivers granted and a description of each waiver; and (10) a list of all contracts that were awarded on a sole source or limited competition basis, including the dollar amount, the purpose of the contract and the reason for the lack of competitive award.*

*(b) The Secretary of Homeland Security shall at least quarterly obtain and report from agencies performing mission assignments each such agency's actual obligation and expenditure data.*

*(c) For any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Stafford Act (42 U.S.C. § 5121 et seq.), or any mission assignment orders issued by the Department of Homeland Security for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department of Homeland Security policies on—*

*(1) the detailed information required in supporting documentation for reimbursements, and*

*(2) the necessity for timeliness of agency billings.*

*SEC. 529. RESCISSION. Of the unobligated balances from prior year appropriations made available for Science and Technology, $125,000,000 from ''Research, Development, Acquisition, and Operations'' are rescinded.*

*SEC. 530. None of the funds made available in this Act may be used to enforce section 4025(1) of Public Law 108–458 if the Assistant Secretary (Transportation Security Administration) determines that butane lighters are not a significant threat to civil aviation security: Provided, That the Assistant Secretary (Transportation Security Administration) shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days in advance of such determination including a report on whether the effectiveness of screening operations is enhanced by suspending enforcement of the prohibition.*

*SEC. 531. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations and on-board versus funded full-time equivalent staffing levels.*

*SEC. 532. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal year 2007, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the ''Secret Service'') that is necessary for the detection and prosecution of crimes against the United States—*

*(1) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to sections 1341 and 3324 of title 31, United States Code, section 8141 of title 40, United States Code, sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22), and sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C 254(a) and 255);*

*(2) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used to establish or to acquire proprietary corporations or business entities as part of such undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code;*

*(3) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18, and section 3302 of title 31, United States Code; and*

*(4) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31, United States Code.*

*(b) WRITTEN CERTIFICATION.—The authority set forth in subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or designee that any action authorized by any paragraph of such subsection is necessary for the conduct of an undercover investigative operation. Such certification shall continue in effect for the duration of such operation, without regard to fiscal years.*

*(c) DEPOSIT OF PROCEEDS IN TREASURY.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.*

*(d) REPORTING AND DEPOSIT OF PROCEEDS UPON DISPOSITION OF CERTAIN BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover investigative operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director or designee determines is practicable, shall report the circumstance to the Secretary of Homeland Security. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.*

*(e) FINANCIAL AUDITS AND REPORTS.—*

*(1) The Secret Service shall conduct detailed financial audits of closed undercover investigative operations for which a written certification*

*was made pursuant to subsection (b) on a quarterly basis and shall report the results of the audits in writing to the Secretary of Homeland Security.*

*(2) The Secretary of Homeland Security shall annually submit to the Committees on Appropriations of the Senate and House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a summary of such audits.*

*SEC. 533. The Director of the Domestic Nuclear Detection Office shall operate extramural and intramural research, development, demonstrations, testing and evaluation programs so as to distribute funding through grants, cooperative agreements, other transactions and contracts.*

*SEC. 534. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider the Hancock County Port and Harbor Commission in Mississippi eligible under the Federal Emergency Management Agency Public Assistance Program for all costs incurred for dredging from navigation channel in Little Lake, Louisiana, sediment deposited as a result of Hurricane George in 1998: Provided, That the appropriate Federal share shall apply to approval of this project.*

*SEC. 535. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be:*

*(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or*

*(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).*

*SEC. 536. The Department of Homeland Security shall, in approving standards for State and local emergency preparedness operational plans under section 613(b)(3) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5196b(b)(3)), account for the needs of individuals with household pets and service animals before, during, and following a major disaster or emergency: Provided, That Federal agencies may provide assistance as described in section 403(a) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5170b(a)) to carry out the plans described in the previous proviso.*

*SEC. 537. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration ''Aviation Security'' and ''Headquarters Administration'', $4,776,000 are rescinded.*

*SEC. 538. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration ''Aviation Security'', $61,936,000 are rescinded.*

*SEC. 539. RESCISSION. From the unexpended balances of the United States Coast Guard ''Acquisition, Construction, and Improvements'' account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for the development of the Offshore Patrol Cutter, $20,000,000 are rescinded.*

*SEC. 540. RESCISSION. From the unexpended balances of the United States Coast Guard ''Acquisition, Construction, and Improvements'' account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for the Automatic Identification System, $4,100,000 are rescinded.*

*SEC. 541. Notwithstanding the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Army Corps of Engineers may use Lot 19, Block 1 of the Meadowview Acres Addition and Lot 8, Block 5 of the Meadowview Acres Addition in Augusta, Kansas, for building portions of the flood-control levee.*

*SEC. 542. Notwithstanding any time limitation established for a grant awarded under title I, chapter 6, Public Law 106–31, in the item relating to Federal Emergency Management Agency—Disaster Assistance for Unmet Needs, the City of Cuero, Texas, may use funds received under such grant program until September 30, 2007.*

*SEC. 543. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).*

*SEC. 544. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).*

*SEC. 545. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).*

*SEC. 546. Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking from ''(1) DEVELOPMENT OF PLAN.—The Secretary'' through ''7208(k)).'' and inserting the following:*

*''(1) DEVELOPMENT OF PLAN AND IMPLEMENTATION.—*

*''(A) The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than three months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier. The plan shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).*

*''(B) The Secretary of Homeland Security and the Secretary of State shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the following criteria have been met prior to implementation of section 7209(b)(1)(A)—*

*''(i) the National Institute of Standards and Technology certifies that the Departments of Homeland Security and State have selected a card architecture that meets or exceeds International Organization for Standardization (ISO) security standards and meets or exceeds best available practices for protection of personal identification documents: Provided, That the National Institute of Standards and Technology shall also assist the Departments of Homeland Security and State to incorporate into the architecture of the card the best available practices to prevent the unauthorized use of information on the card: Provided further, That to facilitate efficient cross-border travel, the Departments of Homeland Security and State shall, to the maximum extent possible, develop an architecture that is compatible with information technology systems and infrastructure used by United States Customs and Border Protection;*

*''(ii) the technology to be used by the United States for the passport card, and any subsequent change to that technology, has been shared with the governments of Canada and Mexico;*

*''(iii) an agreement has been reached with the United States Postal Service on the fee to be charged individuals for the passport card, and a detailed justification has been submitted to the Committees on Appropriations of the Senate and the House of Representatives;*

*''(iv) an alternative procedure has been developed for groups of children traveling across an international border under adult supervision with parental consent;*

*''(v) the necessary technological infrastructure to process the passport cards has been installed, and all employees at ports of entry have been properly trained in the use of the new technology;*

*''(vi) the passport card has been made available for the purpose of international travel by United States citizens through land and sea ports of entry between the United States and Canada, Mexico, the Caribbean and Bermuda; and*

*''(vii) a single implementation date for sea and land borders has been established.''.*

*SEC. 547. None of the funds made available in this Act may be used to award any contract for major disaster or emergency assistance activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act except in accordance with section 307 of such Act (42 U.S.C. 5150).*

*SEC. 548. None of the funds made available in the Act may be used to reimburse L.B.& B. Associates, Inc. or Olgoonik Logistics, LLC (or both) for attorneys fees related to pending litigation against Local 30 of the International Union of Operating Engineers.*

*SEC. 549. Notwithstanding any other provision of law, the acquisition management system of the Transportation Security Administration shall be subject to the provisions of the Small Business Act (15 U.S.C. 631 et seq).*

*SEC. 550. (a) No later than six months after the date of enactment of this Act, the Secretary of Homeland Security shall issue interim final regulations establishing risk-based performance standards for security of chemical facilities and requiring vulnerability assessments and the development and implementation of site security plans for chemical facilities: Provided, That such regulations shall apply to chemical facilities that, in the discretion of the Secretary, present high levels of security risk: Provided further, That such regulations shall permit each such facility, in developing and implementing site security plans, to select layered security measures that, in combination, appropriately address the vulnerability assessment and the risk-based performance standards for security for the facility: Provided further, That the Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure, but the Secretary may disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established by this section: Provided further, That the Secretary may approve alternative security programs established by private sector entities, Federal, State, or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations: Provided further, That the Secretary shall review and approve each vulnerability assessment and site security plan required under this section: Provided further, That the Secretary shall not apply regulations issued pursuant to this section to facilities regulated pursuant to the Maritime Transportation Security Act of 2002, Public Law 107–295, as amended; Public Water Systems, as defined by section 1401 of the Safe Drinking Water Act, Public Law 93–523, as*

*amended; Treatment Works as defined in section 212 of the Federal Water Pollution Control Act, Public Law 92–500, as amended; any facility owned or operated by the Department of Defense or the Department of Energy, or any facility subject to regulation by the Nuclear Regulatory Commission.*

*(b) Interim regulations issued under this section shall apply until the effective date of interim or final regulations promulgated under other laws that establish requirements and standards referred to in subsection (a) and expressly supersede this section: Provided, That the authority provided by this section shall terminate three years after the date of enactment of this Act.*

*(c) Notwithstanding any other provision of law and subsection (b), information developed under this section, including vulnerability assessments, site security plans, and other security related information, records, and documents shall be given protections from public disclosure consistent with similar information developed by chemical facilities subject to regulation under section 70103 of title 46, United States Code: Provided, That this subsection does not prohibit the sharing of such information, as the Secretary deems appropriate, with State and local government officials possessing the necessary security clearances, including law enforcement officials and first responders, for the purpose of carrying out this section, provided that such information may not be disclosed pursuant to any State or local law: Provided further, That in any proceeding to enforce this section, vulnerability assessments, site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material.*

*(d) Any person who violates an order issued under this section shall be liable for a civil penalty under section 70119(a) of title 46, United States Code: Provided, That nothing in this section confers upon any person except the Secretary a right of action against an owner or operator of a chemical facility to enforce any provision of this section.*

*(e) The Secretary of Homeland Security shall audit and inspect chemical facilities for the purposes of determining compliance with the regulations issued pursuant to this section.*

*(f) Nothing in this section shall be construed to supersede, amend, alter, or affect any Federal law that regulates the manufacture, distribution in commerce, use, sale, other treatment, or disposal of chemical substances or mixtures.*

*(g) If the Secretary determines that a chemical facility is not in compliance with this section, the Secretary shall provide the owner or operator with written notification (including a clear explanation of deficiencies in the vulnerability assessment and site security plan) and opportunity for consultation, and issue an order to comply by such date as the Secretary determines to be appropriate under the circumstances: Provided, That if the owner or operator continues to be in noncompliance, the Secretary may issue an order for the facility to cease operation, until the owner or operator complies with the order.*

*SEC. 551. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:*

***"§ 554. Border tunnels and passages***

*''(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.*

*''(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.*

*''(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.''.*

*(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:*

*''Sec. 554. Border tunnels and passages.''.*

*(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''554,'' before ''1425,''.*

*(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—*

*(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).*

*(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—*

*(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;*

*(B) provide adequate base offense levels for offenses under such section;*

*(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—*

*(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and*

*(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;*

*(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;*

*(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and*

*(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.*

*SEC. 552. The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, the Coast Guard Academy, and the Coast Guard Research and Development Center until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard: Provided, That the plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification; an assessment of the costs and benefits of such modification; any proposed alternatives to such modification; and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.*

*SEC. 553. None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).*

*SEC. 554. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 44944(a) of title 49, United States Code.*

*(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:*

*(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).*

*(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).*

*(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:*

*(A) The Congress.*

*(B) The emergency response agency of each State.*

*(C) The relevant organizations representing individuals to participate in the program.*

*SEC. 555. Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency in conjunction with the Director of the National Institute of Standards and Technology shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives outlining Federal earthquake response plans for high-risk earthquake regions in the United States as determined by the United States Geological Survey.*

*SEC. 556. Not later than six months after the date of enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on a terrorist database list or who have names identical or similar to individuals on a terrorist database list. The Secretary shall advise Congress of the procedures established.*

*SEC. 557. Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201) is amended by adding at the end the following:*

***"SEC. 706. FIREARMS POLICIES.***

*''(a) PROHIBITION ON CONFISCATION OF FIREARMS.—No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal funds, or under control of any Federal official, or providing services to such an officer, employee, or other person, while acting in support of relief from a major disaster or emergency, may—*

*''(1) temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under Federal, State, or local law, other than for forfeiture in compliance with Federal law or as evidence in a criminal investigation;*

*''(2) require registration of any firearm for which registration is not required by Federal, State, or local law;*

*''(3) prohibit possession of any firearm, or promulgate any rule, regulation, or order prohibiting possession of any firearm, in any place or by any person where such possession is not otherwise prohibited by Federal, State, or local law; or*

*''(4) prohibit the carrying of firearms by any person otherwise authorized to carry firearms under Federal, State, or local law, solely because such person is operating under the direction, control, or supervision of a Federal agency*

*in support of relief from the major disaster or emergency.*

*''(b) LIMITATION.—Nothing in this section shall be construed to prohibit any person in subsection (a) from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used for rescue or evacuation during a major disaster or emergency, provided that such temporarily surrendered firearm is returned at the completion of such rescue or evacuation.*

*''(c) PRIVATE RIGHTS OF ACTION.—*

*''(1) IN GENERAL.—Any individual aggrieved by a violation of this section may seek relief in an action at law, suit in equity, or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges, or immunities secured by this section.*

*''(2) REMEDIES.—In addition to any existing remedy in law or equity, under any law, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return of such firearm in the United States district court in the district in which that individual resides or in which such firearm may be found.*

*''(3) ATTORNEY FEES.—In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.''.*

*SEC. 558. PILOT INTEGRATED SCANNING SYSTEM. (a) DESIGNATIONS.—*

*(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the ''Secretary'') shall designate three foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider three distinct ports with unique features and differing levels of trade volume.*

*(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.*

*(b) IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—*

*(1) scan all containers destined for the United States that transit through the terminal;*

*(2) electronically transmit the images and information to the container security initiative personnel in the host country and/or Customs and Border Protection personnel in the United States for evaluation and analysis;*

*(3) resolve every radiation alarm according to established Department procedures;*

*(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and*

*(5) store the information for later retrieval and analysis.*

*(c) EVALUATION.—The Secretary shall evaluate the pilot program in subsection (b) to determine whether such a system—*

*(1) has a sufficiently low false alarm rate for use in the supply chain;*

*(2) is capable of being deployed and operated at ports overseas, including consideration of cost, personnel, and infrastructure required to operate the system;*

*(3) is capable of integrating, where necessary, with existing systems;*

*(4) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and*

*(5) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.*

*(d) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—*

*(1) an evaluation of the lessons derived from the pilot program implemented under this section;*

*(2) an analysis of the efficacy of the Automated Targeted System or other relevant programs in utilizing the images captured to examine high-risk containers;*

*(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers; and*

*(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.*

*(e) IMPLEMENTATION.—If the Secretary determines the available technology meets the criteria outlined in subsection (c), the Secretary, in cooperation with the Secretary of State, shall seek to secure the cooperation of foreign governments to initiate and maximize the use of such technology at foreign ports to scan all cargo bound for the United States as quickly as possible.*

*SEC. 559. (a) RESCISSION.—From the unexpended balances of the United States Secret Service ''Salaries and Expenses'' account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for National Special Security Events, $2,500,000 are rescinded.*

*(b) ADDITIONAL APPROPRIATION.—For necessary expenses of the United States Secret Service ''Protection, Administration, and Training'', there is appropriated an additional $2,500,000, to remain available until expended for National Special Security Events.*

*SEC. 560. Transfer authority contained in section 505 of the Homeland Security Act, as amended by title VI of this Act, shall be used in accordance with the provisions of section 1531(a)(2) of title 31, United States Code.*

## *TITLE VI—NATIONAL EMERGENCY MANAGEMENT*

***SEC. 601. SHORT TITLE.***

*This title may be cited as the ''Post-Katrina Emergency Management Reform Act of 2006''.*

***SEC. 602. DEFINITIONS.***

*In this title—*

*(1) the term ''Administrator'' means the Administrator of the Agency;*

*(2) the term ''Agency'' means the Federal Emergency Management Agency;*

*(3) the term ''appropriate committees of Congress'' means—*

*(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and*

*(B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate;*

*(4) the term ''catastrophic incident'' means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;*

*(5) the term ''Department'' means the Department of Homeland Security;*

*(6) the terms ''emergency'' and ''major disaster'' have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);*

*(7) the term ''emergency management'' means the governmental function that coordinates and integrates all activities necessary to build, sustain, and improve the capability to prepare for, protect against, respond to, recover from, or mitigate against threatened or actual natural disasters, acts of terrorism, or other man-made disasters;*

*(8) the term ''emergency response provider'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act;*

*(9) the term ''Federal coordinating officer'' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);*

*(10) the term ''individual with a disability'' has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);*

*(11) the terms ''local government'' and ''State'' have the meaning given the terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);*

*(12) the term ''National Incident Management System'' means a system to enable effective, efficient, and collaborative incident management;*

*(13) the term ''National Response Plan'' means the National Response Plan or any successor plan prepared under section 502(a)(6) of the Homeland Security Act of 2002 (as amended by this Act);*

*(14) the term ''Secretary'' means the Secretary of Homeland Security;*

*(15) the term ''surge capacity'' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and*

*(16) the term ''tribal government'' means the government of an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.*

### *Subtitle A—Federal Emergency Management Agency*

***SEC. 611. STRUCTURING THE FEDERAL EMERGENCY MANAGEMENT AGENCY.***

*Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—*

*(1) by striking the title heading and inserting the following:*

***''TITLE V—NATIONAL EMERGENCY MANAGEMENT'';***

*(2) by striking section 501;*

*(3) by striking section 503;*

*(4) by striking section 507;*

*(5) by striking section 510 (relating to urban and other high risk area communications capabilities);*

*(6) by redesignating sections 504, 505, 508, and 509 as sections 517, 518, 519, and 520, respectively;*

*(7) by redesignating section 510 (relating to procurement of security countermeasures for the strategic national stockpile) as section 521;*

*(8) by redesignating section 502 as section 504;*

*(9) by redesignating section 506 as section 502 and transferring that section to before section 504, as redesignated by paragraph (8) of this section;*

*(10) by inserting before section 502, as redesignated and transferred by paragraph (9) of this section, the following:*

***''SEC. 501. DEFINITIONS.***

*''In this title—*

*''(1) the term 'Administrator' means the Administrator of the Agency;*

*''(2) the term 'Agency' means the Federal Emergency Management Agency;*

*''(3) the term 'catastrophic incident' means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;*

*''(4) the term 'Federal coordinating officer' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford*

*Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);*

*''(5) the term 'interoperable' has the meaning given the term 'interoperable communications' under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1));*

*''(6) the term 'National Incident Management System' means a system to enable effective, efficient, and collaborative incident management;*

*''(7) the term 'National Response Plan' means the National Response Plan or any successor plan prepared under section 502(a)(6);*

*''(8) the term 'Regional Administrator' means a Regional Administrator appointed under section 507;*

*''(9) the term 'Regional Office' means a Regional Office established under section 507;*

*''(10) the term 'surge capacity' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing (including disaster assistance employees), and other resources necessary to save lives and protect property during a catastrophic incident; and*

*''(11) the term 'tribal government' means the government of any entity described in section 2(10)(B).'';*

*(11) by inserting after section 502, as redesignated and transferred by paragraph (9) of this section, the following:*

***''SEC. 503. FEDERAL EMERGENCY MANAGEMENT AGENCY.***

*''(a) IN GENERAL.—There is in the Department the Federal Emergency Management Agency, headed by an Administrator.*

*''(b) MISSION.—*

*''(1) PRIMARY MISSION.—The primary mission of the Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.*

*''(2) SPECIFIC ACTIVITIES.—In support of the primary mission of the Agency, the Administrator shall—*

*''(A) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;*

*''(B) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;*

*''(C) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;*

*''(D) integrate the Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;*

*''(E) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;*

*''(F) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department;*

*''(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; and*

*''(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.*

*''(c) ADMINISTRATOR.—*

*''(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.*

*''(2) QUALIFICATIONS.—The Administrator shall be appointed from among individuals who have—*

*''(A) a demonstrated ability in and knowledge of emergency management and homeland security; and*

*''(B) not less than 5 years of executive leadership and management experience in the public or private sector.*

*''(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.*

*''(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—*

*''(A) IN GENERAL.—The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.*

*''(B) ADVICE AND RECOMMENDATIONS.—*

*''(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.*

*''(ii) ADVICE ON REQUEST.—The Administrator, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.*

*''(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency management as the Administrator considers appropriate.*

*''(5) CABINET STATUS.—*

*''(A) IN GENERAL.—The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.*

*''(B) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.'';*

*(12) in section 504, as redesignated by paragraph (8) of this section—*

*(A) in the section heading, by inserting ''**AUTHORITY AND**'' before ''**RESPONSIBILITIES**'';*

*(B) by striking the matter preceding paragraph (1) and inserting the following:*

*''(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for, protect against, respond to, recover from, or mitigate against a natural disaster, act of terrorism, or other man-made disaster, including—'';*

*(C) in paragraph (6), by striking ''and'' at the end; and*

*(D) by striking paragraph (7) and inserting the following:*

*''(7) helping ensure the acquisition of operable and interoperable communications capabilities by Federal, State, local, and tribal governments and emergency response providers;*

*''(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and carrying out all functions and authorities given to the Administrator under that Act;*

*''(9) carrying out the mission of the Agency to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a risk-based, comprehensive emergency management system of—*

*''(A) mitigation, by taking sustained actions to reduce or eliminate long-term risks to people and property from hazards and their effects;*

*''(B) preparedness, by planning, training, and building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;*

*''(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services; and*

*''(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards;*

*''(10) increasing efficiencies, by coordinating efforts relating to preparedness, protection, response, recovery, and mitigation;*

*''(11) helping to ensure the effectiveness of emergency response providers in responding to a natural disaster, act of terrorism, or other man-made disaster;*

*''(12) supervising grant programs administered by the Agency;*

*''(13) administering and ensuring the implementation of the National Response Plan, including coordinating and ensuring the readiness of each emergency support function under the National Response Plan;*

*''(14) coordinating with the National Advisory Council established under section 508;*

*''(15) preparing and implementing the plans and programs of the Federal Government for—*

*''(A) continuity of operations;*

*''(B) continuity of government; and*

*''(C) continuity of plans;*

*''(16) minimizing, to the extent practicable, overlapping planning and reporting requirements applicable to State, local, and tribal governments and the private sector;*

*''(17) maintaining and operating within the Agency the National Response Coordination Center or its successor;*

*''(18) developing a national emergency management system that is capable of preparing for, protecting against, responding to, recovering from, and mitigating against catastrophic incidents;*

*''(19) assisting the President in carrying out the functions under the national preparedness goal and the national preparedness system and carrying out all functions and authorities of the Administrator under the national preparedness System;*

*''(20) carrying out all authorities of the Federal Emergency Management Agency and the Directorate of Preparedness of the Department as transferred under section 505; and*

*''(21) otherwise carrying out the mission of the Agency as described in section 503(b).*

*''(b) ALL-HAZARDS APPROACH.—In carrying out the responsibilities under this section, the Administrator shall coordinate the implementation of a risk-based, all-hazards strategy that builds those common capabilities necessary to prepare for, protect against, respond to, recover from, or mitigate against natural disasters, acts of terrorism, and other man-made disasters, while also building the unique capabilities necessary to prepare for, protect against, respond*

*to, recover from, or mitigate against the risks of specific types of incidents that pose the greatest risk to the Nation.''; and*

*(13) by inserting after section 504, as redesignated by paragraph (8) of this section, the following:*

**"SEC. 505. FUNCTIONS TRANSFERRED.**

*''(a) IN GENERAL.—Except as provided in subsection (b), there are transferred to the Agency the following:*

*''(1) All functions of the Federal Emergency Management Agency, including existing responsibilities for emergency alert systems and continuity of operations and continuity of government plans and programs as constituted on June 1, 2006, including all of its personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.*

*''(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, authorities, grant programs, and liabilities, and including the functions of the Under Secretary for Preparedness relating thereto.*

*''(b) EXCEPTIONS.—The following within the Preparedness Directorate shall not be transferred:*

*''(1) The Office of Infrastructure Protection.*

*''(2) The National Communications System.*

*''(3) The National Cybersecurity Division.*

*''(4) The Office of the Chief Medical Officer.*

*''(5) The functions, personnel, assets, components, authorities, and liabilities of each component described under paragraphs (1) through (4).*

**"SEC. 506. PRESERVING THE FEDERAL EMERGENCY MANAGEMENT AGENCY.**

*''(a) DISTINCT ENTITY.—The Agency shall be maintained as a distinct entity within the Department.*

*''(b) REORGANIZATION.—Section 872 shall not apply to the Agency, including any function or organizational unit of the Agency.*

*''(c) PROHIBITION ON CHANGES TO MISSIONS.—*

*''(1) IN GENERAL.—The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Agency or the capability of the Agency to perform those missions, authorities, responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006.*

*''(2) CERTAIN TRANSFERS PROHIBITED.—No asset, function, or mission of the Agency may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Agency to perform its missions.*

*''(d) REPROGRAMMING AND TRANSFER OF FUNDS.—In reprogramming or transferring funds, the Secretary shall comply with any applicable provisions of any Act making appropriations for the Department for fiscal year 2007, or any succeeding fiscal year, relating to the reprogramming or transfer of funds.*

**"SEC. 507. REGIONAL OFFICES.**

*''(a) IN GENERAL.—There are in the Agency 10 regional offices, as identified by the Administrator.*

*''(b) MANAGEMENT OF REGIONAL OFFICES.—*

*''(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator who shall be appointed by the Administrator, after consulting with State, local, and tribal government officials in the region. Each Regional Administrator shall report directly to the Administrator and be in the Senior Executive Service.*

*''(2) QUALIFICATIONS.—*

*''(A) IN GENERAL.—Each Regional Administrator shall be appointed from among individuals who have a demonstrated ability in and knowledge of emergency management and homeland security.*

*''(B) CONSIDERATIONS.—In selecting a Regional Administrator for a Regional Office, the Administrator shall consider the familiarity of an individual with the geographical area and demographic characteristics of the population served by such Regional Office.*

*''(c) RESPONSIBILITIES.—*

*''(1) IN GENERAL.—The Regional Administrator shall work in partnership with State, local, and tribal governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.*

*''(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—*

*''(A) ensuring effective, coordinated, and integrated regional preparedness, protection, response, recovery, and mitigation activities and programs for natural disasters, acts of terrorism, and other man-made disasters (including planning, training, exercises, and professional development);*

*''(B) assisting in the development of regional capabilities needed for a national catastrophic response system;*

*''(C) coordinating the establishment of effective regional operable and interoperable emergency communications capabilities;*

*''(D) staffing and overseeing 1 or more strike teams within the region under subsection (f), to serve as the focal point of the Federal Government's initial response efforts for natural disasters, acts of terrorism, and other man-made disasters within that region, and otherwise building Federal response capabilities to respond to natural disasters, acts of terrorism, and other man-made disasters within that region;*

*''(E) designating an individual responsible for the development of strategic and operational regional plans in support of the National Response Plan;*

*''(F) fostering the development of mutual aid and other cooperative agreements;*

*''(G) identifying critical gaps in regional capabilities to respond to populations with special needs;*

*''(H) maintaining and operating a Regional Response Coordination Center or its successor; and*

*''(I) performing such other duties relating to such responsibilities as the Administrator may require.*

*''(3) TRAINING AND EXERCISE REQUIREMENTS.—*

*''(A) TRAINING.—The Administrator shall require each Regional Administrator to undergo specific training periodically to complement the qualifications of the Regional Administrator. Such training, as appropriate, shall include training with respect to the National Incident Management System, the National Response Plan, and such other subjects as determined by the Administrator.*

*''(B) EXERCISES.—The Administrator shall require each Regional Administrator to participate as appropriate in regional and national exercises.*

*''(d) AREA OFFICES.—*

*''(1) IN GENERAL.—There is an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.*

*''(2) ALASKA.—The Administrator shall establish an Area Office in Alaska, as a component in the appropriate Regional Office.*

*''(e) REGIONAL ADVISORY COUNCIL.—*

*''(1) ESTABLISHMENT.—Each Regional Administrator shall establish a Regional Advisory Council.*

*''(2) NOMINATIONS.—A State, local, or tribal government located within the geographic area served by the Regional Office may nominate officials, including Adjutants General and emergency managers, to serve as members of the Regional Advisory Council for that region.*

*''(3) RESPONSIBILITIES.—Each Regional Advisory Council shall—*

*''(A) advise the Regional Administrator on emergency management issues specific to that region;*

*''(B) identify any geographic, demographic, or other characteristics peculiar to any State, local, or tribal government within the region that might make preparedness, protection, response, recovery, or mitigation more complicated or difficult; and*

*''(C) advise the Regional Administrator of any weaknesses or deficiencies in preparedness, protection, response, recovery, and mitigation for any State, local, and tribal government within the region of which the Regional Advisory Council is aware.*

*''(f) REGIONAL OFFICE STRIKE TEAMS.—*

*''(1) IN GENERAL.—In coordination with other relevant Federal agencies, each Regional Administrator shall oversee multi-agency strike teams authorized under section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) that shall consist of—*

*''(A) a designated Federal coordinating officer;*

*''(B) personnel trained in incident management;*

*''(C) public affairs, response and recovery, and communications support personnel;*

*''(D) a defense coordinating officer;*

*''(E) liaisons to other Federal agencies;*

*''(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and*

*''(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan.*

*''(2) OTHER DUTIES.—The duties of an individual assigned to a Regional Office strike team from another relevant agency when such individual is not functioning as a member of the strike team shall be consistent with the emergency preparedness activities of the agency that employs such individual.*

*''(3) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily within the region that corresponds to that strike team.*

*''(4) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State, local, and tribal governments and private sector and nongovernmental entities which the strike team shall support when a natural disaster, act of terrorism, or other man-made disaster occurs.*

*''(5) PREPAREDNESS.—Each Regional Office strike team shall be trained as a unit on a regular basis and equipped and staffed to be well prepared to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.*

*''(6) AUTHORITIES.—If the Administrator determines that statutory authority is inadequate for the preparedness and deployment of individuals in strike teams under this subsection, the Administrator shall report to Congress regarding the additional statutory authorities that the Administrator determines are necessary.*

**"SEC. 508. NATIONAL ADVISORY COUNCIL.**

*''(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the Post-Katrina Emergency Management Reform Act of 2006, the Secretary shall establish an advisory body under section 871(a) to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.*

*''(b) RESPONSIBILITIES.—The National Advisory Council shall advise the Administrator on all aspects of emergency management. The National Advisory Council shall incorporate State,*

*local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.*

*''(c) MEMBERSHIP.—*

*''(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and nongovernmental organizations, including as appropriate—*

*''(A) members selected from the emergency management field and emergency response providers, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel, or organizations representing such individuals;*

*''(B) health scientists, emergency and inpatient medical providers, and public health professionals;*

*''(C) experts from Federal, State, local, and tribal governments, and the private sector, representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;*

*''(D) State, local, and tribal government officials with expertise in preparedness, protection, response, recovery, and mitigation, including Adjutants General;*

*''(E) elected State, local, and tribal government executives;*

*''(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;*

*''(G) representatives of individuals with disabilities and other populations with special needs; and*

*''(H) such other individuals as the Administrator determines to be appropriate.*

*''(2) COORDINATION WITH THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND TRANSPORTATION.—In the selection of members of the National Advisory Council who are health or emergency medical services professionals, the Administrator shall work with the Secretary of Health and Human Services and the Secretary of Transportation.*

*''(3) EX OFFICIO MEMBERS.—The Administrator shall designate 1 or more officers of the Federal Government to serve as ex officio members of the National Advisory Council.*

*''(4) TERMS OF OFFICE.—*

*''(A) IN GENERAL.—Except as provided in subparagraph (B), the term of office of each member of the National Advisory Council shall be 3 years.*

*''(B) INITIAL APPOINTMENTS.—Of the members initially appointed to the National Advisory Council—*

*''(i) one-third shall be appointed for a term of 1 year; and*

*''(ii) one-third shall be appointed for a term of 2 years.*

*''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—*

*''(1) IN GENERAL.—Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the National Advisory Council.*

*''(2) TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Advisory Council.*

***"SEC. 509. NATIONAL INTEGRATION CENTER.***

*''(a) IN GENERAL.—There is established in the Agency a National Integration Center.*

*''(b) RESPONSIBILITIES.—*

*''(1) IN GENERAL.—The Administrator, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.*

*''(2) SPECIFIC RESPONSIBILITIES.—The National Integration Center shall periodically review, and revise as appropriate, the National Incident Management System and the National Response Plan, including—*

*''(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;*

*''(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and*

*''(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.*

*''(c) INCIDENT MANAGEMENT.—*

*''(1) IN GENERAL.—*

*''(A) NATIONAL RESPONSE PLAN.—The Secretary, acting through the Administrator, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.*

*''(B) ADMINISTRATOR.—The chain of the command specified in the National Response Plan shall—*

*''(i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 503(c)(4) and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and*

*''(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 302(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)).*

*''(2) PRINCIPAL FEDERAL OFFICIAL.—The Principal Federal Official (or the successor thereto) shall not—*

*''(A) direct or replace the incident command structure established at the incident; or*

*''(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.*

***"SEC. 510. CREDENTIALING AND TYPING.***

*''The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing standards for deployment capabilities, including credentialing of personnel and typing of resources likely needed to respond to natural disasters, acts of terrorism, and other man-made disasters.*

***"SEC. 511. THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.***

*''(a) DEFINITION.—In this section, the term 'National Infrastructure Simulation and Analysis Center' means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).*

*''(b) AUTHORITY.—*

*''(1) IN GENERAL.—There is in the Department the National Infrastructure Simulation and Analysis Center which shall serve as a source of national expertise to address critical infrastructure protection and continuity through support for activities related to—*

*''(A) counterterrorism, threat assessment, and risk mitigation; and*

*''(B) a natural disaster, act of terrorism, or other man-made disaster.*

*''(2) INFRASTRUCTURE MODELING.—*

*''(A) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include modeling, simulation, and analysis of the systems and assets comprising critical infrastructure, in order to enhance preparedness, protection, response, recovery, and mitigation activities.*

*''(B) RELATIONSHIP WITH OTHER AGENCIES.—Each Federal agency and department with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive, shall establish a formal relationship, including an agreement regarding information sharing, between the elements of such agency or department and the National Infrastructure Simulation and Analysis Center, through the Department.*

*''(C) PURPOSE.—*

*''(i) IN GENERAL.—The purpose of the relationship under subparagraph (B) shall be to permit each Federal agency and department described in subparagraph (B) to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center (particularly vulnerability and consequence analysis), consistent with its work load capacity and priorities, for real-time response to reported and projected natural disasters, acts of terrorism, and other man-made disasters.*

*''(ii) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided to relevant Federal agencies and departments, including Federal agencies and departments with critical infrastructure responsibilities under Homeland Security Presidential Directive 7, or any successor to such directive.*

***"SEC. 512. EVACUATION PLANS AND EXERCISES.***

*''(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to subsection (d), grants made to States or local or tribal governments by the Department through the State Homeland Security Grant Program or the Urban Area Security Initiative may be used to—*

*''(1) establish programs for the development and maintenance of mass evacuation plans under subsection (b) in the event of a natural disaster, act of terrorism, or other man-made disaster;*

*''(2) prepare for the execution of such plans, including the development of evacuation routes and the purchase and stockpiling of necessary supplies and shelters; and*

*''(3) conduct exercises of such plans.*

*''(b) PLAN DEVELOPMENT.—In developing the mass evacuation plans authorized under subsection (a), each State, local, or tribal government shall, to the maximum extent practicable—*

*''(1) establish incident command and decision making processes;*

*''(2) ensure that State, local, and tribal government plans, including evacuation routes, are coordinated and integrated;*

*''(3) identify primary and alternative evacuation routes and methods to increase evacuation capabilities along such routes such as conversion of two-way traffic to one-way evacuation routes;*

*''(4) identify evacuation transportation modes and capabilities, including the use of mass and public transit capabilities, and coordinating and integrating evacuation plans for all populations including for those individuals located in hospitals, nursing homes, and other institutional living facilities;*

*''(5) develop procedures for informing the public of evacuation plans before and during an evacuation, including individuals—*

*''(A) with disabilities or other special needs;*

''(B) with limited English proficiency; or

''(C) who might otherwise have difficulty in obtaining such information; and

''(6) identify shelter locations and capabilities.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—The Administrator may establish any guidelines, standards, or requirements determined appropriate to administer this section and to ensure effective mass evacuation planning for State, local, and tribal areas.

''(2) REQUESTED ASSISTANCE.—The Administrator shall make assistance available upon request of a State, local, or tribal government to assist hospitals, nursing homes, and other institutions that house individuals with special needs to establish, maintain, and exercise mass evacuation plans that are coordinated and integrated into the plans developed by that State, local, or tribal government under this section.

''(d) MULTIPURPOSE FUNDS.—Nothing in this section may be construed to preclude a State, local, or tribal government from using grant funds in a manner that enhances preparedness for a natural or man-made disaster unrelated to an act of terrorism, if such use assists such government in building capabilities for terrorism preparedness.

**''SEC. 513. DISABILITY COORDINATOR.**

''(a) IN GENERAL.—After consultation with organizations representing individuals with disabilities, the National Council on Disabilities, and the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, established under Executive Order 13347 (6 U.S.C. 312 note), the Administrator shall appoint a Disability Coordinator. The Disability Coordinator shall report directly to the Administrator, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

''(b) RESPONSIBILITIES.—The Disability Coordinator shall be responsible for—

''(1) providing guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(2) interacting with the staff of the Agency, the National Council on Disabilities, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities established under Executive Order No. 13347 (6 U.S.C. 312 note), other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(3) consulting with organizations that represent the interests and rights of individuals with disabilities about the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(4) ensuring the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

''(5) ensuring the development of training materials and a curriculum for training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

''(6) promoting the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

''(7) working to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

''(8) ensuring the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

''(9) providing guidance and implementing policies to ensure that the rights and wishes of individuals with disabilities regarding post-evacuation residency and relocation are respected;

''(10) ensuring that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006; and

''(11) any other duties as assigned by the Administrator.

**''SEC. 514. DEPARTMENT AND AGENCY OFFICIALS.**

''(a) DEPUTY ADMINISTRATORS.—The President may appoint, by and with the advice and consent of the Senate, not more than 4 Deputy Administrators to assist the Administrator in carrying out this title.

''(b) CYBERSECURITY AND COMMUNICATIONS.—There is in the Department an Assistant Secretary for Cybersecurity and Communications.

''(c) UNITED STATES FIRE ADMINISTRATION.—The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

**''SEC. 515. NATIONAL OPERATIONS CENTER.**

''(a) DEFINITION.—In this section, the term 'situational awareness' means information gathered from a variety of sources that, when communicated to emergency managers and decision makers, can form the basis for incident management decisionmaking.

''(b) ESTABLISHMENT.—The National Operations Center is the principal operations center for the Department and shall—

''(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, and tribal governments as appropriate, in the event of a natural disaster, act of terrorism, or other man-made disaster; and

''(2) ensure that critical terrorism and disaster-related information reaches government decision-makers.

**''SEC. 516. CHIEF MEDICAL OFFICER.**

''(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

''(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

''(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

''(2) coordinating the biodefense activities of the Department;

''(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

''(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

''(5) serving as the Department's primary point of contact for State, local, and tribal governments, the medical community, and others within and outside the Department, with respect to medical and public health matters;

''(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; and

''(7) performing such other duties relating to such responsibilities as the Secretary may require.''.

**SEC. 612. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Administrator of the Federal Emergency Management Agency.''.

(2) DEPUTY ADMINISTRATORS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Administrators, Federal Emergency Management Agency.''.

(3) CHIEF MEDICAL OFFICER.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chief Medical Officer, Department of Homeland Security.''.

(b) OFFICERS OF THE DEPARTMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) An Administrator of the Federal Emergency Management Agency.'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (10) (as amended by this subsection) as paragraphs (2) through (9), respectively.

(c) REFERENCES.—Any reference to the Director of the Federal Emergency Management Agency, in any law, rule, regulation, certificate, directive, instruction, or other official paper shall be considered to refer and apply to the Administrator of the Federal Emergency Management Agency.

(d) DEFINITION.—Section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by inserting ''fire,'' after ''safety,''.

(e) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the items relating to title V and sections 501 through 509 and inserting the following:

''TITLE V—NATIONAL EMERGENCY MANAGEMENT

''Sec. 501. Definitions.
''Sec. 502. Definition.
''Sec. 503. Federal Emergency Management Agency.
''Sec. 504. Authorities and responsibilities.
''Sec. 505. Functions transferred.
''Sec. 506. Preserving the Federal Emergency Management Agency.
''Sec. 507. Regional Offices.
''Sec. 508. National Advisory Council.
''Sec. 509. National Integration Center.
''Sec. 510. Credentialing and typing.
''Sec. 511. The National Infrastructure Simulation and Analysis Center.
''Sec. 512. Evacuation plans and exercises.
''Sec. 513. Disability Coordinator.
''Sec. 514. Department and Agency officials.
''Sec. 515. National Operations Center.
''Sec. 516. Chief Medical Officer.
''Sec. 517. Nuclear incident response.
''Sec. 518. Conduct of certain public health-related activities.
''Sec. 519. Use of national private sector networks in emergency response.
''Sec. 520. Use of commercially available technology, goods, and services.
''Sec. 521. Procurement of security countermeasures for strategic national stockpile.''.

(f) INTERIM ACTIONS.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on March 31, 2007, the Secretary, the Under Secretary for Preparedness, and the Director of the Federal Emergency Management Agency shall take such actions as are necessary to provide for the orderly implementation of any amendment under this subtitle that takes effect on March 31, 2007.

(2) REFERENCES.—Any reference to the Administrator of the Federal Emergency Management Agency in this title or an amendment by this title shall be considered to refer and apply to the Director of the Federal Emergency Management Agency until March 31, 2007.

***SEC. 613. NATIONAL WEATHER SERVICE.***

*Nothing in this title shall alter or otherwise affect the authorities and activities of the National Weather Service to protect life and property, including under the Act of October 1, 1890 (26 Stat. 653-55).*

***SEC. 614. EFFECTIVE DATE.***

*(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.*

*(b) EXCEPTIONS.—The following shall take effect on March 31, 2007:*

*(1) The amendments made by section 611(11).*

*(2) The amendments made by section 611(12).*

*(3) Sections 505, 507, 508, and 514 of the Homeland Security Act of 2002, as amended by section 611(13) of this Act.*

*(4) The amendments made by subsection (a).*

*(5) The amendments made by subsection (b)(1).*

***Subtitle B—Personnel Provisions***

***CHAPTER 1—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL***

***SEC. 621. WORKFORCE DEVELOPMENT.***

*(a) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:*

***"CHAPTER 101—FEDERAL EMERGENCY MANAGEMENT AGENCY PERSONNEL***

*''Sec.*
*''10101. Definitions.*
*''10102. Strategic human capital plan.*
*''10103. Career paths.*
*''10104. Recruitment bonuses.*
*''10105. Retention bonuses.*
*''10106. Quarterly report on vacancy rate in employee positions.*

***"§ 10101. Definitions***

*''For purposes of this chapter—*

*''(1) the term 'Agency' means the Federal Emergency Management Agency;*

*''(2) the term 'Administrator' means the Administrator of the Federal Emergency Management Agency;*

*''(3) the term 'appropriate committees of Congress' has the meaning given the term in section 602 of the Post-Katrina Emergency Management Reform Act of 2006;*

*''(4) the term 'Department' means the Department of Homeland Security; and*

*''(5) the term 'Surge Capacity Force' refers to the Surge Capacity Force, described under section 624 of the Post-Katrina Emergency Management Reform Act of 2006.*

***"§ 10102. Strategic human capital plan***

*''(a) PLAN DEVELOPMENT.—Not later than 6 months after the date of enactment of this chapter, the Administrator shall develop and submit to the appropriate committees of Congress a strategic human capital plan to shape and improve the workforce of the Agency.*

*''(b) CONTENTS.—The strategic human capital plan shall include—*

*''(1) a workforce gap analysis, including an assessment of—*

*''(A) the critical skills and competencies that will be needed in the workforce of the Agency to support the mission and responsibilities of, and effectively manage, the Agency during the 10-year period beginning on the date of enactment of this chapter;*

*''(B) the skills and competencies of the workforce of the Agency on the day before the date of enactment of this chapter and projected trends in that workforce, based on expected losses due to retirement and other attrition; and*

*''(C) the staffing levels of each category of employee, including gaps in the workforce of the Agency on the day before the date of enactment of this chapter and in the projected workforce of the Agency that should be addressed to ensure that the Agency has continued access to the critical skills and competencies described in subparagraph (A);*

*''(2) a plan of action for developing and reshaping the workforce of the Agency to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—*

*''(A) specific recruitment and retention goals, including the use of the bonus authorities under this chapter as well as other bonus authorities (including the program objective of the Agency to be achieved through such goals);*

*''(B) specific strategies for developing, training, deploying, compensating, and motivating and retaining the Agency workforce and its ability to fulfill the Agency's mission and responsibilities (including the program objectives of the Department and the Agency to be achieved through such strategies);*

*''(C) specific strategies for recruiting individuals who have served in multiple State agencies with emergency management responsibilities; and*

*''(D) specific strategies for the development, training, and coordinated and rapid deployment of the Surge Capacity Force; and*

*''(3) a discussion that—*

*''(A) details the number of employees of the Department not employed by the Agency serving in the Surge Capacity Force and the qualifications or credentials of such individuals;*

*''(B) details the number of individuals not employed by the Department serving in the Surge Capacity Force and the qualifications or credentials of such individuals;*

*''(C) describes the training given to the Surge Capacity Force during the calendar year preceding the year of submission of the plan under subsection (c);*

*''(D) states whether the Surge Capacity Force is able to adequately prepare for, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and*

*''(E) describes any additional authorities or resources necessary to address any deficiencies in the Surge Capacity Force.*

*''(c) ANNUAL UPDATES.—Not later than May 1, 2007, and May 1st of each of the next 5 succeeding years, the Administrator shall submit to the appropriate committees of Congress an update of the strategic human capital plan, including an assessment by the Administrator, using results-oriented performance measures, of the progress of the Department and the Agency in implementing the strategic human capital plan.*

***"§ 10103. Career paths***

*''(a) IN GENERAL.—The Administrator shall—*

*''(1) ensure that appropriate career paths for personnel of the Agency are identified, including the education, training, experience, and assignments necessary for career progression within the Agency; and*

*''(2) publish information on the career paths described in paragraph (1).*

*''(b) EDUCATION, TRAINING, AND EXPERIENCE.—The Administrator shall ensure that all personnel of the Agency are provided the opportunity to acquire the education, training, and experience necessary to qualify for promotion within the Agency, including, as appropriate, the opportunity to participate in the Rotation Program established under section 844 of the Homeland Security Act of 2002.*

*''(c) POLICY.—The Administrator shall establish a policy for assigning Agency personnel to positions that provides for a balance between—*

*''(1) the need for such personnel to serve in career enhancing positions; and*

*''(2) the need to require service in a position for a sufficient period of time to provide the stability necessary—*

*''(A) to carry out the duties of that position; and*

*''(B) for responsibility and accountability for actions taken in that position.*

***"§ 10104. Recruitment bonuses***

*''(a) IN GENERAL.—The Administrator may pay a bonus to an individual in order to recruit the individual for a position within the Agency that would otherwise be difficult to fill in the absence of such a bonus. Upon completion of the strategic human capital plan, such bonuses shall be paid in accordance with that plan.*

*''(b) BONUS AMOUNT.—*

*''(1) IN GENERAL.—The amount of a bonus under this section shall be determined by the Administrator, but may not exceed 25 percent of the annual rate of basic pay of the position involved.*

*''(2) FORM OF PAYMENT.—A bonus under this section shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.*

*''(c) SERVICE AGREEMENTS.—Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement with the Agency. The agreement shall include—*

*''(1) the period of service the individual shall be required to complete in return for the bonus; and*

*''(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.*

*''(d) ELIGIBILITY.—A bonus under this section may not be paid to an individual who is appointed to or holds—*

*''(1) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;*

*''(2) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or*

*''(3) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.*

*''(e) TERMINATION.—The authority to pay bonuses under this section shall terminate 5 years after the date of enactment of this chapter.*

*''(f) REPORTS.—*

*''(1) IN GENERAL.—The Agency shall submit to the appropriate committees of Congress, annually for each of the 5 years during which this section is in effect, a report on the operation of this section.*

*''(2) CONTENTS.—Each report submitted under this subsection shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under this section was used by the Agency, including—*

*''(A) the number and dollar amount of bonuses paid to individuals holding positions within each pay grade, pay level, or other pay classification; and*

*''(B) a determination of the extent to which such bonuses furthered the purposes of this section.*

***"§ 10105. Retention bonuses***

*''(a) AUTHORITY.—The Administrator may pay, on a case-by-case basis, a bonus under this section to an employee of the Agency if—*

*''(1) the unusually high or unique qualifications of the employee or a special need of the Agency for the employee's services makes it essential to retain the employee; and*

*''(2) the Administrator determines that, in the absence of such a bonus, the employee would be likely to leave—*

*''(A) the Federal service; or*

*''(B) for a different position in the Federal service.*

*''(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Agency to complete a period of service with the Agency. Such agreement shall include—*

*''(1) the period of service the individual shall be required to complete in return for the bonus; and*

*''(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.*

''(c) BONUS AMOUNT.—

''(1) IN GENERAL.—The amount of a bonus under this section shall be determined by the Administrator, but may not exceed 25 percent of the annual rate of basic pay of the position involved.

''(2) FORM OF PAYMENT.—A bonus under this section shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

''(d) LIMITATION.—A bonus under this section—

''(1) may not be based on any period of service which is the basis for a recruitment bonus under section 10104;

''(2) may not be paid to an individual who is appointed to or holds—

''(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

''(B) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or

''(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character; and

''(3) upon completion of the strategic human capital plan, shall be paid in accordance with that plan.

''(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall expire 5 years after the date of enactment of this chapter.

''(f) REPORTS.—

''(1) IN GENERAL.—The Office of Personnel Management shall submit to the appropriate committees of Congress, annually for each of the first 5 years during which this section is in effect, a report on the operation of this section.

''(2) CONTENTS.—Each report submitted under this subsection shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under this section was used by the Agency, including, with respect to each such agency—

''(A) the number and dollar amount of bonuses paid to individuals holding positions within each pay grade, pay level, or other pay classification; and

''(B) a determination of the extent to which such bonuses furthered the purposes of this section.

**''§ 10106. Quarterly report on vacancy rate in employee positions**

''(a) INITIAL REPORT.—

''(1) IN GENERAL.—Not later than 3 months after the date of enactment of this chapter, the Administrator shall develop and submit to the appropriate committees of Congress a report on the vacancies in employee positions of the Agency.

''(2) CONTENTS.—The report under this subsection shall include—

''(A) vacancies of each category of employee position;

''(B) the number of applicants for each vacancy for which public notice has been given;

''(C) the length of time that each vacancy has been pending;

''(D) hiring-cycle time for each vacancy that has been filled; and

''(E) a plan for reducing the hiring-cycle time and reducing the current and anticipated vacancies with highly-qualified personnel.

''(b) QUARTERLY UPDATES.—Not later than 3 months after submission of the initial report, and every 3 months thereafter until 5 years after the date of enactment of this chapter, the Administrator shall submit to the appropriate committees of Congress an update of the report under subsection (a), including an assessment by the Administrator of the progress of the Agency in filling vacant employee positions of the Agency.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for part III title 5, United States Code, is amended by inserting after the item relating to chapter 99 the following:

''101 Federal Emergency Management Agency Personnel ..... 10101''.

**SEC. 622. ESTABLISHMENT OF HOMELAND SECURITY ROTATION PROGRAM AT THE DEPARTMENT OF HOMELAND SECURITY.**

(a) ESTABLISHMENT.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 843 the following:

**''SEC. 844. HOMELAND SECURITY ROTATION PROGRAM.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish the Homeland Security Rotation Program (in this section referred to as the 'Rotation Program') for employees of the Department. The Rotation Program shall use applicable best practices, including those from the Chief Human Capital Officers Council.

''(2) GOALS.—The Rotation Program established by the Secretary shall—

''(A) be established in accordance with the Human Capital Strategic Plan of the Department;

''(B) provide middle and senior level employees in the Department the opportunity to broaden their knowledge through exposure to other components of the Department;

''(C) expand the knowledge base of the Department by providing for rotational assignments of employees to other components;

''(D) build professional relationships and contacts among the employees in the Department;

''(E) invigorate the workforce with exciting and professionally rewarding opportunities;

''(F) incorporate Department human capital strategic plans and activities, and address critical human capital deficiencies, recruitment and retention efforts, and succession planning within the Federal workforce of the Department; and

''(G) complement and incorporate (but not replace) rotational programs within the Department in effect on the date of enactment of this section.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—The Chief Human Capital Officer shall administer the Rotation Program.

''(B) RESPONSIBILITIES.—The Chief Human Capital Officer shall—

''(i) provide oversight of the establishment and implementation of the Rotation Program;

''(ii) establish a framework that supports the goals of the Rotation Program and promotes cross-disciplinary rotational opportunities;

''(iii) establish eligibility for employees to participate in the Rotation Program and select participants from employees who apply;

''(iv) establish incentives for employees to participate in the Rotation Program, including promotions and employment preferences;

''(v) ensure that the Rotation Program provides professional education and training;

''(vi) ensure that the Rotation Program develops qualified employees and future leaders with broad-based experience throughout the Department;

''(vii) provide for greater interaction among employees in components of the Department; and

''(viii) coordinate with rotational programs within the Department in effect on the date of enactment of this section.

''(4) ALLOWANCES, PRIVILEGES, AND BENEFITS.—All allowances, privileges, rights, seniority, and other benefits of employees participating in the Rotation Program shall be preserved.

''(5) REPORTING.—Not later than 180 days after the date of the establishment of the Rotation Program, the Secretary shall submit a report on the status of the Rotation Program, including a description of the Rotation Program, the number of employees participating, and how the Rotation Program is used in succession planning and leadership development to the appropriate committees of Congress.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 843 the following:

''Sec. 844. Homeland Security Rotation Program.''.

**SEC. 623. HOMELAND SECURITY EDUCATION PROGRAM.**

(a) ESTABLISHMENT.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 844 (as added by section 622 of this Act) the following:

**''SEC. 845. HOMELAND SECURITY EDUCATION PROGRAM.**

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator, shall establish a graduate-level Homeland Security Education Program in the National Capital Region to provide educational opportunities to senior Federal officials and selected State and local officials with homeland security and emergency management responsibilities. The Administrator shall appoint an individual to administer the activities under this section.

''(b) LEVERAGING OF EXISTING RESOURCES.—To maximize efficiency and effectiveness in carrying out the Program, the Administrator shall use existing Department-reviewed Master's Degree curricula in homeland security, including curricula pending accreditation, together with associated learning materials, quality assessment tools, digital libraries, exercise systems and other educational facilities, including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute. The Administrator may develop additional educational programs, as appropriate.

''(c) STUDENT ENROLLMENT.—

''(1) SOURCES.—The student body of the Program shall include officials from Federal, State, local, and tribal governments, and from other sources designated by the Administrator.

''(2) ENROLLMENT PRIORITIES AND SELECTION CRITERIA.—The Administrator shall establish policies governing student enrollment priorities and selection criteria that are consistent with the mission of the Program.

''(3) DIVERSITY.—The Administrator shall take reasonable steps to ensure that the student body represents racial, gender, and ethnic diversity.

''(d) SERVICE COMMITMENT.—

''(1) IN GENERAL.—Before any employee selected for the Program may be assigned to participate in the program, the employee shall agree in writing—

''(A) to continue in the service of the agency sponsoring the employee during the 2-year period beginning on the date on which the employee completes the program, unless the employee is involuntarily separated from the service of that agency for reasons other than a reduction in force; and

''(B) to pay to the Government the amount of the additional expenses incurred by the Government in connection with the employee's education if the employee is voluntarily separated from the service to the agency before the end of the period described in subparagraph (A).

''(2) PAYMENT OF EXPENSES.—

''(A) EXEMPTION.—An employee who leaves the service of the sponsoring agency to enter into the service of another agency in any branch of the Government shall not be required to make a payment under paragraph (1)(B), unless the head of the agency that sponsored the education of the employee notifies that employee before the date on which the employee enters the service of the other agency that payment is required under that paragraph.

''(B) AMOUNT OF PAYMENT.—If an employee is required to make a payment under paragraph

*(1)(B), the agency that sponsored the education of the employee shall determine the amount of the payment, except that such amount may not exceed the pro rata share of the expenses incurred for the time remaining in the 2-year period.*

*''(3) RECOVERY OF PAYMENT.—If an employee who is required to make a payment under this subsection does not make the payment, a sum equal to the amount of the expenses incurred by the Government for the education of that employee is recoverable by the Government from the employee or his estate by—*

*''(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or*

*''(B) such other method as is provided by lay for the recovery of amounts owing to the Government.''.*

*(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. et seq.), as amended by section 622, is amended by inserting after the item relating to section 844 the following:*

*''Sec. 845. Homeland Security Education Program.''.*

***SEC. 624. SURGE CAPACITY FORCE.***

*(a) ESTABLISHMENT.—*

*(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall prepare and submit to the appropriate committees of Congress a plan to establish and implement a Surge Capacity Force for deployment of individuals to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.*

*(2) AUTHORITY.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B), the plan shall provide for individuals in the Surge Capacity Force to be trained and deployed under the authorities set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act.*

*(B) EXCEPTION.—If the Administrator determines that the existing authorities are inadequate for the training and deployment of individuals in the Surge Capacity Force, the Administrator shall report to Congress as to the additional statutory authorities that the Administrator determines necessary.*

*(b) EMPLOYEES DESIGNATED TO SERVE.—The plan shall include procedures under which the Secretary shall designate employees of the Department who are not employees of the Agency and shall, in conjunction with the heads of other Executive agencies, designate employees of those other Executive agencies, as appropriate, to serve on the Surge Capacity Force.*

*(c) CAPABILITIES.—The plan shall ensure that the Surge Capacity Force—*

*(1) includes a sufficient number of individuals credentialed in accordance with section 510 of the Homeland Security Act of 2002, as amended by this Act, that are capable of deploying rapidly and efficiently after activation to prepare for, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents; and*

*(2) includes a sufficient number of full-time, highly trained individuals credentialed in accordance with section 510 of the Homeland Security Act of 2002, as amended by this Act, to lead and manage the Surge Capacity Force.*

*(d) TRAINING.—The plan shall ensure that the Administrator provides appropriate and continuous training to members of the Surge Capacity Force to ensure such personnel are adequately trained on the Agency's programs and policies for natural disasters, acts of terrorism, and other man-made disasters.*

*(e) NO IMPACT ON AGENCY PERSONNEL CEILING.—Surge Capacity Force members shall not be counted against any personnel ceiling applicable to the Federal Emergency Management Agency.*

*(f) EXPENSES.—The Administrator may provide members of the Surge Capacity Force with travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for the purpose of participating in any training that relates to service as a member of the Surge Capacity Force.*

*(g) IMMEDIATE IMPLEMENTATION OF SURGE CAPACITY FORCE INVOLVING FEDERAL EMPLOYEES.—As soon as practicable after the date of enactment of this Act, the Administrator shall develop and implement—*

*(1) the procedures under subsection (b); and*

*(2) other elements of the plan needed to establish the portion of the Surge Capacity Force consisting of individuals designated under those procedures.*

***CHAPTER 2—EMERGENCY MANAGEMENT CAPABILITIES***

***SEC. 631. STATE CATASTROPHIC INCIDENT ANNEX.***

*Section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) is amended—*

*(1) in subsection (b)(3) by inserting ''including a catastrophic incident annex,'' after ''plans,''; and*

*(2) by redesignating subsections (c) through (g) and subsections (d) through (h), respectively; and*

*(3) by inserting after subsection (b) the following:*

*''(c) CATASTROPHIC INCIDENT ANNEX.—*

*''(1) CONSISTENCY.—A catastrophic incident annex submitted under subsection (b)(3) shall be—*

*''(A) modeled after the catastrophic incident annex of the National Response Plan; and*

*''(B) consistent with the national preparedness goal established under section 643 of the Post-Katrina Emergency Management Reform Act of 2006, the National Incident Management System, the National Response Plan, and other related plans and strategies.*

*''(2) CONSULTATION.—In developing a catastrophic incident annex submitted under subsection (b)(3), a State shall consult with and seek appropriate comments from local governments, emergency response providers, locally governed multijurisdictional councils of government, and regional planning commissions.''.*

***SEC. 632. EVACUATION PREPAREDNESS TECHNICAL ASSISTANCE.***

*The Administrator, in coordination with the heads of other appropriate Federal agencies, shall provide evacuation preparedness technical assistance to State, local, and tribal governments, including the preparation of hurricane evacuation studies and technical assistance in developing evacuation plans, assessing storm surge estimates, evacuation zones, evacuation clearance times, transportation capacity, and shelter capacity.*

***SEC. 633. EMERGENCY RESPONSE TEAMS.***

*Section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5144) is amended—*

*(1) by striking ''**SEC. 303.**'' and all that follows through ''The President shall'' and inserting the following:*

***''SEC. 303. EMERGENCY SUPPORT AND RESPONSE TEAMS.***

*''(a) EMERGENCY SUPPORT TEAMS.—The President shall''; and*

*(2) by adding at the end the following:*

*''(b) EMERGENCY RESPONSE TEAMS.—*

*''(1) ESTABLISHMENT.—In carrying out subsection (a), the President, acting through the Director of the Federal Emergency Management Agency, shall establish—*

*''(A) at a minimum 3 national response teams; and*

*''(B) sufficient regional response teams, including Regional Office strike teams under section 507 of the Homeland Security Act of 2002; and*

*''(C) other response teams as may be necessary to meet the incident management responsibilities of the Federal Government.*

*''(2) TARGET CAPABILITY LEVEL.—The Director shall ensure that specific target capability levels, as defined pursuant to the guidelines established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006, are established for Federal emergency response teams.*

*''(3) PERSONNEL.—The President, acting through the Director, shall ensure that the Federal emergency response teams consist of adequate numbers of properly planned, organized, equipped, trained, and exercised personnel to achieve the established target capability levels. Each emergency response team shall work in coordination with State and local officials and on-site personnel associated with a particular incident.*

*''(4) READINESS REPORTING.—The Director shall evaluate team readiness on a regular basis and report team readiness levels in the report required under section 652(a) of the Post-Katrina Emergency Management Reform Act of 2006.''.*

***SEC. 634. URBAN SEARCH AND RESCUE RESPONSE SYSTEM.***

*(a) IN GENERAL.—There is in the Agency a system known as the Urban Search and Rescue Response System.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the system for fiscal year 2008, an amount equal to the amount appropriated for the system for fiscal year 2007 and an additional $20,000,000.*

***SEC. 635. METROPOLITAN MEDICAL RESPONSE GRANT PROGRAM.***

*(a) IN GENERAL.—There is a Metropolitan Medical Response Program.*

*(b) PURPOSES.—The program shall include each purpose of the program as it existed on June 1, 2006.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program for fiscal year 2008, an amount equal to the amount appropriated for the program for fiscal year 2007 and an additional $30,000,000.*

***SEC. 636. LOGISTICS.***

*The Administrator shall develop an efficient, transparent, and flexible logistics system for procurement and delivery of goods and services necessary for an effective and timely response to natural disasters, acts of terrorism, and other man-made disasters and for real-time visibility of items at each point throughout the logistics system.*

***SEC. 637. PREPOSITIONED EQUIPMENT PROGRAM.***

*(a) IN GENERAL.—The Administrator shall establish a prepositioned equipment program to preposition standardized emergency equipment in at least 11 locations to sustain and replenish critical assets used by State, local, and tribal governments in response to (or rendered inoperable by the effects of) natural disasters, acts of terrorism, and other man-made disasters.*

*(b) NOTICE.—The Administrator shall notify State, local, and tribal officials in an area in which a location for the prepositioned equipment program will be closed not later than 60 days before the date of such closure.*

***SEC. 638. HURRICANE KATRINA AND HURRICANE RITA RECOVERY OFFICES.***

*(a) ESTABLISHMENT.—In order to provide all eligible Federal assistance to individuals and State, local, and tribal governments affected by Hurricane Katrina or Hurricane Rita in a customer-focused, expeditious, effective, and consistent manner, the Administrator shall establish, in coordination with the appropriate States, a recovery office. The Administrator may establish recovery offices for each of the following States, if necessary:*

*(1) Mississippi.*

*(2) Louisiana.*

*(3) Alabama.*

*(4) Texas.*

*(b) STRUCTURE.—Each recovery office shall have an executive director, appointed by the Administrator, and a senior management team.*

*(c) RESPONSIBILITIES.—Each executive director, in coordination with State, local, and tribal governments, private sector entities, and nongovernmental organizations, including faith-based and other community humanitarian relief entities, shall provide assistance in a timely and effective manner to residents of the Gulf Coast region for recovering from Hurricane Katrina or Hurricane Rita.*

*(d) STAFFING.—*

*(1) IN GENERAL.—Each recovery office shall be staffed by multi-year term, temporary employees and permanent employees.*

*(2) STAFFING LEVELS.—Staffing levels of a recovery office shall be commensurate with current and projected workload and shall be evaluated on a regular basis.*

*(e) PERFORMANCE MEASURES.—To ensure that each recovery office is meeting its objectives, the Administrator shall identify performance measures that are specific, measurable, achievable, relevant, and timed, including—*

*(1) public assistance program project worksheet completion rates; and*

*(2) public assistance reimbursement times.*

*(f) CLOSEOUT INCENTIVES.—The Administrator shall provide incentives for the timely closeout of public assistance projects under sections 406 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172 and 5173).*

*(g) TERMINATION.—Each recovery office shall terminate at the discretion of the Administrator.*

***SEC. 639. BASIC LIFE SUPPORTING FIRST AID AND EDUCATION.***

*The Administrator shall enter into agreements with organizations to provide funds to emergency response providers to provide education and training in life supporting first aid to children.*

***SEC. 640. IMPROVEMENTS TO INFORMATION TECHNOLOGY SYSTEMS.***

*(a) MEASURES TO IMPROVE INFORMATION TECHNOLOGY SYSTEMS.—The Administrator, in coordination with the Chief Information Officer of the Department, shall take appropriate measures to update and improve the information technology systems of the Agency, including measures to—*

*(1) ensure that the multiple information technology systems of the Agency (including the National Emergency Management Information System, the Logistics Information Management System III, and the Automated Deployment Database) are, to the extent practicable, fully compatible and can share and access information, as appropriate, from each other;*

*(2) ensure technology enhancements reach the headquarters and regional offices of the Agency in a timely fashion, to allow seamless integration;*

*(3) develop and maintain a testing environment that ensures that all system components are properly and thoroughly tested before their release;*

*(4) ensure that the information technology systems of the Agency have the capacity to track disaster response personnel, mission assignments task orders, commodities, and supplies used in response to a natural disaster, act of terrorism, or other man-made disaster;*

*(5) make appropriate improvements to the National Emergency Management Information System to address shortcomings in such system on the date of enactment of this Act; and*

*(6) provide training, manuals, and guidance on information technology systems to personnel, including disaster response personnel, to help ensure employees can properly use information technology systems.*

*(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing the implementation of this section, including a description of any actions taken, improvements made, and remaining problems and a description of any additional funding needed to make necessary and appropriate improvements to the information technology systems of the Agency.*

***SEC. 640a. DISCLOSURE OF CERTAIN INFORMATION TO LAW ENFORCEMENT AGENCIES.***

*In the event of circumstances requiring an evacuation, sheltering, or mass relocation, the Administrator may disclose information in any individual assistance database of the Agency in accordance with section 552a(b) of title 5, United States Code (commonly referred to as the ''Privacy Act''), to any law enforcement agency of the Federal Government or a State, local, or tribal government in order to identify illegal conduct or address public safety or security issues, including compliance with sex offender notification laws.*

***Subtitle C—Comprehensive Preparedness System***

***CHAPTER 1—NATIONAL PREPAREDNESS SYSTEM***

***SEC. 641. DEFINITIONS.***

*In this chapter:*

*(1) CAPABILITY.—The term ''capability'' means the ability to provide the means to accomplish one or more tasks under specific conditions and to specific performance standards. A capability may be achieved with any combination of properly planned, organized, equipped, trained, and exercised personnel that achieves the intended outcome.*

*(2) HAZARD.—The term ''hazard'' has the meaning given that term under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5195a).*

*(3) MISSION ASSIGNMENT.—The term ''mission assignment'' means a work order issued to a Federal agency by the Agency, directing completion by that agency of a specified task and setting forth funding, other managerial controls, and guidance.*

*(4) NATIONAL PREPAREDNESS GOAL.—The term ''national preparedness goal'' means the national preparedness goal established under section 643.*

*(5) NATIONAL PREPAREDNESS SYSTEM.—The term ''national preparedness system'' means the national preparedness system established under section 644.*

*(6) NATIONAL TRAINING PROGRAM.—The term ''national training program'' means the national training program established under section 648(a).*

*(7) OPERATIONAL READINESS.—The term ''operational readiness'' means the capability of an organization, an asset, a system, or equipment to perform the missions or functions for which it is organized or designed.*

*(8) PERFORMANCE MEASURE.—The term ''performance measure'' means a quantitative or qualitative characteristic used to gauge the results of an outcome compared to its intended purpose.*

*(9) PERFORMANCE METRIC.—The term ''performance metric'' means a particular value or characteristic used to measure the outcome that is generally expressed in terms of a baseline and a target.*

*(10) PREVENTION.—The term ''prevention'' means any activity undertaken to avoid, prevent, or stop a threatened or actual act of terrorism.*

***SEC. 642. NATIONAL PREPAREDNESS.***

*In order to prepare the Nation for all hazards, including natural disasters, acts of terrorism, and other man-made disasters, the President, consistent with the declaration of policy under section 601 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195) and title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by this Act, shall develop a national preparedness goal and a national preparedness system.*

***SEC. 643. NATIONAL PREPAREDNESS GOAL.***

*(a) ESTABLISHMENT.—The President, acting through the Administrator, shall complete, revise, and update, as necessary, a national preparedness goal that defines the target level of preparedness to ensure the Nation's ability to prevent, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters.*

*(b) NATIONAL INCIDENT MANAGEMENT SYSTEM AND NATIONAL RESPONSE PLAN.—The national preparedness goal, to the greatest extent practicable, shall be consistent with the National Incident Management System and the National Response Plan.*

***SEC. 644. ESTABLISHMENT OF NATIONAL PREPAREDNESS SYSTEM.***

*(a) ESTABLISHMENT.—The President, acting through the Administrator, shall develop a national preparedness system to enable the Nation to meet the national preparedness goal.*

*(b) COMPONENTS.—The national preparedness system shall include the following components:*

*(1) Target capabilities and preparedness priorities.*

*(2) Equipment and training standards.*

*(3) Training and exercises.*

*(4) Comprehensive assessment system.*

*(5) Remedial action management program.*

*(6) Federal response capability inventory.*

*(7) Reporting requirements.*

*(8) Federal preparedness.*

*(c) NATIONAL PLANNING SCENARIOS.—The national preparedness system may include national planning scenarios.*

***SEC. 645. NATIONAL PLANNING SCENARIOS.***

*(a) IN GENERAL.—The Administrator, in coordination with the heads of appropriate Federal agencies and the National Advisory Council, may develop planning scenarios to reflect the relative risk requirements presented by all hazards, including natural disasters, acts of terrorism, and other man-made disasters, in order to provide the foundation for the flexible and adaptive development of target capabilities and the identification of target capability levels to meet the national preparedness goal.*

*(b) DEVELOPMENT.—In developing, revising, and replacing national planning scenarios, the Administrator shall ensure that the scenarios—*

*(1) reflect the relative risk of all hazards and illustrate the potential scope, magnitude, and complexity of a broad range of representative hazards; and*

*(2) provide the minimum number of representative scenarios necessary to identify and define the tasks and target capabilities required to respond to all hazards.*

***SEC. 646. TARGET CAPABILITIES AND PREPAREDNESS PRIORITIES.***

*(a) ESTABLISHMENT OF GUIDELINES ON TARGET CAPABILITIES.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall complete, revise, and update, as necessary, guidelines to define risk-based target capabilities for Federal, State, local, and tribal government preparedness that will enable the Nation to prevent, respond to, recover from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters.*

*(b) DISTRIBUTION OF GUIDELINES.—The Administrator shall ensure that the guidelines are provided promptly to the appropriate committees of Congress and the States.*

*(c) OBJECTIVES.—The Administrator shall ensure that the guidelines are specific, flexible, and measurable.*

*(d) TERRORISM RISK ASSESSMENT.—With respect to analyzing and assessing the risk of acts of terrorism, the Administrator shall consider—*

*(1) the variables of threat, vulnerability, and consequences related to population (including transient commuting and tourist populations),*

*areas of high population density, critical infrastructure, coastline, and international borders; and*

*(2) the most current risk assessment available from the Chief Intelligence Officer of the Department of the threats of terrorism against the United States.*

*(e) PREPAREDNESS PRIORITIES.—In establishing the guidelines under subsection (a), the Administrator shall establish preparedness priorities that appropriately balance the risk of all hazards, including natural disasters, acts of terrorism, and other man-made disasters, with the resources required to prevent, respond to, recover from, and mitigate against the hazards.*

*(f) MUTUAL AID AGREEMENTS.—The Administrator may provide support for the development of mutual aid agreements within States.*

***SEC. 647. EQUIPMENT AND TRAINING STANDARDS.***

*(a) EQUIPMENT STANDARDS.—*

*(1) IN GENERAL.—The Administrator, in coordination with the heads of appropriate Federal agencies and the National Advisory Council, shall support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for the performance, use, and validation of equipment used by Federal, State, local, and tribal governments and nongovernmental emergency response providers.*

*(2) REQUIREMENTS.—The national voluntary consensus standards shall—*

*(A) be designed to achieve equipment and other capabilities consistent with the national preparedness goal, including the safety and health of emergency response providers;*

*(B) to the maximum extent practicable, be consistent with existing national voluntary consensus standards;*

*(C) take into account, as appropriate, threats that may not have been contemplated when the existing standards were developed; and*

*(D) focus on maximizing operability, interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety.*

*(b) TRAINING STANDARDS.—The Administrator shall—*

*(1) support the development, promulgation, and regular updating, as necessary, of national voluntary consensus standards for training; and*

*(2) ensure that the training provided under the national training program is consistent with the standards.*

*(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In carrying out this section, the Administrator shall consult with representatives of relevant public and private sector national voluntary consensus standards development organizations.*

***SEC. 648. TRAINING AND EXERCISES.***

*(a) NATIONAL TRAINING PROGRAM.—*

*(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national training program to implement the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.*

*(2) TRAINING PARTNERS.—In developing and implementing the national training program, the Administrator shall—*

*(A) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for emergency managers or emergency response providers; and*

*(B) utilize, as appropriate, training courses provided by community colleges, State and local public safety academies, State and private universities, and other facilities.*

*(b) NATIONAL EXERCISE PROGRAM.—*

*(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the heads of appropriate Federal agencies, the National Council on Disability, and the National Advisory Council, shall carry out a national exercise program to test and evaluate the national preparedness goal, National Incident Management System, National Response Plan, and other related plans and strategies.*

*(2) REQUIREMENTS.—The national exercise program—*

*(A) shall be—*

*(i) as realistic as practicable, based on current risk assessments, including credible threats, vulnerabilities, and consequences, and designed to stress the national preparedness system;*

*(ii) designed, as practicable, to simulate the partial or complete incapacitation of a State, local, or tribal government;*

*(iii) carried out, as appropriate, with a minimum degree of notice to involved parties regarding the timing and details of such exercises, consistent with safety considerations;*

*(iv) designed to provide for systematic evaluation of readiness; and*

*(v) designed to address the unique requirements of populations with special needs; and*

*(B) shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises that—*

*(i) conform to the requirements under subparagraph (A);*

*(ii) are consistent with any applicable State, local, or tribal strategy or plan; and*

*(iii) provide for systematic evaluation of readiness.*

*(3) NATIONAL LEVEL EXERCISES.—The Administrator shall periodically, but not less than biennially, perform national exercises for the following purposes:*

*(A) To test and evaluate the capability of Federal, State, local, and tribal governments to detect, disrupt, and prevent threatened or actual catastrophic acts of terrorism, especially those involving weapons of mass destruction.*

*(B) To test and evaluate the readiness of Federal, State, local, and tribal governments to respond and recover in a coordinated and unified manner to catastrophic incidents.*

***SEC. 649. COMPREHENSIVE ASSESSMENT SYSTEM.***

*(a) ESTABLISHMENT.—The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a comprehensive system to assess, on an ongoing basis, the Nation's prevention capabilities and overall preparedness, including operational readiness.*

*(b) PERFORMANCE METRICS AND MEASURES.—The Administrator shall ensure that each component of the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies, and the reports required under section 652 is developed, revised, and updated with clear and quantifiable performance metrics, measures, and outcomes.*

*(c) CONTENTS.—The assessment system established under subsection (a) shall assess—*

*(1) compliance with the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies;*

*(2) capability levels at the time of assessment against target capability levels defined pursuant to the guidelines established under section 646(a);*

*(3) resource needs to meet the desired target capability levels defined pursuant to the guidelines established under section 646(a); and*

*(4) performance of training, exercises, and operations.*

***SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.***

*The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—*

*(1) analyze training, exercises, and real-world events to identify and disseminate lessons learned and best practices;*

*(2) generate and disseminate, as appropriate, after action reports to participants in exercises and real-world events; and*

*(3) conduct remedial action tracking and long-term trend analysis.*

***SEC. 651. FEDERAL RESPONSE CAPABILITY INVENTORY.***

*(a) IN GENERAL.—In accordance with section 611(h)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(h)(1)(C), the Administrator shall accelerate the completion of the inventory of Federal response capabilities.*

*(b) CONTENTS.—The inventory shall include—*

*(1) for each capability—*

*(A) the performance parameters of the capability;*

*(B) the timeframe within which the capability can be brought to bear on an incident; and*

*(C) the readiness of the capability to respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters; and*

*(2) emergency communications assets maintained by the Federal Government and, if appropriate, State, local, and tribal governments and the private sector.*

*(c) DEPARTMENT OF DEFENSE.—The Administrator, in coordination with the Secretary of Defense, shall develop a list of organizations and functions within the Department of Defense that may be used, pursuant to the authority provided under the National Response Plan and sections 402, 403, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a, 5170b, 5192), to provide support to civil authorities during natural disasters, acts of terrorism, and other man-made disasters.*

*(d) DATABASE.—The Administrator shall establish an inventory database to allow—*

*(1) real-time exchange of information regarding capabilities, readiness, or the compatibility of equipment;*

*(2) easy identification and rapid deployment during an incident; and*

*(3) the sharing of inventories with other Federal agencies, as appropriate.*

***SEC. 652. REPORTING REQUIREMENTS.***

*(a) FEDERAL PREPAREDNESS REPORT.—*

*(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator, in coordination with the heads of appropriate Federal agencies, shall submit to the appropriate committees of Congress a report on the Nation's level of preparedness for all hazards, including natural disasters, acts of terrorism, and other man-made disasters.*

*(2) CONTENTS.—Each report shall include—*

*(A) an assessment of how Federal assistance supports the national preparedness system;*

*(B) the results of the comprehensive assessment carried out under section 649;*

*(C) a review of the inventory described in section 651(a); and*

*(D) an assessment of resource needs to meet preparedness priorities established under section 646(e), including—*

*(i) an estimate of the amount of Federal, State, local, and tribal expenditures required to attain the preparedness priorities; and*

*(ii) the extent to which the use of Federal assistance during the preceding fiscal year achieved the preparedness priorities.*

*(b) CATASTROPHIC RESOURCE REPORT.—*

*(1) IN GENERAL.—The Administrator shall develop and submit to the appropriate committees of Congress annually an estimate of the resources of the Agency and other Federal agencies needed for and devoted specifically to developing the capabilities of Federal, State, local, and tribal governments necessary to respond to a catastrophic incident.*

*(2) CONTENTS.—Each estimate under paragraph (1) shall include the resources both necessary for and devoted to—*

*(A) planning*

(B) training and exercises;

(C) Regional Office enhancements;

(D) staffing, including for surge capacity during a catastrophic incident;

(E) additional logistics capabilities;

(F) other responsibilities under the catastrophic incident annex and the catastrophic incident supplement of the National Response Plan;

(G) State, local, and tribal government catastrophic incident preparedness; and

(H) covering increases in the fixed costs or expenses of the Agency, including rent or property acquisition costs or expenses, taxes, contributions to the working capital fund of the Department, and security costs for the year after the year in which such estimate is submitted.

(c) STATE PREPAREDNESS REPORT.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, and annually thereafter, a State receiving Federal preparedness assistance administered by the Department shall submit a report to the Administrator on the State's level of preparedness.

(2) CONTENTS.—Each report shall include—

(A) an assessment of State compliance with the national preparedness system, National Incident Management System, National Response Plan, and other related plans and strategies;

(B) an assessment of current capability levels and a description of target capability levels; and

(C) an assessment of resource needs to meet the preparedness priorities established under section 646(e), including—

(i) an estimate of the amount of expenditures required to attain the preparedness priorities; and

(ii) the extent to which the use of Federal assistance during the preceding fiscal year achieved the preparedness priorities.

**SEC. 653. FEDERAL PREPAREDNESS.**

(a) AGENCY RESPONSIBILITY.—In support of the national preparedness system, the President shall ensure that each Federal agency with coordinating, primary, or supporting responsibilities under the National Response Plan—

(1) has the operational capability to meet the national preparedness goal, including—

(A) the personnel to make and communicate decisions;

(B) organizational structures that are assigned, trained, and exercised for the missions of the agency;

(C) sufficient physical resources; and

(D) the command, control, and communication channels to make, monitor, and communicate decisions;

(2) complies with the National Incident Management System;

(3) develops, trains, and exercises rosters of response personnel to be deployed when the agency is called upon to support a Federal response; and

(4) develops deliberate operational plans and the corresponding capabilities, including crisis planning, to respond effectively to natural disasters, acts of terrorism, and other man-made disasters in support of the National Response Plan to ensure a coordinated Federal response.

(b) OPERATIONAL PLANS.—An operations plan developed under subsection (a)(4) shall meet the following requirements:

(1) The operations plan shall be coordinated under a unified system with a common terminology, approach, and framework.

(2) The operations plan shall be developed, in coordination with State, local, and tribal government officials, to address both regional and national risks.

(3) The operations plan shall contain, as appropriate, the following elements:

(A) Concepts of operations.

(B) Critical tasks and responsibilities.

(C) Detailed resource and personnel requirements, together with sourcing requirements.

(D) Specific provisions for the rapid integration of the resources and personnel of the agency into the overall response.

(4) The operations plan shall address, as appropriate, the following matters:

(A) Support of State, local, and tribal governments in conducting mass evacuations, including—

(i) transportation and relocation;

(ii) short- and long-term sheltering and accommodation;

(iii) provisions for populations with special needs, keeping families together, and expeditious location of missing children; and

(iv) policies and provisions for pets.

(B) The preparedness and deployment of public health and medical resources, including resources to address the needs of evacuees and populations with special needs.

(C) The coordination of interagency search and rescue operations, including land, water, and airborne search and rescue operations.

(D) The roles and responsibilities of the Senior Federal Law Enforcement Official with respect to other law enforcement entities.

(E) The protection of critical infrastructure.

(F) The coordination of maritime salvage efforts among relevant agencies.

(G) The coordination of Department of Defense and National Guard support of civilian authorities.

(H) To the extent practicable, the utilization of Department of Defense, National Air and Space Administration, National Oceanic and Atmospheric Administration, and commercial aircraft and satellite remotely sensed imagery.

(I) The coordination and integration of support from the private sector and nongovernmental organizations.

(J) The safe disposal of debris, including hazardous materials, and, when practicable, the recycling of debris.

(K) The identification of the required surge capacity.

(L) Specific provisions for the recovery of affected geographic areas.

(c) MISSION ASSIGNMENTS.—To expedite the provision of assistance under the National Response Plan, the President shall ensure that the Administrator, in coordination with Federal agencies with responsibilities under the National Response Plan, develops prescripted mission assignments, including logistics, communications, mass care, health services, and public safety.

(d) CERTIFICATION.—The President shall certify on an annual basis that each Federal agency with coordinating, primary, or supporting responsibilities under the National Response Plan complies with subsections (a) and (b).

(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense with regard to—

(1) the command, control, training, planning, equipment, exercises, or employment of Department of Defense forces; or

(2) the allocation of Department of Defense resources.

**SEC. 654. USE OF EXISTING RESOURCES.**

In establishing the national preparedness goal and national preparedness system, the Administrator shall use existing preparedness documents, planning tools, and guidelines to the extent practicable and consistent with this Act.

## CHAPTER 2—ADDITIONAL PREPAREDNESS

**SEC. 661. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.**

(a) IN GENERAL.—The Administrator may make grants to administer the Emergency Management Assistance Compact consented to by the Joint Resolution entitled ''Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact'' (Public Law 104–321; 110 Stat. 3877).

(b) USES.—A grant under this section shall be used—

(1) to carry out recommendations identified in the Emergency Management Assistance Compact after-action reports for the 2004 and 2005 hurricane season;

(2) to administer compact operations on behalf of all member States and territories;

(3) to continue coordination with the Agency and appropriate Federal agencies;

(4) to continue coordination with State, local, and tribal government entities and their respective national organizations; and

(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing emergency response providers and the typing of emergency response resources.

(c) COORDINATION.—The Administrator shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $4,000,000 for fiscal year 2008. Such sums shall remain available until expended.

**SEC. 662. EMERGENCY MANAGEMENT PERFORMANCE GRANTS.**

There is authorized to be appropriated for the Emergency Management Performance Grants Program for fiscal year 2008, an amount equal to the amount appropriated for the program for fiscal year 2007 and an additional $175,000,000.

**SEC. 663. TRANSFER OF NOBLE TRAINING CENTER.**

The Noble Training Center is transferred to the Center for Domestic Preparedness. The Center for Domestic Preparedness shall integrate the Noble Training Center into the program structure of the Center for Domestic Preparedness.

**SEC. 664. NATIONAL EXERCISE SIMULATION CENTER.**

The President shall establish a national exercise simulation center that—

(1) uses a mix of live, virtual, and constructive simulations to—

(A) prepare elected officials, emergency managers, emergency response providers, and emergency support providers at all levels of government to operate cohesively;

(B) provide a learning environment for the homeland security personnel of all Federal agencies;

(C) assist in the development of operational procedures and exercises, particularly those based on catastrophic incidents; and

(D) allow incident commanders to exercise decisionmaking in a simulated environment; and

(2) uses modeling and simulation for training, exercises, and command and control functions at the operational level.

## Subtitle D—Emergency Communications

**SEC. 671. EMERGENCY COMMUNICATIONS.**

(a) SHORT TITLE.—This section may be cited as the ''21st Century Emergency Communications Act of 2006''.

(b) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

## ''TITLE XVIII—EMERGENCY COMMUNICATIONS

**''SEC. 1801. OFFICE OF EMERGENCY COMMUNICATIONS.**

''(a) IN GENERAL.—There is established in the Department an Office of Emergency Communications.

''(b) DIRECTOR.—The head of the office shall be the Director for Emergency Communications. The Director shall report to the Assistant Secretary for Cybersecurity and Communications.

''(c) RESPONSIBILITIES.—The Director for Emergency Communications shall—

''(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 314;

''(2) administer the Department's responsibilities and authorities relating to the SAFECOM Program, excluding elements related to research,

*development, testing, and evaluation and standards;*

*''(3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;*

*''(4) conduct extensive, nationwide outreach to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;*

*''(5) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies, and by regional consortia thereof;*

*''(6) provide technical assistance to State, regional, local, and tribal government officials with respect to use of interoperable emergency communications capabilities;*

*''(7) coordinate with the Regional Administrators regarding the activities of Regional Emergency Communications Coordination Working Groups under section 1805;*

*''(8) promote the development of standard operating procedures and best practices with respect to use of interoperable emergency communications capabilities for incident response, and facilitate the sharing of information on such best practices for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;*

*''(9) coordinate, in cooperation with the National Communications System, the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of communications equipment for relevant State, local, and tribal governments and emergency response providers in the event of a catastrophic loss of local and regional emergency communications services;*

*''(10) assist the President, the National Security Council, the Homeland Security Council, and the Director of the Office of Management and Budget in ensuring the continued operation of the telecommunications functions and responsibilities of the Federal Government, excluding spectrum management;*

*''(11) establish, in coordination with the Director of the Office for Interoperability and Compatibility, requirements for interoperable emergency communications capabilities, which shall be nonproprietary where standards for such capabilities exist, for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department, excluding any alert and warning device, technology, or system;*

*''(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans, developed pursuant to homeland security assistance administered by the Department, but excluding spectrum allocation and management related to such plans;*

*''(13) develop and update periodically, as appropriate, a National Emergency Communications Plan under section 1802;*

*''(14) perform such other duties of the Department necessary to support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and*

*''(15) perform other duties of the Department necessary to achieve the goal of and maintain and enhance interoperable emergency communications capabilities.*

*''(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—The Secretary shall transfer to, and administer through, the Director for Emergency Communications the following programs and responsibilities:*

*''(1) The SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards.*

*''(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.*

*''(3) The Interoperable Communications Technical Assistance Program.*

*''(e) COORDINATION.—The Director for Emergency Communications shall coordinate—*

*''(1) as appropriate, with the Director of the Office for Interoperability and Compatibility with respect to the responsibilities described in section 314; and*

*''(2) with the Administrator of the Federal Emergency Management Agency with respect to the responsibilities described in this title.*

*''(f) SUFFICIENCY OF RESOURCES PLAN.—*

*''(1) REPORT.—Not later than 120 days after the date of enactment of this section, the Secretary shall submit to Congress a report on the resources and staff necessary to carry out fully the responsibilities under this title.*

*''(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 60 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.*

***"SEC. 1802. NATIONAL EMERGENCY COMMUNICATIONS PLAN.***

*''(a) IN GENERAL.—The Secretary, acting through the Director for Emergency Communications, and in cooperation with the Department of National Communications System (as appropriate), shall, in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, and the private sector, develop not later than 180 days after the completion of the baseline assessment under section 1803, and periodically update, a National Emergency Communications Plan to provide recommendations regarding how the United States should—*

*''(1) support and promote the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and*

*''(2) ensure, accelerate, and attain interoperable emergency communications nationwide.*

*''(b) COORDINATION.—The Emergency Communications Preparedness Center under section 1806 shall coordinate the development of the Federal aspects of the National Emergency Communications Plan.*

*''(c) CONTENTS.—The National Emergency Communications Plan shall—*

*''(1) include recommendations developed in consultation with the Federal Communications Commission and the National Institute of Standards and Technology for a process for expediting national voluntary consensus standards for emergency communications equipment for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;*

*''(2) identify the appropriate capabilities necessary for emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;*

*''(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments in the event of natural disasters, acts of terrorism, and other man-made disasters;*

*''(4) recommend both short-term and long-term solutions for ensuring that emergency response providers and relevant government officials can continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;*

*''(5) recommend both short-term and long-term solutions for deploying interoperable emergency communications systems for Federal, State, local, and tribal governments throughout the Nation, including through the provision of existing and emerging technologies;*

*''(6) identify how Federal departments and agencies that respond to natural disasters, acts of terrorism, and other man-made disasters can work effectively with State, local, and tribal governments, in all States, and with other entities;*

*''(7) identify obstacles to deploying interoperable emergency communications capabilities nationwide and recommend short-term and long-term measures to overcome those obstacles, including recommendations for multijurisdictional coordination among Federal, State, local, and tribal governments;*

*''(8) recommend goals and timeframes for the deployment of emergency, command-level communications systems based on new and existing equipment across the United States and develop a timetable for the deployment of interoperable emergency communications systems nationwide; and*

*''(9) recommend appropriate measures that emergency response providers should employ to ensure the continued operation of relevant governmental communications infrastructure in the event of natural disasters, acts of terrorism, or other man-made disasters.*

***"SEC. 1803. ASSESSMENTS AND REPORTS.***

*''(a) BASELINE ASSESSMENT.—Not later than 1 year after the date of enactment of this section and not less than every 5 years thereafter, the Secretary, acting through the Director for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments that—*

*''(1) defines the range of capabilities needed by emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters;*

*''(2) defines the range of interoperable emergency communications capabilities needed for specific events;*

*''(3) assesses the current available capabilities to meet such communications needs;*

*''(4) identifies the gap between such current capabilities and defined requirements; and*

*''(5) includes a national interoperable emergency communications inventory to be completed by the Secretary of Homeland Security, the Secretary of Commerce, and the Chairman of the Federal Communications Commission that—*

*''(A) identifies for each Federal department and agency—*

*''(i) the channels and frequencies used;*

*''(ii) the nomenclature used to refer to each channel or frequency used; and*

*''(iii) the types of communications systems and equipment used; and*

*''(B) identifies the interoperable emergency communications systems in use by public safety agencies in the United States.*

*''(b) CLASSIFIED ANNEX.—The baseline assessment under this section may include a classified annex including information provided under subsection (a)(5)(A).*

*''(c) SAVINGS CLAUSE.—In conducting the baseline assessment under this section, the Secretary may incorporate findings from assessments conducted before, or ongoing on, the date of enactment of this title.*

*''(d) PROGRESS REPORTS.—Not later than one year after the date of enactment of this section and biennially thereafter, the Secretary, acting through the Director for Emergency Communications, shall submit to Congress a report on the progress of the Department in achieving the goals of, and carrying out its responsibilities under, this title, including—*

*''(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);*

*''(2) a determination of the degree to which interoperable emergency communications capabilities have been attained to date and the gaps that remain for interoperability to be achieved;*

''(3) an evaluation of the ability to continue to communicate and to provide and maintain interoperable emergency communications by emergency managers, emergency response providers, and relevant government officials in the event of—

''(A) natural disasters, acts of terrorism, or other man-made disasters, including Incidents of National Significance declared by the Secretary under the National Response Plan; and

''(B) a catastrophic loss of local and regional communications services;

''(4) a list of best practices relating to the ability to continue to communicate and to provide and maintain interoperable emergency communications in the event of natural disasters, acts of terrorism, or other man-made disasters; and

''(A) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of natural disasters, acts of terrorism, or other man-made disasters.

**''SEC. 1804. COORDINATION OF DEPARTMENT EMERGENCY COMMUNICATIONS GRANT PROGRAMS.**

''(a) COORDINATION OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through the Director for Emergency Communications, shall ensure that grant guidelines for the use of homeland security assistance administered by the Department relating to interoperable emergency communications are coordinated and consistent with the goals and recommendations in the National Emergency Communications Plan under section 1802.

''(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Planning, and in consultation with the Director for Emergency Communications, may prohibit any State, local, or tribal government from using homeland security assistance administered by the Department to achieve, maintain, or enhance emergency communications capabilities, if—

''(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan as required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

''(B) such government has proposed to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards and has not provided a reasonable explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards; and

''(C) as of the date that is 3 years after the date of the completion of the initial National Emergency Communications Plan under section 1802, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

''(2) STANDARDS.—The Secretary, in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, shall support the development, promulgation, and updating as necessary of national voluntary consensus standards for interoperable emergency communications.

**''SEC. 1805. REGIONAL EMERGENCY COMMUNICATIONS COORDINATION.**

''(a) IN GENERAL.—There is established in each Regional Office a Regional Emergency Communications Coordination Working Group (in this section referred to as an 'RECC Working Group'). Each RECC Working Group shall report to the relevant Regional Administrator and coordinate its activities with the relevant Regional Advisory Council.

''(b) MEMBERSHIP.—Each RECC Working Group shall consist of the following:

''(1) NON-FEDERAL.—Organizations representing the interests of the following:

''(A) State officials.

''(B) Local government officials, including sheriffs.

''(C) State police departments.

''(D) Local police departments.

''(E) Local fire departments.

''(F) Public safety answering points (9–1–1 services).

''(G) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.

''(H) Local emergency managers or homeland security directors.

''(I) Other emergency response providers as appropriate.

''(2) FEDERAL.—Representatives from the Department, the Federal Communications Commission, and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

''(c) COORDINATION.—Each RECC Working Group shall coordinate its activities with the following:

''(1) Communications equipment manufacturers and vendors (including broadband data service providers).

''(2) Local exchange carriers.

''(3) Local broadcast media.

''(4) Wireless carriers.

''(5) Satellite communications services.

''(6) Cable operators.

''(7) Hospitals.

''(8) Public utility services.

''(9) Emergency evacuation transit services.

''(10) Ambulance services.

''(11) HAM and amateur radio operators.

''(12) Representatives from other private sector entities and nongovernmental organizations as the Regional Administrator determines appropriate.

''(d) DUTIES.—The duties of each RECC Working Group shall include—

''(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Plan;

''(2) reporting annually to the relevant Regional Administrator, the Director for Emergency Communications, the Chairman of the Federal Communications Commission, and the Assistant Secretary for Communications and Information of the Department of Commerce on the status of its region in building robust and sustainable interoperable voice and data emergency communications networks and, not later than 60 days after the completion of the initial National Emergency Communications Plan under section 1802, on the progress of the region in meeting the goals of such plan;

''(3) ensuring a process for the coordination of effective multijurisdictional, multi-agency emergency communications networks for use during natural disasters, acts of terrorism, and other man-made disasters through the expanded use of emergency management and public safety communications mutual aid agreements; and

''(4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to natural disasters, acts of terrorism, and other man-made disasters.

**''SEC. 1806. EMERGENCY COMMUNICATIONS PREPAREDNESS CENTER.**

''(a) ESTABLISHMENT.—There is established the Emergency Communications Preparedness Center (in this section referred to as the 'Center').

''(b) OPERATION.—The Secretary, the Chairman of the Federal Communications Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General of the United States, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, 'Emergency Communications Preparedness Center (ECPC) Charter'.

''(c) FUNCTIONS.—The Center shall—

''(1) serve as the focal point for interagency efforts and as a clearinghouse with respect to all relevant intergovernmental information to support and promote (including specifically by working to avoid duplication, hindrances, and counteractive efforts among the participating Federal departments and agencies)—

''(A) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

''(B) interoperable emergency communications;

''(2) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the coordination efforts of Federal departments and agencies to advance—

''(A) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

''(B) interoperable emergency communications;

''(3) consider, in preparing the strategic assessment under paragraph (2), the goals stated in the National Emergency Communications Plan under section 1802; and

''(4) perform such other functions as are provided in the Emergency Communications Preparedness Center (ECPC) Charter described in subsection (b)(1).

**''SEC. 1807. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.**

''(a) IN GENERAL.—The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials, shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from natural disasters, acts of terrorism, and other man-made disasters.

''(b) MINIMUM CAPABILITIES.—The interoperable emergency communications capabilities established under subsection (a) shall ensure the ability of all levels of government, emergency response providers, the private sector, and other organizations with emergency response capabilities—

''(1) to communicate with each other in the event of an emergency;

''(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 321); and

''(3) to be consistent with any applicable State or Urban Area homeland strategy or plan.

**''SEC. 1808. DEFINITION.**

''In this title, the term 'interoperable' has the meaning given the term 'interoperable communications' under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)).''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''TITLE XVIII—EMERGENCY COMMUNICATIONS

''Sec. 1801. Office for Emergency Communications
''Sec. 1802. National Emergency Communications Plan.
''Sec. 1803. Assessments and reports
''Sec. 1804. Coordination of Federal emergency communications grant programs

''Sec. 1805. Regional emergency communications coordination
''Sec. 1806. Emergency Communications Preparedness Center
''Sec. 1807. Urban and other high risk area communications capabilities
''Sec. 1808. Definition.''.

**SEC. 672. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.**

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

**''SEC. 314. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.**

''(a) CLARIFICATION OF RESPONSIBILITIES.—The Director of the Office for Interoperability and Compatibility shall—

''(1) assist the Secretary in developing and implementing the science and technology aspects of the program described in subparagraphs (D), (E), (F), and (G) of section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

''(2) in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, support the creation of national voluntary consensus standards for interoperable emergency communications;

''(3) establish a comprehensive research, development, testing, and evaluation program for improving interoperable emergency communications;

''(4) establish, in coordination with the Director for Emergency Communications, requirements for interoperable emergency communications capabilities, which shall be nonproprietary where standards for such capabilities exist, for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department, excluding any alert and warning device, technology, or system;

''(5) carry out the Department's responsibilities and authorities relating to research, development, testing, evaluation, or standards-related elements of the SAFECOM Program;

''(6) evaluate and assess new technology in real-world environments to achieve interoperable emergency communications capabilities;

''(7) encourage more efficient use of existing resources, including equipment, to achieve interoperable emergency communications capabilities;

''(8) test public safety communications systems that are less prone to failure, support new nonvoice services, use spectrum more efficiently, and cost less than existing systems;

''(9) coordinate with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperable emergency communications capabilities; and

''(10) conduct pilot projects, in coordination with the Director for Emergency Communications, to test and demonstrate technologies, including data and video, that enhance—

''(A) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

''(B) interoperable emergency communications capabilities.

''(b) COORDINATION.—The Director of the Office for Interoperability and Compatibility shall coordinate with the Director for Emergency Communications with respect to the SAFECOM program.

''(c) SUFFICIENCY OF RESOURCES.—The Secretary shall provide the Office for Interoperability and Compatibility the resources and staff necessary to carry out the responsibilities under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 313 the following:

''Sec. 314. Office for Interoperability and Compatibility.''.

**SEC. 673. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by this Act, is amended by adding at the end the following:

**''SEC. 315. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.**

''(a) IN GENERAL.—The Under Secretary for Science and Technology, acting through the Director of the Office for Interoperability and Compatibility, shall establish a comprehensive research and development program to support and promote—

''(1) the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters; and

''(2) interoperable emergency communications capabilities among emergency response providers and relevant government officials, including by—

''(A) supporting research on a competitive basis, including through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency; and

''(B) considering the establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program focused on improving emergency response providers' communication capabilities.

''(b) PURPOSES.—The purposes of the program established under subsection (a) include—

''(1) supporting research, development, testing, and evaluation on emergency communication capabilities;

''(2) understanding the strengths and weaknesses of the public safety communications systems in use;

''(3) examining how current and emerging technology can make emergency response providers more effective, and how Federal, State, local, and tribal government agencies can use this technology in a coherent and cost-effective manner;

''(4) investigating technologies that could lead to long-term advancements in emergency communications capabilities and supporting research on advanced technologies and potential systemic changes to dramatically improve emergency communications; and

''(5) evaluating and validating advanced technology concepts, and facilitating the development and deployment of interoperable emergency communication capabilities.

''(c) DEFINITIONS.—For purposes of this section, the term 'interoperable', with respect to emergency communications, has the meaning given the term in section 1808.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 314, as added by this Act, the following:

''Sec. 315. Emergency communications interoperability research and development.''.

**SEC. 674. 911 AND E911 SERVICES REPORT.**

Not later than 180 days after the date of enactment of this Act, the Chairman of the Federal Communications Commission shall submit a report to Congress on the status of efforts of State, local, and tribal governments to develop plans for rerouting 911 and E911 services in the event that public safety answering points are disabled during natural disasters, acts of terrorism, and other man-made disasters.

**SEC. 675. SAVINGS CLAUSE.**

Nothing in this subtitle shall be construed to transfer to the Office of Emergency Communications any function, personnel, asset, component, authority, grant program, or liability of the Federal Emergency Management Agency as constituted on June 1, 2006.

**Subtitle E—Stafford Act Amendments**

**SEC. 681. GENERAL FEDERAL ASSISTANCE.**

(a) MAJOR DISASTERS.—Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a) is amended—

(1) in paragraph (1), by striking ''efforts'' and inserting ''response or recovery efforts, including precautionary evacuations'';

(2) in paragraph (2), by striking the semicolon and inserting '', including precautionary evacuations and recovery;'';

(3) in paragraph (3)—

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

(B) by adding at the end the following:

''(F) recovery activities, including disaster impact assessments and planning;'';

(4) in paragraph (4), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(5) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President—

''(A) shall, to the fullest extent practicable, promptly notify and coordinate with officials in a State in which such assistance or support is provided; and

''(B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of a major disaster.''.

(b) EMERGENCIES.—Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the semicolon and inserting '', including precautionary evacuations;'';

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

(C) in paragraph (7), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(8) provide accelerated Federal assistance and Federal support where necessary to save lives, prevent human suffering, or mitigate severe damage, which may be provided in the absence of a specific request and in which case the President—

''(A) shall, to the fullest extent practicable, promptly notify and coordinate with a State in which such assistance or support is provided; and

''(B) shall not, in notifying and coordinating with a State under subparagraph (A), delay or impede the rapid deployment, use, and distribution of critical resources to victims of an emergency.'';

(2) in subsection (b), by striking the period and inserting '', including precautionary evacuations.''; and

(3) by adding at the end the following:

''(c) GUIDELINES.—The President shall promulgate and maintain guidelines to assist Governors in requesting the declaration of an emergency in advance of a natural or man-made disaster (including for the purpose of seeking assistance with special needs and other evacuation efforts) under this section by defining the types of assistance available to affected States and the circumstances under which such requests are likely to be approved.''.

**SEC. 682. NATIONAL DISASTER RECOVERY STRATEGY.**

(a) IN GENERAL.—The Administrator, in coordination with the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Secretary

*of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of Transportation, the Administrator of the Small Business Administration, the Assistant Secretary for Indian Affairs of the Department of the Interior, and the heads of other appropriate Federal agencies, State, local, and tribal government officials (including through the National Advisory Council), and representatives of appropriate nongovernmental organizations shall develop, coordinate, and maintain a National Disaster Recovery Strategy to serve as a guide to recovery efforts after major disasters and emergencies.*

*(b) CONTENTS.—The National Disaster Recovery Strategy shall—*

*(1) outline the most efficient and cost-effective Federal programs that will meet the recovery needs of States, local and tribal governments, and individuals and households affected by a major disaster;*

*(2) clearly define the role, programs, authorities, and responsibilities of each Federal agency that may be of assistance in providing assistance in the recovery from a major disaster;*

*(3) promote the use of the most appropriate and cost-effective building materials (based on the hazards present in an area) in any area affected by a major disaster, with the goal of encouraging the construction of disaster-resistant buildings; and*

*(4) describe in detail the programs that may be offered by the agencies described in paragraph (2), including—*

*(A) discussing funding issues;*

*(B) detailing how responsibilities under the National Disaster Recovery Strategy will be shared; and*

*(C) addressing other matters concerning the cooperative effort to provide recovery assistance.*

*(c) REPORT.—*

*(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the National Disaster Recovery Strategy and any additional authorities necessary to implement any portion of the National Disaster Recovery Strategy.*

*(2) UPDATE.—The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1)—*

*(A) on the same date that any change is made to the National Disaster Recovery Strategy; and*

*(B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5 years after the date of the submission of the report under paragraph (1).*

***SEC. 683. NATIONAL DISASTER HOUSING STRATEGY.***

*(a) IN GENERAL.—The Administrator, in coordination with representatives of the Federal agencies, governments, and organizations listed in subsection (b)(2) of this section, the National Advisory Council, the National Council on Disability, and other entities at the Administrator's discretion, shall develop, coordinate, and maintain a National Disaster Housing Strategy.*

*(b) CONTENTS.—The National Disaster Housing Strategy shall—*

*(1) outline the most efficient and cost effective Federal programs that will best meet the short-term and long-term housing needs of individuals and households affected by a major disaster;*

*(2) clearly define the role, programs, authorities, and responsibilities of each entity in providing housing assistance in the event of a major disaster, including—*

*(A) the Agency;*

*(B) the Department of Housing and Urban Development;*

*(C) the Department of Agriculture;*

*(D) the Department of Veterans Affairs;*

*(E) the Department of Health and Human Services;*

*(F) the Bureau of Indian Affairs;*

*(G) any other Federal agency that may provide housing assistance in the event of a major disaster;*

*(H) the American Red Cross; and*

*(I) State, local, and tribal governments;*

*(3) describe in detail the programs that may be offered by the entities described in paragraph (2), including—*

*(A) outlining any funding issues;*

*(B) detailing how responsibilities under the National Disaster Housing Strategy will be shared; and*

*(C) addressing other matters concerning the cooperative effort to provide housing assistance during a major disaster;*

*(4) consider methods through which housing assistance can be provided to individuals and households where employment and other resources for living are available;*

*(5) describe programs directed to meet the needs of special needs and low-income populations and ensure that a sufficient number of housing units are provided for individuals with disabilities;*

*(6) describe plans for the operation of clusters of housing provided to individuals and households, including access to public services, site management, security, and site density;*

*(7) describe plans for promoting the repair or rehabilitation of existing rental housing, including through lease agreements or other means, in order to improve the provision of housing to individuals and households under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and*

*(8) describe any additional authorities necessary to carry out any portion of the strategy.*

*(c) GUIDANCE.—The Administrator should develop and make publicly available guidance on—*

*(1) types of housing assistance available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to individuals and households affected by an emergency or major disaster;*

*(2) eligibility for such assistance (including, where appropriate, the continuation of such assistance); and*

*(3) application procedures for such assistance.*

*(d) REPORT.—*

*(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the National Disaster Housing Strategy, including programs directed to meeting the needs of special needs populations.*

*(2) UPDATED REPORT.—The Administrator shall submit to the appropriate committees of Congress a report updating the report submitted under paragraph (1)—*

*(A) on the same date that any change is made to the National Disaster Housing Strategy; and*

*(B) on a periodic basis after the submission of the report under paragraph (1), but not less than once every 5 years after the date of the submission of the report under paragraph (1).*

***SEC. 684. HAZARD MITIGATION GRANT PROGRAM FORMULA.***

*The third sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended by striking ''7.5 percent'' and inserting ''15 percent for amounts not more than $2,000,000,000, 10 percent for amounts of more than $2,000,000,000 and not more than $10,000,000,000, and 7.5 percent on amounts of more than $10,000,000,000 and not more than $35,333,000,000''.*

***SEC. 685. HOUSING ASSISTANCE.***

*Section 408(c)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—*

*(1) by inserting ''or semi-permanent'' after ''permanent''; and*

*(2) by striking ''remote''.*

***SEC. 686. MAXIMUM AMOUNT UNDER INDIVIDUAL ASSISTANCE PROGRAMS.***

*Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is amended—*

*(1) by striking paragraph (2)(C); and*

*(2) in paragraph (3)—*

*(A) by striking subparagraph (B); and*

*(B) by redesignating subparagraph (C) as subparagraph (B).*

***SEC. 687. COORDINATING OFFICERS.***

*Section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(b)) is amended by adding after subsection (c) the following:*

*''(d) Where the area affected by a major disaster or emergency includes parts of more than 1 State, the President, at the discretion of the President, may appoint a single Federal coordinating officer for the entire affected area, and may appoint such deputy Federal coordinating officers to assist the Federal coordinating officer as the President determines appropriate.''.*

***SEC. 688. DEFINITIONS.***

*Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—*

*(1) by amending paragraph (9) to read as follows:*

*''(9) PRIVATE NONPROFIT FACILITY.—*

*''(A) IN GENERAL.—The term 'private nonprofit facility' means private nonprofit educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.*

*''(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term 'private nonprofit facility' includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature), as defined by the President.'';*

*(2) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively; and*

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

*''(6) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).''.*

***SEC. 689. INDIVIDUALS WITH DISABILITIES.***

*(a) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, and in coordination with the National Advisory Council, the National Council on Disability, the Interagency Coordinating Council on Preparedness and Individuals With Disabilities established under Executive Order 13347 (6 U.S.C. 312 note), and the Disability Coordinator (established under section 513 of the Homeland Security Act of 2002, as added by this Act), the Administrator shall develop guidelines to accommodate individuals with disabilities, which shall include guidelines for—*

*(1) the accessibility of, and communications and programs in, shelters, recovery centers, and other facilities; and*

*(2) devices used in connection with disaster operations, including first aid stations, mass feeding areas, portable payphone stations, portable toilets, and temporary housing.*

*(b) ESSENTIAL ASSISTANCE.—Section 403(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)) is amended—*

*(1) in paragraph (2), by inserting ''durable medical equipment,'' after ''medicine''; and*

*(2) in paragraph (3)—*

*(A) in subparagraph (B), by inserting ''durable medical equipment,'' after ''medicine'';*

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

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

*(D) by adding at the end the following:*

*''(J) provision of rescue, care, shelter, and essential needs—*

*''(i) to individuals with household pets and service animals; and*

*''(ii) to such pets and animals.''.*

*(c) FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—*

*(1) in subsection (b)(1), by inserting '', or with respect to individuals with disabilities, rendered inaccessible or uninhabitable,'' after ''uninhabitable''; and*

*(2) in subsection (d)(1)(A)—*

*(A) in clause (i), by striking ''and'' after the semicolon;*

*(B) by redesignating clause (ii) as clause (iii); and*

*(C) by inserting after clause (i) the following:*

*''(ii) meets the physical accessibility requirements for individuals with disabilities; and''.*

***SEC. 689a. NONDISCRIMINATION IN DISASTER ASSISTANCE.***

*Section 308(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5151(a)) is amended by inserting ''disability, English proficiency,'' after ''age,''.*

***SEC. 689b. REUNIFICATION.***

*(a) DEFINITIONS.—In this section:*

*(1) CHILD LOCATOR CENTER.—The term ''Child Locator Center'' means the National Emergency Child Locator Center established under subsection (b).*

*(2) DECLARED EVENT.—The term ''declared event'' means a major disaster or emergency.*

*(3) DISPLACED ADULT.—The term ''displaced adult'' means an individual 21 years of age or older who is displaced from the habitual residence of that individual as a result of a declared event.*

*(4) DISPLACED CHILD.—The term ''displaced child'' means an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of a declared event.*

*(b) NATIONAL EMERGENCY CHILD LOCATOR CENTER.—*

*(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Attorney General of the United States, shall establish within the National Center for Missing and Exploited Children the National Emergency Child Locator Center. In establishing the National Emergency Child Locator Center, the Administrator shall establish procedures to make all relevant information available to the National Emergency Child Locator Center in a timely manner to facilitate the expeditious identification and reunification of children with their families.*

*(2) PURPOSES.—The purposes of the Child Locator Center are to—*

*(A) enable individuals to provide to the Child Locator Center the name of and other identifying information about a displaced child or a displaced adult who may have information about the location of a displaced child;*

*(B) enable individuals to receive information about other sources of information about displaced children and displaced adults; and*

*(C) assist law enforcement in locating displaced children.*

*(3) RESPONSIBILITIES AND DUTIES.—The responsibilities and duties of the Child Locator Center are to—*

*(A) establish a toll-free telephone number to receive reports of displaced children and information about displaced adults that may assist in locating displaced children;*

*(B) create a website to provide information about displaced children;*

*(C) deploy its staff to the location of a declared event to gather information about displaced children;*

*(D) assist in the reunification of displaced children with their families;*

*(E) provide information to the public about additional resources for disaster assistance;*

*(F) work in partnership with Federal, State, and local law enforcement agencies;*

*(G) provide technical assistance in locating displaced children;*

*(H) share information on displaced children and displaced adults with governmental agencies and nongovernmental organizations providing disaster assistance;*

*(I) use its resources to gather information about displaced children;*

*(J) refer reports of displaced adults to—*

*(i) an entity designated by the Attorney General to provide technical assistance in locating displaced adults; and*

*(ii) the National Emergency Family Registry and Locator System as defined under section 689c(a);*

*(K) enter into cooperative agreements with Federal and State agencies and other organizations such as the American Red Cross as necessary to implement the mission of the Child Locator Center; and*

*(L) develop an emergency response plan to prepare for the activation of the Child Locator Center.*

*(c) CONFORMING AMENDMENTS.—Section 403(1) of the Missing Children's Assistance Act (42 U.S.C. 5772(1)) is amended—*

*(1) in subparagraph (A), by striking ''or'' at the end;*

*(2) in subparagraph (B), by adding ''or'' after the semicolon; and*

*(3) by inserting after subparagraph (B) the following:*

*''(C) the individual is an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).''.*

*(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Transportation and Infrastructure and the Committee on the Judiciary of the House of Representatives a report describing in detail the status of the Child Locator Center, including funding issues and any difficulties or issues in establishing the Center or completing the cooperative agreements described in subsection (b)(3)(K).*

***SEC. 689c. NATIONAL EMERGENCY FAMILY REGISTRY AND LOCATOR SYSTEM.***

*(a) DEFINITIONS.—In this section—*

*(1) the term ''displaced individual'' means an individual displaced by an emergency or major disaster; and*

*(2) the term ''National Emergency Family Registry and Locator System'' means the National Emergency Family Registry and Locator System established under subsection (b).*

*(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a National Emergency Family Registry and Locator System to help reunify families separated after an emergency or major disaster.*

*(c) OPERATION OF SYSTEM.—The National Emergency Family Registry and Locator System shall—*

*(1) allow a displaced adult (including medical patients) to voluntarily register (and allow an adult that is the parent or guardian of a displaced child to register such child), by submitting personal information to be entered into a database (such as the name, current location of residence, and any other relevant information that could be used by others seeking to locate that individual);*

*(2) ensure that information submitted under paragraph (1) is accessible to those individuals named by a displaced individual and to those law enforcement officials;*

*(3) be accessible through the Internet and through a toll-free number, to receive reports of displaced individuals; and*

*(4) include a means of referring displaced children to the National Emergency Child Locator Center established under section 689b.*

*(d) PUBLICATION OF INFORMATION.—Not later than 210 days after the date of enactment of this Act, the Administrator shall establish a mechanism to inform the public about the National Emergency Family Registry and Locator System and its potential usefulness for assisting to reunite displaced individuals with their families.*

*(e) COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall enter a memorandum of understanding with the Department of Justice, the National Center for Missing and Exploited Children, the Department of Health and Human Services, and the American Red Cross and other relevant private organizations that will enhance the sharing of information to facilitate reuniting displaced individuals (including medical patients) with their families.*

*(f) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing in detail the status of the National Emergency Family Registry and Locator System, including any difficulties or issues in establishing the System, including funding issues.*

***SEC. 689d. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.***

*Section 408(c)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(A)) is amended—*

*(1) in clause (i), by adding at the end the following: ''Such assistance may include the payment of the cost of utilities, excluding telephone service.''; and*

*(2) in clause (ii), by inserting ''security deposits,'' after ''hookups,''.*

***SEC. 689e. DISASTER RELATED INFORMATION SERVICES.***

*Subtitle A of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:*

***''SEC. 616. DISASTER RELATED INFORMATION SERVICES.***

*''(a) IN GENERAL.—Consistent with section 308(a), the Director of Federal Emergency Management Agency shall—*

*''(1) identify, in coordination with State and local governments, population groups with limited English proficiency and take into account such groups in planning for an emergency or major disaster;*

*''(2) ensure that information made available to individuals affected by a major disaster or emergency is made available in formats that can be understood by—*

*''(A) population groups identified under paragraph (1); and*

*''(B) individuals with disabilities or other special needs; and*

*''(3) develop and maintain an informational clearinghouse of model language assistance programs and best practices for State and local governments in providing services related to a major disaster or emergency.*

*''(b) GROUP SIZE.—For purposes of subsection (a), the Director of Federal Emergency Management Agency shall define the size of a population group.''.*

***SEC. 689f. TRANSPORTATION ASSISTANCE AND CASE MANAGEMENT SERVICES TO INDIVIDUALS AND HOUSEHOLDS.***

*Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), is amended by adding at the end the following:*

***''SEC. 425. TRANSPORTATION ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.***

*''The President may provide transportation assistance to relocate individuals displaced from*

*their predisaster primary residences as a result of an incident declared under this Act or otherwise transported from their predisaster primary residences under section 403(a)(3) or 502, to and from alternative locations for short or long-term accommodation or to return an individual or household to their predisaster primary residence or alternative location, as determined necessary by the President.*

***"SEC. 426. CASE MANAGEMENT SERVICES.***

*''The President may provide case management services, including financial assistance, to State or local government agencies or qualified private organizations to provide such services, to victims of major disasters to identify and address unmet needs.''.*

***SEC. 689g. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.***

*(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (15 U.S.C. 5141 et seq.) is amended by adding at the end the following:*

***"SEC. 326. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.***

*''(a) IN GENERAL.—The President shall designate in the Federal Emergency Management Agency a Small State and Rural Advocate.*

*''(b) RESPONSIBILITIES.—The Small State and Rural Advocate shall be an advocate for the fair treatment of small States and rural communities in the provision of assistance under this Act.*

*''(c) DUTIES.—The Small State and Rural Advocate shall—*

*''(1) participate in the disaster declaration process under section 401 and the emergency declaration process under section 501, to ensure that the needs of rural communities are being addressed;*

*''(2) assist small population States in the preparation of requests for major disaster or emergency declarations; and*

*''(3) conduct such other activities as the Director of the Federal Emergency Management Agency considers appropriate.''.*

*(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report detailing the extent to which disaster declaration regulations—*

*(1) meet the particular needs of States with populations of less than 1,500,000 individuals; and*

*(2) comply with statutory restrictions on the use of arithmetic formulas and sliding scales based on income or population.*

*(c) STATUTORY CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to authorize major disaster or emergency assistance that is not authorized as of the date of enactment of this Act.*

***SEC. 689h. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED PRIVATE NONPROFIT EDUCATIONAL FACILITIES.***

*Section 406(a)(3)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)(B)) is amended by inserting ''education,'' after ''communications,''.*

***SEC. 689i. INDIVIDUALS AND HOUSEHOLDS PILOT PROGRAM.***

*(a) PILOT PROGRAM.—*

*(1) IN GENERAL.—The President, acting through the Administrator, in coordination with State, local, and tribal governments, shall establish and conduct a pilot program. The pilot program shall be designed to make better use of existing rental housing, located in areas covered by a major disaster declaration, in order to provide timely and cost-effective temporary housing assistance to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) where alternative housing options are less available or less cost-effective.*

*(2) ADMINISTRATION.—*

*(A) IN GENERAL.—For the purposes of the pilot program under this section, the Administrator may—*

*(i) enter into lease agreements with owners of multi-family rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174);*

*(ii) make improvements to properties under such lease agreements;*

*(iii) use the pilot program where the program is cost effective in that the cost to the Government for the lease agreements is in proportion to the savings to the Government by not providing alternative housing; and*

*(iv) limit repairs to those required to ensure that the housing units shall meet Federal housing quality standards.*

*(B) IMPROVEMENTS TO LEASED PROPERTIES.—Under the terms of any lease agreement for a property described under subparagraph (A)(ii), the value of the contribution of the Agency to such improvements—*

*(i) shall be deducted from the value of the lease agreement; and*

*(ii) may not exceed the value of the lease agreement.*

*(3) CONSULTATION.—In administering the pilot program under this section, the Administrator may consult with State, local, and tribal governments.*

*(4) REPORT.—*

*(A) IN GENERAL.—Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program.*

*(B) CONTENTS.—The Administrator shall include in the report—*

*(i) an assessment of the effectiveness of the pilot program under this section, including an assessment of cost-savings to the Federal Government and any benefits to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) under the pilot program;*

*(ii) findings and conclusions of the Administrator with respect to the pilot program;*

*(iii) an assessment of additional authorities needed to aid the Agency in its mission of providing disaster housing assistance to individuals and households eligible for assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), either under the pilot program under this section or other potential housing programs; and*

*(iv) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.*

*(b) PILOT PROGRAM PROJECT APPROVAL.—The Administrator shall not approve a project under the pilot program after December 31, 2008.*

***SEC. 689j. PUBLIC ASSISTANCE PILOT PROGRAM.***

*(a) PILOT PROGRAM.—*

*(1) IN GENERAL.—The President, acting through the Administrator, and in coordination with State and local governments, shall establish and conduct a pilot program to—*

*(A) reduce the costs to the Federal Government of providing assistance to States and local governments under sections 403(a)(3)(A), 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 1570b(a)(3), 5172, 5172);*

*(B) increase flexibility in the administration of sections 403(a)(3)(A), 406, and 407 of that Act; and*

*(C) expedite the provision of assistance to States and local governments provided under sections 403(a)(3)(A), 406, and 407 of that Act.*

*(2) PARTICIPATION.—Only States and local governments that elect to participate in the pilot program may participate in the pilot program for a particular project.*

*(3) INNOVATIVE ADMINISTRATION.—*

*(A) IN GENERAL.—For purposes of the pilot program, the Administrator shall establish new procedures to administer assistance provided under the sections referred to in paragraph (1).*

*(B) NEW PROCEDURES.—The new procedures established under subparagraph (A) may include 1 or more of the following:*

*(i) Notwithstanding section 406(c)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 1571(c)(1)(A)), providing an option for a State or local government to elect to receive an in-lieu contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State or local government and of management expenses.*

*(ii) Making grants on the basis of estimates agreed to by the local government (or where no local government is involved, by the State government) and the Administrator to provide financial incentives and disincentives for the local government (or where no local government is involved, for the State government) for the timely or cost effective completion of projects under sections 403(a)(3)(A), 406, and 407 of that Act.*

*(iii) Increasing the Federal share for removal of debris and wreckage for States and local governments that have a debris management plan approved by the Administrator and have prequalified 1 or more debris and wreckage removal contractors before the date of declaration of the major disaster.*

*(iv) Using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal.*

*(v) Using a financial incentive to recycle debris.*

*(vi) Reimbursing base wages for employees and extra hires of a State or local government involved in or administering debris and wreckage removal.*

*(4) WAIVER.—The Administrator may waive such regulations or rules applicable to the provisions of assistance under the sections referred to in paragraph (1) as the Administrator determines are necessary to carry out the pilot program under this section.*

*(b) REPORT.—*

*(1) IN GENERAL.—Not later than March 31, 2009, the Administrator shall submit to the appropriate committees of Congress a report regarding the effectiveness of the pilot program under this section.*

*(2) CONTENTS.—The report submitted under paragraph (1) shall include—*

*(A) an assessment by the Administrator of any administrative or financial benefits of the pilot program;*

*(B) an assessment by the Administrator of the effect, including any savings in time and cost, of the pilot program;*

*(C) any identified legal or other obstacles to increasing the amount of debris recycled after a major disaster;*

*(D) any other findings and conclusions of the Administrator with respect to the pilot program; and*

*(E) any recommendations of the Administrator for additional authority to continue or make permanent the pilot program.*

*(c) DEADLINE FOR INITIATION OF IMPLEMENTATION.—The Administrator shall initiate implementation of the pilot program under this section not later than 90 days after the date of enactment of this Act.*

*(d) PILOT PROGRAM PROJECT DURATION.—The Administrator may not approve a project under the pilot program under this section after December 31, 2008.*

***SEC. 689k. DISPOSAL OF UNUSED TEMPORARY HOUSING UNITS.***

*(a) IN GENERAL.—Notwithstanding section 408(d)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)(B)), if the Administrator authorizes the disposal of an unused temporary housing unit that is owned by the Agency on the date of enactment of this Act and is not used to house*

*individuals or households under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) after that date, such unit shall be disposed of under subchapter III of chapter 5 of subtitle I of title 40, United States Code.*

*(b) TRIBAL GOVERNMENTS.—Housing units described in subsection (a) shall be disposed of in coordination with the Department of the Interior or other appropriate agencies in order to transfer such units to tribal governments if appropriate.*

***Subtitle F—Prevention of Fraud, Waste, and Abuse***

***SEC. 691. ADVANCE CONTRACTING.***

*(a) INITIAL REPORT.—*

*(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a report under paragraph (2) identifying—*

*(A) recurring disaster response requirements, including specific goods and services, for which the Agency is capable of contracting for in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner;*

*(B) recurring disaster response requirements, including specific goods and services, for which the Agency can not contract in advance of a natural disaster or act of terrorism or other man-made disaster in a cost effective manner; and*

*(C) a contracting strategy that maximizes the use of advance contracts to the extent practical and cost-effective.*

*(2) SUBMISSION.—The report under paragraph (1) shall be submitted to the appropriate committees of Congress.*

*(b) ENTERING INTO CONTRACTS.—*

*(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall enter into 1 or more contracts for each type of goods or services identified under subsection (a)(1)(A), and in accordance with the contracting strategy identified in subsection (a)(1)(C). Any contract for goods or services identified in subsection (a)(1)(A) previously awarded may be maintained in fulfilling this requirement.*

*(2) CONSIDERED FACTORS.—Before entering into any contract under this subsection, the Administrator shall consider section 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5150), as amended by this Act.*

*(3) PRENEGOTIATED FEDERAL CONTRACTS FOR GOODS AND SERVICES.—The Administrator, in coordination with State and local governments and other Federal agencies, shall establish a process to ensure that Federal prenegotiated contracts for goods and services are coordinated with State and local governments, as appropriate.*

*(4) PRENEGOTIATED STATE AND LOCAL CONTRACTS FOR GOODS AND SERVICES.—The Administrator shall encourage State and local governments to establish prenegotiated contracts with vendors for goods and services in advance of natural disasters and acts of terrorism or other man-made disasters.*

*(c) MAINTENANCE OF CONTRACTS.—After the date described under subsection (b), the Administrator shall have the responsibility to maintain contracts for appropriate levels of goods and services in accordance with subsection (a)(1)(C).*

*(d) REPORT ON CONTRACTS NOT USING COMPETITIVE PROCEDURES.—At the end of each fiscal quarter, beginning with the first fiscal quarter occurring at least 90 days after the date of enactment of this Act, the Administrator shall submit a report on each disaster assistance contract entered into by the Agency by other than competitive procedures to the appropriate committees of Congress.*

***SEC. 692. LIMITATIONS ON TIERING OF SUBCONTRACTORS.***

*(a) REGULATIONS.—The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors to perform the principal work of the contract.*

*(b) SPECIFIC REQUIREMENT.—At a minimum, the regulations promulgated under subsection (a) shall preclude a contractor from using subcontracts for more than 65 percent of the cost of the contract or the cost of any individual task or delivery order (not including overhead and profit), unless the Secretary determines that such requirement is not feasible or practicable.*

*(c) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) entered into by the Department to facilitate response to or recovery from a natural disaster or act of terrorism or other man-made disaster.*

***SEC. 693. OVERSIGHT AND ACCOUNTABILITY OF FEDERAL DISASTER EXPENDITURES.***

*(a) AUTHORITY OF ADMINISTRATOR TO DESIGNATE FUNDS FOR OVERSIGHT ACTIVITIES.—The Administrator may designate up to 1 percent of the total amount provided to a Federal agency for a mission assignment as oversight funds to be used by the recipient agency for performing oversight of activities carried out under the Agency reimbursable mission assignment process. Such funds shall remain available until expended.*

*(b) USE OF FUNDS.—*

*(1) TYPES OF OVERSIGHT ACTIVITIES.—Oversight funds may be used for the following types of oversight activities related to Agency mission assignments:*

*(A) Monitoring, tracking, and auditing expenditures of funds.*

*(B) Ensuring that sufficient management and internal control mechanisms are available so that Agency funds are spent appropriately and in accordance with all applicable laws and regulations.*

*(C) Reviewing selected contracts and other activities.*

*(D) Investigating allegations of fraud involving Agency funds.*

*(E) Conducting and participating in fraud prevention activities with other Federal, State, and local government personnel and contractors.*

*(2) PLANS AND REPORTS.—Oversight funds may be used to issue the plans required under subsection (e) and the reports required under subsection (f).*

*(c) RESTRICTION ON USE OF FUNDS.—Oversight funds may not be used to finance existing agency oversight responsibilities related to direct agency appropriations used for disaster response, relief, and recovery activities.*

*(d) METHODS OF OVERSIGHT ACTIVITIES.—*

*(1) IN GENERAL.—Oversight activities may be carried out by an agency under this section either directly or by contract. Such activities may include evaluations and financial and performance audits.*

*(2) COORDINATION OF OVERSIGHT ACTIVITIES.—To the extent practicable, evaluations and audits under this section shall be performed by the inspector general of the agency.*

*(e) DEVELOPMENT OF OVERSIGHT PLANS.—*

*(1) IN GENERAL.—If an agency receives oversight funds for a fiscal year, the head of the agency shall prepare a plan describing the oversight activities for disaster response, relief, and recovery anticipated to be undertaken during the subsequent fiscal year.*

*(2) SELECTION OF OVERSIGHT ACTIVITIES.—In preparing the plan, the head of the agency shall select oversight activities based upon a risk assessment of those areas that present the greatest risk of fraud, waste, and abuse.*

*(3) SCHEDULE.—The plan shall include a schedule for conducting oversight activities, including anticipated dates of completion.*

*(f) FEDERAL DISASTER ASSISTANCE ACCOUNTABILITY REPORTS.—A Federal agency receiving oversight funds under this section shall submit annually to the Administrator and the appropriate committees of Congress a consolidated report regarding the use of such funds, including information summarizing oversight activities and the results achieved.*

*(g) DEFINITION.—In this section, the term ''oversight funds'' means funds referred to in subsection (a) that are designated for use in performing oversight activities.*

***SEC. 694. USE OF LOCAL FIRMS AND INDIVIDUALS.***

*The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by striking section 307 and inserting the following:*

***''SEC. 307. USE OF LOCAL FIRMS AND INDIVIDUALS.***

*''(a) CONTRACTS OR AGREEMENTS WITH PRIVATE ENTITIES.—*

*''(1) IN GENERAL.—In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency.*

*''(2) CONSTRUCTION.—This subsection shall not be considered to restrict the use of Department of Defense resources under this Act in the provision of assistance in a major disaster.*

*''(3) SPECIFIC GEOGRAPHIC AREA.—In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.*

*''(b) IMPLEMENTATION.—*

*''(1) CONTRACTS NOT TO ENTITIES IN AREA.—Any expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, not awarded to an organization, firm, or individual residing or doing business primarily in the area affected by such major disaster shall be justified in writing in the contract file.*

*''(2) TRANSITION.—Following the declaration of an emergency or major disaster, an agency performing response, relief, and reconstruction activities shall transition work performed under contracts in effect on the date on which the President declares the emergency or major disaster to organizations, firms, and individuals residing or doing business primarily in any area affected by the major disaster or emergency, unless the head of such agency determines that it is not feasible or practicable to do so.*

*''(c) PRIOR CONTRACTS.—Nothing in this section shall be construed to require any Federal agency to breach or renegotiate any contract in effect before the occurrence of a major disaster or emergency.''.*

***SEC. 695. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.***

*(a) REGULATIONS.—The Secretary shall promulgate regulations applicable to contracts described in subsection (c) to restrict the contract period of any such contract entered into using procedures other than competitive procedures pursuant to the exception provided in paragraph (2) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) to the minimum contract period necessary—*

*(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and*

*(2) to enter into another contract for the required goods or services through the use of competitive procedures.*

*(b) SPECIFIC CONTRACT PERIOD.—The regulations promulgated under subsection (a) shall require the contract period to not to exceed 150*

*days, unless the Secretary determines that exceptional circumstances apply.*

*(c) COVERED CONTRACTS.—This section applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) entered into by the Department to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster.*

***SEC. 696. FRAUD, WASTE, AND ABUSE CONTROLS.***

*(a) IN GENERAL.—The Administrator shall ensure that—*

*(1) all programs within the Agency administering Federal disaster relief assistance develop and maintain proper internal management controls to prevent and detect fraud, waste, and abuse;*

*(2) application databases used by the Agency to collect information on eligible recipients must record disbursements;*

*(3) such tracking is designed to highlight and identify ineligible applications; and*

*(4) the databases used to collect information from applications for such assistance must be integrated with disbursements and payment records.*

*(b) AUDITS AND REVIEWS REQUIRED.—The Administrator shall ensure that any database or similar application processing system for Federal disaster relief assistance programs administered by the Agency undergoes a review by the Inspector General of the Agency to determine the existence and implementation of such internal controls required under this section and the amendments made by this section.*

*(c) VERIFICATION MEASURES FOR INDIVIDUALS AND HOUSEHOLDS PROGRAM.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—*

*(1) by redesignating subsection (i) as subsection (j); and*

*(2) by inserting after subsection (h) the following:*

*''(i) VERIFICATION MEASURES.—In carrying out this section, the President shall develop a system, including an electronic database, that shall allow the President, or the designee of the President, to—*

*''(1) verify the identity and address of recipients of assistance under this section to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance;*

*''(2) minimize the risk of making duplicative payments or payments for fraudulent claims under this section;*

*''(3) collect any duplicate payment on a claim under this section, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;*

*''(4) provide instructions to recipients of assistance under this section regarding the proper use of any such assistance, regardless of how such assistance is distributed; and*

*''(5) conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance under this section is denied.''.*

***SEC. 697. REGISTRY OF DISASTER RESPONSE CONTRACTORS.***

*(a) DEFINITIONS.—In this section—*

*(1) the term ''registry'' means the registry created under subsection (b); and*

*(2) the terms ''small business concern'', ''small business concern owned and controlled by socially and economically disadvantaged individuals'', ''small business concern owned and controlled by women'', and ''small business concern owned and controlled by service-disabled veterans'' have the meanings given those terms under the Small Business Act (15 U.S.C. 631 et seq.).*

*(b) REGISTRY.—*

*(1) IN GENERAL.—The Administrator shall establish and maintain a registry of contractors who are willing to perform debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities.*

*(2) CONTENTS.—The registry shall include, for each business concern—*

*(A) the name of the business concern;*

*(B) the location of the business concern;*

*(C) the area served by the business concern;*

*(D) the type of good or service provided by the business concern;*

*(E) the bonding level of the business concern; and*

*(F) whether the business concern is—*

*(i) a small business concern;*

*(ii) a small business concern owned and controlled by socially and economically disadvantaged individuals;*

*(iii) a small business concern owned and controlled by women; or*

*(iv) a small business concern owned and controlled by service-disabled veterans.*

*(3) SOURCE OF INFORMATION.—*

*(A) SUBMISSION.—Information maintained in the registry shall be submitted on a voluntary basis and be kept current by the submitting business concerns.*

*(B) ATTESTATION.—Each business concern submitting information to the registry shall submit—*

*(i) an attestation that the information is true; and*

*(ii) documentation supporting such attestation.*

*(C) VERIFICATION.—The Administrator shall verify that the documentation submitted by each business concern supports the information submitted by that business concern.*

*(4) AVAILABILITY OF REGISTRY.—The registry shall be made generally available on the Internet site of the Agency.*

*(5) CONSULTATION OF REGISTRY.—As part of the acquisition planning for contracting for debris removal, distribution of supplies in a disaster, reconstruction, and other disaster or emergency relief activities, a Federal agency shall consult the registry.*

***SEC. 698. FRAUD PREVENTION TRAINING PROGRAM.***

*The Administrator shall develop and implement a program to provide training on the prevention of waste, fraud, and abuse of Federal disaster relief assistance relating to the response to or recovery from natural disasters and acts of terrorism or other man-made disasters and ways to identify such potential waste, fraud, and abuse.*

***Subtitle G—Authorization of Appropriations***

***SEC. 699. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to carry out this title and the amendments made by this title for the administration and operations of the Agency—*

*(1) for fiscal year 2008, an amount equal to the amount appropriated for fiscal year 2007 for administration and operations of the Agency, multiplied by 1.1;*

*(2) for fiscal year 2009, an amount equal to the amount described in paragraph (1), multiplied by 1.1; and*

*(3) for fiscal year 2010, an amount equal to the amount described in paragraph (2), multiplied by 1.1.*

*SEC. 699A. Except as expressly provided otherise, any reference to ''this Act'' contained in this title shall be treated as referring only to the provisions of this title.*

*This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2007''.*

And the Senate agree to the same.

HAROLD ROGERS,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
JOHN E. SWEENEY,
JIM KOLBE,
ANDER CRENSHAW,
JOHN R. CARTER,
JERRY LEWIS,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSE E. SERRANO,
LUCILLE ROYBAL-ALLARD,
SANFORD D. BISHOP,
MARION BERRY,
CHET EDWARDS,
DAVID R. OBEY.

*Managers On The Part Of The House.*

JUDD GREGG,
THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
RICHARD C. SHELBY,
LARRY E. CRAIG,
R.F. BENNETT,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY,
BARBARA A. MIKULSKI,
HERB KOHL,
PATTY MURRAY,
HARRY REID,
DIANNE FEINSTEIN.

*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441), making appropriations for the Department of Homeland Security (DHS) for the fiscal year ending September 30, 2007, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

*Senate Amendment:* The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill. Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

The language and allocations contained in House Report 109–476 and Senate Report 109–273 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House and Senate reports address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined the House report and the Senate report are not inconsistent and are to be interpreted accordingly. In cases where the House or Senate report directs the submission of a report, such report is to be submitted to both Committees on Appropriations. Further, in a number of instances, House Report 109–476 and Senate Report 109–273 direct agencies to report to the Committees by specific dates. In those instances, and unless alternative dates are provided in the accompanying explanatory statement, agencies are directed to provide these reports to the Committees on Appropriations no later than January 23, 2007.

### CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this statement of managers.

## TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

The conferees agree to provide $94,470,000 instead of $83,684,000 as proposed by the House and $82,622,000 as proposed by the Senate. The conferees have made reductions to the budget request due to a large number of vacancies and unobligated balances within certain offices. Funding shall be allocated as follows:

| | |
|---|---|
| Immediate Office of the Secretary | $2,540,000 |
| Immediate Office of the Deputy Secretary | 1,185,000 |
| Chief of Staff | 2,560,000 |
| Office of Counternarcotics Enforcement | 2,360,000 |
| Executive Secretary | 4,450,000 |
| Office of Policy | 29,305,000 |
| Secure Border Coordination Office | 4,500,000 |
| Office of Public Affairs | 6,000,000 |
| Office of Legislative and Intergovernmental Affairs | 5,449,000 |
| Office of General Counsel | 12,759,000 |
| Office of Civil Rights and Liberties | 13,000,000 |
| Citizenship and Immigration Services Ombudsman | 5,927,000 |
| Privacy Officer | 4,435,000 |
| Total | 94,470,000 |

### COMPREHENSIVE PORT, CONTAINER, AND CARGO SECURITY STRATEGY

The conferees are committed to building upon and improving the Department's programs directed toward port, container, and cargo security, such as Customs and Border Protection's Container Security Initiative and Customs-Trade Partnership Against Terrorism; the Coast Guard's port security patrols and facility operations; and Science and Technology's cargo security research programs. The conferees believe these programs must evolve to combat new and emerging threats, as well as to support the continuous growth of international trade. To date, DHS has not produced a strategic plan for this critical mission area. To address this issue, the conferees withhold $5,000,000 from obligation from the Office of the Secretary and Executive Management until the Secretary submits a port, container, and cargo security strategic plan to the Committees on Appropriations; the Senate Committee on Commerce, Science and Transportation; the Senate Committee on Homeland Security and Governmental Affairs; and the House Committee on Homeland Security. This plan shall comply with all reporting and performance requirements specified in the House report.

### SECURE BORDER INITIATIVE STRATEGIC PLAN

The conferees direct the Secretary to submit the Secure Border Initiative multi-year strategic plan to the Committees on Appropriations, the Senate Committee on Homeland Security and Governmental Affairs, the House Committee on Homeland Security, and the Committees on the Judiciary. This plan shall demonstrate how the Department of Homeland Security (DHS) will obtain operational control of the borders in five years, as specified in bill language. The conferees withhold $10,000,000 from obligation from the Office of the Secretary and Executive Management until the Secretary submits this plan.

### OFFICE OF POLICY

The conferees agree to provide $29,305,000 for the Office of Policy instead of $27,093,000 as proposed by the House and $31,093,000 as proposed by the Senate. Within this total, funding has been provided for policy oversight for the Secure Border Initiative, screening coordination and operations, as well as a technical full-time equivalent (FTE) adjustment. The Secure Border Coordination Office is funded as an independent office.

The conferees support a strong, centralized Office of Policy to further the Department's mission. The conferees are concerned the office is becoming too compartmentalized and encourage the office to remain flexible to address the most pressing policy issues confronting the Department, both in the short and long term.

### SECURE BORDER COORDINATION OFFICE

The conferees agree to provide $4,500,000 for the Secure Border Coordination Office, instead of $5,000,000 as proposed by the House for the Secure Border Initiative Program Executive Office (SBI PEO) and $4,000,000 as proposed by the Senate for the SBI PEO within the Office of Policy. Funds provided above the budget request are to enhance program planning and performance management.

The conferees fund the Secure Border Coordination Office as a distinct office within the Office of the Secretary and Executive Management because it is a functional office charged with the integration of the Department's border security and immigration enforcement programs rather than formulation of policy. The Office of Policy, in the Office of the Secretary, will continue to have an oversight responsibility for policy related to the Secure Border Initiative.

The conferees view the Secure Border Coordination Office as the focal point for the Department's transition from a fragmented and stove-piped border security organization to an integrated system capable of producing real results. This is illustrated by the data contained within the September 2006 bimonthly status report on DHS' border security performance. The conferees note both the quality of this report as a standard for DHS to emulate and recognize the timeliness with which the report was submitted. The conferees direct the Secure Border Coordination Office to continue to submit bi-monthly status reports through the end of fiscal year 2007, as specified by the House correspondence dated June 21, 2006, and direct the Secretary to ensure all information contained within the report is appropriately classified.

The conferees provide considerable resources to border security and immigration enforcement in this Act as well as in fiscal year 2006 appropriations and view the Secure Border Coordination Office as accountable for linking these resources to the stated goal of gaining operational control of our borders within five years. The conferees expect to see a detailed justification for the staffing and resources of this office within the fiscal year 2008 budget request.

### OFFICE OF COUNTERNARCOTICS ENFORCEMENT

The conferees agree to provide $2,360,000 for a separate Office of Counternarcotics Enforcement, as proposed by the Senate, instead of $2,741,000 within the Office of Chief of Staff as proposed by the House. The conferees view this office as responsible for monitoring the resource needs of the traditional counternarcotics functions of the DHS agencies, as well as examining the nexus of drugs and terrorism. The conferees agree that this office does not belong within the Office of the Chief of Staff and have provided for the establishment of an independent office within the Office of the Secretary and Executive Management. However, the conferees question the necessity and efficacy of separating this office from the Office of Policy given its analysis and policy formulation mission and encourage DHS to consider this as part of its fiscal year 2008 budget submission.

The Office is directed to report, in conjunction with the fiscal year 2008 budget request, on its annual productivity and performance as directed in the House report.

### EXECUTIVE SECRETARY

The conferees agree to provide $4,450,000 for the Executive Secretary instead of $5,001,000 as proposed by the House and $4,090,000 as proposed by the Senate. Within this funding level, the conferees agree to the technical FTE adjustment and associated funding as requested and one additional full-time position. In late 2005, the Executive Secretary was charged with improving responsiveness to Congress by responding to Congressional inquiries within two weeks. The conferees direct the Executive Secretary to report quarterly, with the first report due on January 31, 2007, on its success meeting this two-week goal and its plans to sustain this standard given the volume of Congressional interest in DHS issues.

### TRAINING

The conferees direct the Secretary to brief the Committees on Appropriations on the inventory of funds supporting training in the Preparedness Directorate and the Federal Emergency Management Agency (FEMA) in fiscal year 2007 as discussed in the House report. In addition, the conferees direct that greater detail be included as part of the fiscal year 2008 Congressional budget justifications.

### CONTRACT STAFF

The conferees agree with Senate language directing the Secretary to update its contract staffing report, no later than February 8, 2007, to include data for fiscal year 2006, projected contract staff for fiscal year 2007, and plans to reduce these types of contract employees.

### GRANT AWARDS

The conferees continue to be disappointed by the Department's slow pace of awarding important security funds to state and local governments. Therefore, bill language is included under Grants and Training requiring port, rail and transit, trucking, intercity bus, and buffer zone protection grants, as well as State Homeland Security Grants, Law Enforcement Terrorism Prevention, and Urban Area Security Initiative funds to be awarded by a date certain in fiscal year 2007.

### UNOBLIGATED BALANCES

The Office of the Secretary and Executive Management appears to continue to lack an appropriate plan for use of available funding, as unobligated dollars remain high throughout the year. The conferees are particularly disappointed the Office of Civil Rights and Liberties, the Citizenship and Immigration Services Ombudsman, and the Privacy Officer are not using available resources to meet growing responsibilities. The Department is directed to provide the Committees on Appropriations with an expenditure plan for these offices no later than November 1, 2006.

### VANCOUVER OLYMPICS

The conferees direct the Secretary to conduct a review, in conjunction with appropriate Washington State and Canadian entities, and to report to the Committees on Appropriations, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Homeland Security, within six months after enactment of this Act, on all relevant security issues related to the 2010 Vancouver Olympic and Paralympic Games, including expected increases in border flow, necessary enhancements to border security, estimated border

crossing wait times, and the need for additional border personnel. The Secretary, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall also evaluate the technical and operational interoperability challenges facing regional, local, state, and federal authorities in preparing for the 2010 Olympic and Paralympic Games. The conferees direct the Secretary to submit a plan to address these challenges to the Committees on Appropriations; the Senate Committee on Commerce, Science, and Transportation; the Senate Committee on Homeland Security and Governmental Affairs; the House Committee on Homeland Security; and the House Committee on Energy and Commerce, six months after enactment of this Act.

DATA-MINING

The conferees continue to be concerned with the Department's possible use or development of data-mining technology and direct the DHS Privacy Officer to submit a report consistent with the terms and conditions listed in section 549 of the Senate bill. The conferees expect the report to include information on how it has implemented the recommendations laid out in the Department's data-mining report received July 18, 2006.

TRANSFER AUTHORITY

The conferees direct the Secretary to provide the Committees on Appropriations a report by November 1, 2006, with any recommendations for transfers, reprogram mings, and if appropriate, budget requests, pursuant to 31 USC 1105, in order to implement new authorities contained in title VI.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The conferees agree to provide $153,640,000 instead of $70,489,000 as proposed by the House and $163,456,000 as proposed by the Senate. The conferees have made reductions to the budget request due to a large number of vacancies and unobligated balances within certain offices. Funding shall be allocated as follows:

| | |
|---|---|
| Under Secretary for Management | $1,870,000 |
| Office of Security | 52,640,000 |
| Office of the Chief Procurement Officer | 16,895,000 |
| Office of the Chief Human Capital Officer | 8,811,000 |
| MAX–HR Human Resource System | 25,000,000 |
| Office of the Chief Administrative Officer | 40,218,000 |
| Nebraska Avenue Complex (DHS headquarters) | 8,206,000 |
| Total | 153,640,000 |

OFFICE OF THE CHIEF PROCUREMENT OFFICER

The conferees have fully funded the budget request for the Office of the Chief Procurement Officer. Because the Department has experienced numerous procurement problems, the conferees support the Department's efforts to hire more procurement staff both within this office, as well as within a variety of DHS components. The Chief Procurement Officer shall develop a procurement oversight plan, identifying necessary oversight resources and how improvements in the Department's performance of its procurement functions will be achieved. This plan shall be provided to the Committees on Appropriations and the Government Accountability Office (GAO) no later than January 23, 2007. The conferees direct GAO to brief the Committees no later than April 16, 2007, on their analysis of this plan.

The conferees direct GAO to review DHS compliance during fiscal years 2005–06 with section 503(a)(5) of P.L. 108–334 and P.L. 109–90, which prohibit DHS from reprogramming funds that were appropriated for federal FTEs for contracting out similar functions, and report to the Committees on Appropriations by March 1, 2007.

HEADQUARTERS

While the conferees have fully funded the budget request of $8,206,000 for enhancements to the DHS headquarters on Nebraska Avenue, no funding has been provided to move the U.S. Coast Guard headquarters to the St. Elizabeths complex. This move has been proposed as the first phase to consolidate most or all of DHS at the St. Elizabeths campus. However, the Department is unable to elaborate on the reasons why St. Elizabeths is the best location for a permanent DHS headquarters, what other sites have been considered, which specific components would move to that site, the total space requirements for DHS headquarters, and the total costs associated with using the St. Elizabeths site as a headquarters location. The Department must develop a comprehensive long-term plan for the future location of all DHS offices and components, rather than the piecemeal approach currently being used. As such, the conferees prohibit the Department from relocating the Coast Guard's headquarters, or any other DHS component, until DHS completes a new, comprehensive headquarters master plan and submits a prospectus for Congressional review and approval. In addition, the conferees direct the Department to regularly update the Committees on Appropriations on the expenditure of funds provided to improve the current DHS headquarters on Nebraska Avenue, as specified in the Senate report.

MAX–HR HUMAN RESOURCES SYSTEM

The conferees agree to provide $25,000,000 for the MAX–HR human resources system and direct the Secretary to submit an updated expenditure plan to the Committees on Appropriations within 90 days after enactment of this Act. This plan shall list all contract obligations, by contractor and year, and include the purpose of the contract.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The conferees agree to provide $26,000,000 instead of $43,480,000 as proposed by the House and $26,018,000 as proposed by the Senate. A slight funding reduction has been made to the budget request due to the large number of vacancies.

RESOURCE MANAGEMENT TRANSFORMATION OFFICE (EMERGE2)

The conferees provide no funding for the Resource Management Transformation Office (eMerge2) as proposed by the Senate, instead of $18,000,000 for eMerge2 as proposed by the House. The conferees understand DHS has moved away from the original system-centric eMerge2 program and has determined necessary improvements for the Resource Management Transformation Office should also encompass training, financial policy, process changes, and internal controls. Because DHS has about $40,000,000 in unobligated balances from eMerge2 funding provided to the Office of the Chief Information Officer (CIO), the conferees direct the Chief Financial Officer (CFO) to use these remaining funds for financial management improvements, and to continue to coordinate systems improvements with the CIO. The CFO must submit an expenditure plan for these remaining funds by November 15, 2006.

SHARED SERVICES

In spite of clear direction in sections 503 and 504, the conferees are dismayed by an apparent disregard for consistent and transparent budget execution within the Preparedness Directorate. Sections 503 and 504 delineate permissible transfer authority and require notification to the Committees on Appropriations; the conferees are concerned that these transfers exceeded the limits set forth in those general provisions, particularly with regard to funding new activities. As a result, the conferees direct the CFO to review the use of shared services throughout the Department and specifically within Preparedness to ensure that they are in compliance with appropriation law and the proper use of the Economy Act. Such blatant disregard of the Appropriations Act will not be tolerated again.

ALIGNING RESOURCES TO MISSION

The conferees are concerned about the ability of some Departmental agencies to effectively align resource requirements to workload and mission needs. To address this issue, the conferees have included specific reporting requirements and/or re-aligned the funding structure of select agencies experiencing difficulty aligning resources to mission, such as U.S. Customs and Border Protection, Federal Protective Service, Science and Technology Directorate, Infrastructure Protection and Information Security, and U.S. Secret Service. The conferees are committed to improving the budgetary systems of these components and recognize the CFO's efforts in mission cost modeling across the entire Department. In the case of the Secret Service, the conferees provide funding through an entirely new appropriations account structure and recognize this may pose unique challenges. The conferees direct the CFO to support the Secret Service's transition to this new account structure by assisting the agency in the improvement of its budget execution and real-time tracking of resource hours.

ANNUAL APPROPRIATIONS JUSTIFICATIONS

The conferees direct the CFO to submit all of its fiscal year 2008 budget justifications (classified and unclassified) concurrent with the submission of the President's budget request and at the level of detail specified in the House report. In addition, the annual appropriations justifications should include explicit information by appropriations account, program, project, and activity on all reimbursable agreements and uses of the Economy Act exceeding $50,000.

MONTHLY EXECUTION AND STAFFING REPORTS

Both the House and Senate Committees have been repeatedly frustrated over the Department's inability to provide a monthly budget execution report detailing the status of the total obligational authority available and the status of allotting, obligating and expending these funds by each agency. For the past two years, the CFO has been unable to provide this required monthly report on a timely basis. The conferees modify and retain a general provision (section 531) requiring the submission of this data, including the Working Capital Fund, at the level of detail shown in the table of detailed funding levels displayed at the end of the statement of managers accompanying this Act. The monthly budget execution report shall include total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date expenditures, and year-end unexpended obligations, of the Department of Homeland Security. This monthly report must also include onboard versus funded full-time equivalent staffing levels, as proposed by the Senate.

The conferees direct this report to be submitted not more than 45 days after the close of each month. Based on the Department's historical ability to deliver the reports on a timely basis, the conferees will revisit the bill provision in future appropriations Acts.

IMPROPER PAYMENTS

The conferees are concerned the Department is not complying with the Improper Payments Information Act of 2002. The Department reported in its fiscal year 2005 Performance and Accountability Report that none of its programs were deemed to be at significant risk of making improper payments, despite the fact that GAO found problems with billions of dollars in payments responding to Hurricanes Katrina and Rita. According to the Office of Management and Budget Memorandum 30–13, ''significant'' is defined to mean at least 2.5 percent of all payments made are improper, and the absolute dollar figure associated with that 2.5 percent or more totals at least $10,000,000. The Improper Payment Information Act requires federal programs and activities deemed to be at ''significant'' risk of making improper payments to report improper payment information to Congress. The conferees expect the Department to comply with the Improper Payments Information Act.

OFFICE OF THE CHIEF INFORMATION OFFICER

The conferees agree to provide $349,013,000 for the Office of the Chief Information Officer (CIO) instead of $364,765,000 as proposed by the House and $306,765,000 as proposed by the Senate. Funding shall be allocated as follows:

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|---|---|
| Salaries and Expenses .... | $79,521,000 |
| Information Technology Services ..... | 61,013,000 |
| Security Activities ..... | 89,387,000 |
| Wireless Programs ..... | 86,438,000 |
| Homeland Secure Data Network ..... | 32,654,000 |
| Total ..... | $349,013,000 |

EMERGE2

The conferees direct the CIO to use the remaining unobligated balances of approximately $40,000,000 from the eMerge2 program for financial management improvements, and to continue to coordinate systems improvements with the Chief Financial Officer.

INFORMATION TECHNOLOGY OVERSIGHT

The conferees support language contained in the House report on information technology oversight and direct that no funds be made available in this Act for obligation for any information technology procurement of $2,500,000 or more without approval of the DHS CIO. These procurements must conform to DHS? Enterprise Architecture or justify any deviation from it.

NATIONAL CENTER FOR CRITICAL INFORMATION PROCESSING AND STORAGE (NCCIPS)

The conferees agree to include $53,000,000 for NCCIPS data centers. Of these funds, $12,000,000 shall be provided for the ongoing efforts to develop and transition the Department's multiple data centers to the NCCIPS. The conferees support the Senate's recommendation to identify and secure the NCCIPS secondary site and provide the remaining $41,000,000 for those activities. To provide for continuity of operations and fulfill back-up requirements, the conferees direct the secondary facility and infrastructure be at a separate remote location and the site selection be conducted in a fair and open evaluation process. NCCIPS is intended to migrate and consolidate critical infrastructure information, thereby reducing unnecessary and duplicative investments by the government. The conferees believe that integrating the multiple centers and infrastructure to the primary and secondary NCCIPS data centers will present significant opportunities for cost saving and provide the best investment for DHS critical information requirements.

In consolidating the data centers to the NCCIPS, consistent with section 888 of Public Law 107–296, the conferees instruct the Department to implement the consolidation plan in a manner that shall not result in a reduction to the Coast Guard's Operations System Center mission or its government-employed or contract staff levels.

COMMON OPERATING PICTURE

The conferees acknowledge that DHS has made significant progress developing systems such as the Homeland Security Information Network, U.S. Public Private Partnership, and Infrastructure Critical Asset Viewer, which facilitate communications, situational awareness, and provide for the sharing of information between DHS and its federal, state, local, and commercial partners. These systems each address a specific functional or customer requirement and lay the groundwork for a comprehensive national incident prevention and response system. The conferees encourage DHS to continue developing these types of systems and the DHS CIO to integrate all federal systems into a common architecture that would address a broader functional and customer base to include integration with state fusion centers.

HOMELAND SECURITY PRESIDENTIAL DIRECTIVE—

The conferees understand the Department and other federal agencies are attempting to comply with the Homeland Security Presidential Directive–12 mandate to begin using Personal Identity Verification (PIV) cards for new employees and contractors by October 27, 2006. The conferees provide the requested amount of $2,966,000 for the Smartcard program. The conferees encourage the Department to work expeditiously toward implementation of PIV, card life cycle management and certificate services and provide to the Committees on Appropriations a briefing on the Department's plans to implement this directive by December 1, 2006.

ANALYSIS AND OPERATIONS

The conferees agree to provide $299,663,000 for Analysis and Operations instead of $298,663,000 as proposed by the House and the Senate. Up to $1,000,000 is for an independent study on the feasibility of creating a counter terrorism intelligence agency.

SITUATIONAL AWARENESS TEAMS

The conferees direct the National Operations Center and Immigration and Customs Enforcement (ICE) to brief the Committees on Appropriations, with written materials, on the number and composition of the situational awareness teams, their locations, actual and planned deployments in fiscal years 2006 and 2007, impacts of the operations on ICE, and the associated budgets and staffing resource needs.

FUSION CENTERS

The conferees support language contained in the House report on fusion centers and direct the Department to report on the role of these fusion centers, the total number of operational fusion centers, their effectiveness, their funding sources and amounts, and where additional fusion centers are necessary.

OPERATIONS CENTERS

The conferees support language in the Senate report on operations centers and direct the Government Accountability Office to analyze the role of the National Operations Center and the numerous DHS component operations centers and to make recommendations regarding the operation and coordination of these centers and report to the Committees their findings.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

The conferees agree to provide $3,000,000 for the Office of the Federal Coordinator for Gulf Coast Rebuilding as proposed by the House instead of no funding as proposed by the Senate. Within the funding provided, $1,000,000 is unavailable for obligation until the Committees on Appropriations receive an expenditure plan for fiscal year 2007. Any funding above the amount provided must be reprogrammed or transferred in accordance with section 503 of this Act.

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $85,185,000 for the Office of Inspector General instead of $96,185,000 as proposed by the House and $90,185,000 as proposed by the Senate.

DISASTER RELIEF FUNDING

In addition to the funding provided above, $13,500,000 is available for transfer from the Disaster Relief Fund instead of no funding as proposed by the House and $15,000,000 as proposed by the Senate. The funds are to continue and expand audits and investigations related to the Gulf Coast hurricanes, including flood insurance issues. The Inspector General is required to notify the Committees on Appropriations no less than 15 days prior to any transfer from the Disaster Relief Fund.

SECURE BORDER INITIATIVE

The conferees support the Secure Border Initiative (SBI), but are concerned that major technology contracts that are expected to be awarded through the SBInet program require substantial management and oversight. The conferees direct the Inspector General to review and report on any contract or task order relating to the SBInet program valued at more than $20,000,000. These reviews should begin no earlier than 180 days after a contract has been awarded.

ANALYSIS, DISSEMINATION, VISUALIZATION, INSIGHT AND SEMANTIC ENHANCEMENT (ADVISE) PROGRAM

The ADVISE program is designed to extract relationships and correlations from large amounts of data to produce actionable intelligence on terrorists. A prototype is currently available to analysts in Intelligence and Analysis using departmental and other data, including some on U.S. citizens. The conferees understand up to $40,000,000 has been obligated for ADVISE. The ADVISE program plan, total costs and privacy impacts are unclear and therefore the conferees direct the Inspector General to conduct a comprehensive program review and report within nine months of enactment of this Act.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY (US–VISIT)

The conferees agree to provide $362,494,000 as proposed by the House instead of $399,494,000 as proposed by the Senate. Within this amount, $60,080,000 is available to implement 10-print enrollment capability, and to continue the development of interoperability between DHS's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS).

STRATEGIC PLANNING

The conferees support language contained in the House and Senate reports concerning the submission of a strategic plan

for US–VISIT. The conferees direct the strategic plan to include: the cost and schedule of migration to a ten-fingerprint system with interoperability of IAFIS and IDENT fingerprint databases; a complete schedule for the full implementation of the exit portion of the program; and a plan of how US–VISIT fits into the Department's larger border and immigration initiatives.

IDENT/IAFIS AND 10-PRINT ENROLLMENT

The conferees reiterate their strong support for on-going efforts to ensure interoperability between the IDENT and IAFIS biometric databases and are pleased with the movement towards ten-print enrollment in US-VISIT. The conferees continue to believe that these critical border integrity activities must occur as expeditiously as possible.

THE WESTERN HEMISPHERE TRAVEL INITIATIVE (WHTI)

The conferees direct the Secretary to report on the architecture for the WHTI ''PASS'' card, as specified in the Senate report. This report should address the Department's plans and abilities to address all requirements included within section 546 of this Act.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees agree to provide $5,562,186,000, instead of $5,433,310,000 as proposed by the House and $5,329,874,000 as proposed by the Senate. This includes: $2,277,510,000 for border security between ports of entry, including funds to support an additional 1,500 Border Patrol agents and an additional $20,000,000 for Border Patrol vehicles. The conferees agree to transfer $3,100,000 for the costs of salaries, equipment, and operations for the Customs Patrol Officers (''Shadow Wolves'') to Immigration and Customs Enforcement.

The conference agreement includes $1,860,491,000 for border security inspections and trade facilitation, including: $34,800,000 for an additional 450 United States Customs and Border Protection (CBP) officers; an additional $147,000,000 for non-intrusive inspection equipment; $6,800,000, as requested, for the Immigration Advisory Program; $4,750,000 to continue textile transshipment enforcement; $10,165,000, as requested, for the operations and maintenance of the Advanced Training Center; and funds to support 100 percent validation and periodic re-validation of all Customs-Trade Partnership Against Terrorism (C–TPAT) certified partners and 100 percent manifest review of cargo shipped from all Container Security Initiative (CSI) ports. The conferees provide $1,027,000, as requested, for other technology investments, including the In-Bond Cargo Container Security Program, within a consolidated program, project, and activity for inspections, trade, and travel facilitation at ports of entry. The conferees do not include $1,200,000, as requested, for the Fraudulent Document Analysis Unit, as proposed by the Senate.

The conference agreement includes $175,796,000 for Air and Marine personnel compensation and benefits, including: $5,500,000, as requested, for the Great Falls, Montana airwing; $3,100,000 to fully staff the Air and Marine Operations Center; $5,000,000 to activate the North Dakota airwing; and $2,800,000 to fully staff the New York and Washington airwings.

The following table specifies funding by budget program, project, and activity:

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|---|---|
| Headquarters, Management, and Administration: | |
| Management and Administration, Border Security Inspections and Trade Facilitation | $658,943,000 |
| Management and Administration, Border Security and Control between Ports of Entry | 589,446,000 |
| Subtotal, Headquarters Management and Administration | 1,248,389,000 |
| Border Security Inspections and Trade Facilitation: | |
| Inspections, Trade, and Travel Facilitation at Ports of Entry | 1,326,665,000 |
| Harbor Maintenance Fee Collection (Trust Fund) | 3,026,000 |
| Container Security Initiative | 139,312,000 |
| Other international programs | 8,701,000 |
| Customs-Trade Partnership Against Terrorism | 54,730,000 |
| Free and Secure Trade (FAST)/NEXUS/SENTRI | 11,243,000 |
| Inspection and Detection Technology Investments | 241,317,000 |
| Automated Targeting Systems | 27,298,000 |
| National Targeting Center | 23,635,000 |
| Training | 24,564,000 |
| Subtotal, Border Security Inspections and Trade Facilitation | 1,860,491,000 |
| Border Security and Control between Ports of Entry: | |
| Border Security and Control | 2,239,586,000 |
| Training | 37,924,000 |
| Subtotal, Border Security and Control between POEs | 2,277,510,000 |
| Air and Marine Personnel Compensation and Benefits | 175,796,000 |
| Total | 5,562,186,000 |

RESOURCE ALLOCATION MODEL

The conferees are concerned with the ability of CBP to effectively align its staffing resources to its mission requirements. The conferees direct CBP to submit by January 23, 2007, a resource allocation model for current and future year staffing requirements, as specified by the House and Senate reports. Specifically, this report should assess optimal staffing levels at all land, air, and sea ports of entry and provide a complete explanation of CBP's methodology for aligning staffing levels to threats, vulnerabilities, and workload across all mission areas.

Of particular concern is CBP's ability to effectively process the growing processing workload at the nation's airports that are experiencing significant growth in passenger volume and wait times. The conferees recognize the airports listed in the House and Senate reports as experiencing exceptional growth in workload and processing challenges. The conferees direct CBP to include in its resource allocation model for airports the number of flights that took longer than 60-minutes to process. The airport processing section of the resource allocation model shall comply with the content requirements specified within the House and Senate reports. CBP shall expand the wait time information per airport on its website, as specified by the House and Senate reports.

HEADQUARTERS, MANAGEMENT, AND ADMINISTRATION

The conferees agree to provide $1,248,389,000 as proposed by the House instead of $1,258,389,000 as proposed by the Senate. The conferees are concerned with the lack of visibility into the exceptionally large CBP headquarters, management, and administration program, project, and activity levels and direct CBP to provide a detailed justification along functional or operational lines in the fiscal year 2008 budget request.

PORT, CARGO, AND CONTAINER SECURITY

The conferees recognize port, cargo, and container security as a major issue confronting CBP. To address this issue, the conferees provide $181,800,000 for an additional 450 CBP officers and critical non-intrusive inspection equipment and fully fund the budget request for all cargo security and trade facilitation programs within CBP. The conferees also include stringent reporting and performance requirements for port, cargo, and container security under the Office of the Secretary and Executive Management. CBP is directed to comply with all aspects of reporting requirements specified in the statement of managers and the House report regarding the port, cargo, and container strategic plan. The conferees encourage CBP to prioritize the assignment of additional officers funded by this Act to the nation's busiest ports of entry, especially seaports. The conferees note that sufficient funding is provided in this Act to allow CBP to meet the strategic plan requirements of 100 percent initial validation and periodic re-validation of all C–TPAT certified partners as well as for 100 percent manifest review at all CSI ports.

IMMIGRATION ADVISORY PROGRAM

The conferees believe CBP's Immigration Advisory Program (IAP) has shown great potential to prevent people who are identified as national security threats or are inadmissible from traveling to the United States. The conferees provide $6,800,000, as requested, to support CBP's proposed expansion of the IAP to London and Tokyo within fiscal year 2007. The conferees direct CBP to report on the performance of the IAP no later than January 23, 2007.

AGRICULTURAL INSPECTIONS

The conferees are concerned with the steps the Department is taking to improve the targeting of agricultural inspections and direct the Secretary to submit a report consistent with section 541 of the Senate bill.

ONE FACE AT THE BORDER INITIATIVE

The conferees recognize the benefits of cross-training legacy customs, immigration, and agricultural inspection officers as part of CBP's ''One Face at the Border Initiative'' and direct CBP to ensure that all personnel assigned to primary and secondary inspection duties at ports of entry have received adequate training in all relevant inspection functions.

METHAMPHETAMINE

The conferees direct CBP to continue to focus on methamphetamine in its reporting and analysis of trade flows to prevent the spread of this dangerous narcotic throughout the United States.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The conferees include $4,750,000 to continue textile transshipment enforcement. The conferees direct CBP to report on its execution of the five-year strategic plan submitted to Congress, including enforcement activities, numbers of seizures and penalties imposed, as well as a status report of personnel responsible for enforcing textile laws.

ENFORCEMENT OF TRADE REMEDIES LAWS

The conferees have ensured, within the amounts provided for this account, the availability of sufficient funds to enforce the anti-dumping authority contained in section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c).

The conferees direct CBP to continue to work with the Departments of Commerce and Treasury, and the Office of the United States Trade Representative, and all other relevant agencies to increase collections and to provide an annual report within 30 days of each year's distributions under the law summarizing CBP's efforts to collect past due amounts and increase current collections, particularly with respect to cases involving unfairly-traded Asian imports. The conferees direct CBP to update that report, in particular, by breaking out the non-collected amounts for each of the fiscal years 2004, 2005, 2006, 2007, and each year thereafter, by order and claimant, along with a description of each of the specific reasons for the non-collection with respect to each order.

CBP is also directed to report to the Committees on Appropriations no later than February 8, 2007, on the amounts of antidumping and countervailing duties held by CBP in the Clearing Account for unliquidated entries as of October 1, 2006, segregated by case number and Department of Commerce period of review. In that same report, CBP is to explain what other enforcement actions it is taking to collect unpaid duties owed the U.S. government; how it has implemented the five recommendations for executive action that were contained in GAO Report (GAO–05–979); and explain whether CBP has completed all of the initiatives, processes, and procedures identified in its February 2005 report to the Committees on Appropriations (including Attachment 1) concerning implementation of the recommendations that were contained in the U.S. Treasury Department Office of the Inspector General report on the Continued Dumping and Subsidy Offset Act.

CBP is also directed to provide the Committees with prior notice of how CBP plans to clarify or provide guidelines for the preparation of Continued Dumping and Subsidy Offset Act (CDSOA) certification of claims and any modifications or revisions of regulations that may be proposed by CBP concerning CDSOA.

BORDER SECURITY

The conferees agree to provide $379,602,000 for an additional 1,500 Border Patrol agents instead of $325,447,000 as proposed by the House and $330,602,000 as proposed by the Senate. With the additional funding provided in this Act, the Border Patrol agent workforce should increase to 14,819 agents.

NORTHERN BORDER STAFFING

The conferees continue to be concerned with erosions in the level of Border Patrol agent staffing along the Northern Border. Given the Secretary's responses to hearing questions, the conferees expect the Department to meet its stated goal of relocating experienced agents to the Northern Border equal to 10 percent of new agent hiring.

BORDER SECURITY TECHNOLOGY

The conferees agree to not fund border security technology within the salaries and expenses appropriation and instead create a new, integrated appropriation for fencing, tactical infrastructure, and technology.

BORDER PATROL VEHICLES

The conferees are extremely disappointed by CBP's insufficient vehicle fleet planning considering the rapid growth of the agency's workforce and operations. Furthermore, the conferees are unclear on the cost-benefit analysis CBP uses to compare operating costs of standard commercial vehicles to those that may be more appropriate for unique topographical and environmental conditions along our border. CBP is directed to re-submit its Vehicle Fleet Management Plan by January 23, 2007, in accordance with all requirements specified in the House and Senate reports, and including a full description of the process CBP uses to evaluate vehicles to meet both mission requirements and cost constraints.

BORDER TUNNEL POLICY

The conferees concur with the reporting requirement in the Senate report on development of a Departmental policy regarding tunnels as well as the need to budget for tunnel remediation in future budget submissions as discussed in the House report.

CARRIZO CANE

The conferees understand the removal of Carrizo cane from certain Rio Grande border locations may improve conditions for Border Patrol operations, and direct CBP to utilize the resources necessary for this removal, if it is determined to be necessary. Further, CBP is directed, in conjunction with the Department of the Interior, to develop a pilot project to test various means of eradication and control of Carrizo cane.

AUTOMATION MODERNIZATION

The conferees agree to provide $451,440,000 as proposed by the House instead of $461,207,000 as proposed by the Senate. This amount includes funding for the Automated Commercial Environment (ACE), the Integrated Trade Data System (ITDS), and the costs of the legacy Automated Commercial System. Of this funding, not less than $316,800,000 shall be for ACE and ITDS, of which $16,000,000 is for ITDS. Bill language prohibits the obligation of $216,800,000 until the Committees on Appropriations receive and approve an automation modernization expenditure plan.

ACE PROGRAM OVERSIGHT

The conferees support House language on ACE program oversight and direct CBP to improve oversight by assuring releases are ready to proceed beyond critical design and production readiness review before deployment. Also, CBP shall ensure ACE aligns its goals, benefits, desired business outcomes, and performance metrics. Future appropriations decisions will be affected by CBP's progress towards these goals over the year.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The conferees agree to provide $1,187,565,000 for the integrated border security fencing, tactical infrastructure, and technology system instead of $115,000,000 as proposed by the House within the CBP salaries and expenses appropriation and $131,559,000 for border security technology within a separate technology modernization appropriation and $106,006,000 for tactical infrastructure within the CBP construction appropriation as proposed by the Senate. Funds are available until expended. When combined with recently enacted supplemental funds, a total of $1,512,565,000 is available for this purpose in fiscal year 2007. Within the total provided, $30,500,000 is provided for the San Diego Border Infrastructure System and $57,823,000 is provided for tactical infrastructure in Western Arizona. The conferees direct the Secretary to submit, within 60 days after the date of enactment of this Act, an expenditure plan for establishing a security barrier along the border of the United States to the Committees on Appropriations, as specified in bill language. The conferees withhold $950,000,000 until the expenditure plan is received and approved.

BUDGET JUSTIFICATION

To support DHS' integrated, systems-based approach to border security, funding requested separately for border security technology and tactical infrastructure is combined into one account. CBP is directed to integrate its future budget requests for border security fencing, tactical infrastructure, and technology within this account. CBP is further directed to provide a fiscal year 2008 budget justification subdivided by program, project, and activity levels for operations and maintenance, procurement, systems engineering and integration, and program management.

CONTRACT MANAGEMENT

The conferees direct CBP and the Secure Border Coordination Office to work with the Department's Office of the Chief Procurement Officer (CPO) and Office of the Chief Financial Officer (CFO) to rigorously oversee all contracts and subcontracts awarded for the integrated border security fencing, tactical infrastructure, and technology system, and work to minimize excessive use by contractors of subcontractors or tiers of subcontractors to perform the principal work of the contract. If interagency contracts are utilized, the Secure Border Coordination Office is directed to confirm to the CPO and CFO that the scope of the contract is appropriate and that performance of the CBP portion of the contract is measured and controlled by CBP. The acquisition management system utilized for the funds within this account must produce credible, reliable and timely data that is promptly reviewed by the CBP acquisition workforce. Performance shortfalls must be addressed quickly with approved action plans. The conferees expect the Secure Border Coordination Office to operate under clear, consistent, and enforceable acquisition policies and processes for all contracts awarded through the Department's Secure Border Initiative. The conferees further expect the Department to ensure CBP's acquisition workforce has the skills needed to carry out its responsibilities effectively.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

The conferees agree to provide $602,187,000 instead of $373,199,000 as proposed by the House and $458,499,000 as proposed by the Senate. This includes: $70,000,000 for the P–3 service life extension program and additional P–3 flight hours; $20,000,000 for helicopter acquisition; $20,000,000 for the acquisition of unmanned aerial vehicles (UAVs) and related support systems; $10,000,000 for the missionization of manned covert surveillance aircraft; $2,000,000 for marine interceptor boat replacement; $64,000,000 for the

acquisition or refurbishment of two medium lift helicopters; $58,000,000 for the acquisition of two multi-role aircraft; and $18,700,000 for Northern Border airwings, of which $12,000,000 is provided for the establishment of the fourth Northern Border airwing in Grand Forks, North Dakota, and $5,500,000 is provided for the new Northern Border airwing in Great Falls, Montana. The conferees direct CBP to include sufficient funds in its fiscal year 2008 budget submission to establish the fifth and final Northern Border airwing in Detroit, Michigan. The conferees do not include a rescission of $14,000,000 as proposed by the Senate.

UAV INCIDENT REPORT

The conferees direct CBP to submit the official findings regarding the April 25, 2006, UAV mishap to the Committees on Appropriations, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Homeland Security no later than January 23, 2007.

NORTHERN BORDER UAV PILOT

The conferees encourage the Secretary to work expeditiously with the Administrator of the Federal Aviation Administration to establish and conduct a pilot program to test unmanned aerial vehicles for border surveillance along the U.S.—Canada border at Northern Border airwing bases consistent with section 551 of the Senate bill.

CONSTRUCTION

The conferees agree to provide $232,978,000 instead of $175,154,000 as proposed by the House and $288,084,000 as proposed by the Senate. This includes: $59,100,000 for facilities to accommodate 1,500 additional Border Patrol agents; $50,900,000 to accelerate the CBP master plan construction; and $32,100,000 for the Advanced Training Center. The conferees have funded the $106,006,000 requested for fencing and tactical infrastructure in the new Border Security Fencing, Infrastructure, and Technology appropriation. The conferees include funding for the Ajo, Arizona station at no less than the requested level. The conferees direct CBP to provide a spending plan and a revised master plan consistent with the Senate report to the Committees on Appropriations that reflects all funding provided for CBP major construction in this Act and in P.L. 109–234.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

The conferees agree to provide $3,887,000,000 for Immigration and Customs Enforcement (ICE) salaries and expenses, instead of $3,850,257,000 as proposed by the House and $3,798,357,000 as proposed by the Senate. This includes $153,400,000 for additional bed space capacity, with corresponding personnel and support, $94,000,000 for additional removal and transportation capacity, and $76,000,000 for 23 additional fugitive operations teams and associated bed space. When these new resources are combined with fiscal year 2006 supplemental funding, ICE will sustain an average bed space capacity of 27,500, as proposed by the President.

The conference agreement includes further new funding, as follows: $4,600,000 for internal controls and procurement management; $5,000,000 for the Office of Professional Responsibility; $10,000,000 for Compliance Enforcement Units; $30,000,000 for expanded Worksite Enforcement efforts; $20,000,000 for additional vehicles for Detention and Removal Operations; $10,000,000 for additional vehicles for the Office of Investigations; $6,800,000 for the Trade Transparency Unit; $2,000,000 for the Criminal Alien Program; $2,500,000 for Alternatives to Detention; and $1,000,000 for the Human Smuggling and Trafficking Center.

Finally, the agreement includes: $21,806,000 for the Law Enforcement Support Center; $5,400,000 for training to support implementation of section 287(g) of the Immigration and Nationality Act; $3,100,000 for the costs of salaries, equipment and operations for the Customs Patrol Officers (''Shadow Wolves'') to reflect their transfer from U.S. Customs and Border Protection; $8,000,000 for the Cyber Crimes Center and support of its Child Exploitation Unit, including $5,000,000 for continued investment in computer forensic storage and digital evidence processing capacity; $4,750,000 to continue textile transshipment efforts; and $2,000,000 for what the conferees expect to be the final year for ICE to fund the Legal Orientation Program. The following table specifies funding by budget activity:

| | |
|---|---|
| Headquarters Management and Administration: | |
| Personnel Compensation and Benefits, Services and other | $140,000,000 |
| Headquarters Managed IT investment | 134,013,000 |
| Subtotal, Headquarters Management and Administration | 274,013,000 |
| Legal Proceedings | 187,353,000 |
| Investigations: | |
| Domestic Operations | 1,285,229,000 |
| International Operations | 104,681,000 |
| Subtotal, Investigations | 1,389,910,000 |
| Intelligence | 51,379,000 |
| Detention and Removal: | |
| Custody Operations | 1,381,767,000 |
| Transportation and Removal | 238,284,000 |
| Fugitive Operations | 183,200,000 |
| Criminal Alien Program | 137,494,000 |
| Alternatives to Detention | 43,600,000 |
| Subtotal, Detention and Removal | 1,984,345,000 |
| Total, Salaries and Expenses | $3,887,000,000 |

DETENTION AND REMOVALS REPORTING

The conferees direct ICE to submit a quarterly report to the Committees on Appropriations as described in the Senate report, with the first fiscal year 2007 quarterly report due no later than January 30, 2007.

DETAINEE BONDS

The conferees direct ICE to submit a report to the Committees on Appropriations on how to improve information sharing and cooperation with detention bondholders, including incentives to reduce the number of aliens who abscond after receiving final Orders of Removal, and to locate and remove absconders.

LEGAL ORIENTATION PROGRAM

The conferees concur with the language expressing support for the Legal Orientation Program as contained in House Report 109–476 and, consistent with the direction in the fiscal year 2006 Appropriations Act, strongly direct ICE and the Department to work with the Executive Office for Immigration Review and the Office of Management and Budget to ensure any future funding for this program is included in appropriations requests for the Department of Justice.

SECTION 287(G) ASSISTANCE

The conferees include $5,400,000 for the costs associated with implementing section 287(g) of the Immigration and Nationality Act. The conferees expect funding to be used for the training and other ICE operational costs directly associated with implementing cooperative efforts with state and local law enforcement pursuant to section 287(g) of the Immigration and Nationality Act, and not to acquire or provide information technology infrastructure for participating state and local law enforcement agencies. The conferees direct ICE to provide the Committees on Appropriations, not later than December 1, 2006, a detailed expenditure plan for use of section 287(g) funding appropriated in fiscal years 2006 and 2007, to include direct assistance to state and local agencies, and an updated report no later than June 1, 2007.

DETENTION MANAGEMENT AND CONSOLIDATION

The conferees expect ICE to make the best possible use of its detention funding, and are concerned the Secretary has not yet transmitted the national detention management plan required by the fiscal year 2006 Appropriations Act, keeping $5,000,000 unavailable for obligation. The conferees direct this report be released as soon as possible and expect it to address the elements in the House report, including mechanisms ICE will use to accomplish consolidation and regional approaches described in its April 2006 report on a national detention contract approach.

IMMIGRATION ENFORCEMENT COOPERATION WITH STATE AND LOCAL GOVERNMENT

The conferees are greatly concerned with the burden of illegal immigration on state and local law enforcement agencies, and agree with the language in the House report calling for expanded cooperation between federal, state and local law enforcement agencies. To explore a more comprehensive approach, the conferees direct ICE, in coordination with the Secure Border Coordination Office, to examine the feasibility of establishing high intensity immigration trafficking and smuggling areas, analogous to existing programs directed at countering drugs and money laundering. The conferees

include $1,000,000 under Domestic Investigations for this purpose and direct ICE to submit its findings and implementation options to the Committees on Appropriations no later than June 30, 2007.

UNACCOMPANIED ALIEN MINORS

The conferees are concerned by reports of unaccompanied alien children not being routinely transferred from DHS custody to the Office of Refugee Resettlement (ORR) within the three-to-five day timeframe stipulated in the 1996 Flores Settlement agreement, but held in unacceptable conditions (e.g., Border Patrol stations or jail-like facilities) for many days. The conferees direct ICE to contact ORR immediately upon notification of apprehension of such children, and ensure these children are transferred to ORR custody within 72 hours. The conferees also direct ICE to continue negotiations with ORR to resolve differences over processing and transfer of custody; to explore transfer of responsibility for such children to ORR; and to encourage ORR to establish facilities near DHS detention facilities. The conferees direct ICE, in conjunction with CBP, to submit a report to the Committees on Appropriations, detailing by month for each of fiscal years 2005 and 2006: the number of unaccompanied alien minors detained by DHS for 72 hours or less, and the number held more than 72 hours, with an explanation for each child held in excess of 72 hours. Further, the report should include recommendations for actions to improve coordination between DHS and ORR. The conferees direct ICE to consider using holistic age-determination methodologies as described in the House report.

The conferees are also concerned about the dearth of repatriation services for such children, who face uncertain fates in their homelands, and urge DHS, in consultation with the Department of State and ORR, to develop policies and procedures to ensure such children are safely repatriated to their home countries, including placement with their families or other sponsoring agencies.

ICE FIELD OFFICES

The conferees direct ICE to submit a report on the costs and need for establishing sub-offices in Colorado Springs and Greeley, Colorado.

VISA SECURITY PROGRAM

The conferees are disturbed bureaucratic obstacles have prevented ICE from deploying Visa Security Units (VSU) to key overseas locations, needlessly preventing highly trained personnel from taking their posts overseas, and leaving critical gaps in our ability to identify individuals from high-risk areas who should not acquire U.S. visas and travel to the U.S. The conferees direct the Secretary, in consultation with the Secretary of State, to brief the Committees on Appropriations not later than January 23, 2007, on progress in staffing its overseas locations, listing all planned and actual VSU positions and funding for fiscal years 2006 and 2007; the number of positions and locations not yet filled; the numbers and posting of VSU officers not deployed to their intended locations; and specific actions planned and underway, resources required, and administrative decisions necessary to ensure all planned visa security units are fully operational as soon as possible.

TEXTILE TRANSSHIPMENT ENFORCEMENT

The conferees include $4,750,000 to continue textile transshipment enforcement and direct ICE to report on its execution of the five-year strategic plan submitted to Congress, including details on ICE textile enforcement cases (number initiated, closed, and resulting in prosecutions, arrests, and penalties), as well as a status report of personnel responsible for enforcing textile laws.

FEDERAL PROTECTIVE SERVICE

The conferees agree to provide bill language making revenues and security fees collected by the Federal Protective Service (FPS) available until expended, without the limitation of $516,011,000 proposed by the House and Senate, and requiring a report from the Secretary on FPS financial management. The conferees understand the current projection for fiscal year 2007 collections is $567,000,000, and direct FPS to notify the Committees on Appropriations should this estimate change.

FPS FINANCIAL MANAGEMENT

The conferees are disappointed with the slow response of the Department and the Office of Management and Budget (OMB) to the growing FPS funding shortfall. OMB and the Department failed to evaluate and properly set fees for fiscal year 2006, allowing a festering funding imbalance to explode into full-blown crisis, forcing reductions in other homeland security priorities. Furthermore, the Department has indicated FPS could face even larger shortfalls in fiscal year 2007. The conferees direct ICE, the Department, and OMB, as they continue efforts to resolve weaknesses in FPS financial management and procurement, to ensure no transfers are used to cover basic FPS operations, activities and investment. The conferees expect such fiscal year 2007 costs to be covered by the fees FPS assesses and collects from the federal agencies whose facilities it protects. The conferees direct the Secretary, in consultation with OMB, to report to the Committees on Appropriations no later than November 1, 2006, on the extent and cause of any budgetary shortfall; the Department's detailed plan to provide sufficient revenue to operate in fiscal year 2007; and how the Department will fix FPS financial, procurement, and accounting processes and policies. Furthermore, the conferees direct the Secretary to submit an updated report no later than April 30, 2007, including actual and estimated collections and obligations by month for the full fiscal year.

AUTOMATION MODERNIZATION

The conferees agree to provide $15,000,000 for Automation Modernization instead of no appropriation as proposed by the House and $20,000,000 as proposed by the Senate. Of these funds, $13,000,000 may not be obligated until the Committees on Appropriations receive and approve an expenditure plan.

CONSTRUCTION

The conferees agree to provide $56,281,000 instead of $26,281,000 as proposed by the House and $101,281,000 as proposed by the Senate. The conferees include $30,000,000 for infrastructure improvements at current Detention Centers in order to improve the overall efficiency of the detention process, as described in the Senate report. The conferees direct the Department to submit a detailed spending plan for the infrastructure improvement project described in the Senate report.

The following table specifies funding by project and activity:

| | |
|---|---|
| Projects and Activity: | |
| Krome, Florida: 250-bed secure dormitory | $ 6,409,000 |
| Krome, Florida, maintenance | 5,000,000 |
| Port Isabel, Texas, Infrastructure | 9,000,000 |
| Facility Repair and Alterations | 5,872,000 |
| Infrastructure Improvement Project | 30,000,000 |
| Total, Construction | 56,281,000 |

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

The conferees agree to provide $4,731,814,000 instead of $4,704,414,000 as proposed by the House and $4,751,580,000 as proposed by the Senate. In addition to the amounts appropriated, a mandatory appropriation of $250,000,000 is available to support the Aviation Security Capital Fund. Bill language is also included to reflect the collection of $2,420,000,000 from aviation user fees as authorized. The following table specifies funding by budget activity:

| | |
|---|---|
| Screener Workforce: | |
| Privatized screening | $148,600,000 |
| Passenger and baggage screeners, personnel, compensation and benefits | 2,470,200,000 |
| Subtotal, screener workforce | 2,618,800,000 |
| Screening training and other | 244,466,000 |
| Human resource services | 207,234,000 |
| Checkpoint support | 173,366,000 |
| EDS/ETD Systems. | |
| EDS purchase | 141,400,000 |
| EDS installation | 138,000,000 |
| EDS/ETD maintenance | 222,000,000 |
| Operation integration | 23,000,000 |
| Subtotal, EDS/ETD systems | 524,400,000 |

| | |
|---|---|
| Total, screening operations | $3,768,266,000 |
| Aviation, regulation and other enforcement | 217,516,000 |
| Airport management, information technology and support | 666,032,000 |
| Federal flight deck officer and flight crew training | 25,000,000 |
| Air cargo | 55,000,000 |
| Subtotal, aviation security direction and enforcement | 963,548,000 |
| Total, Aviation Security | $4,731,814,000 |

STAFFING LEVELS

The conferees agree to provide $2,470,200,000 for federal screeners, as requested in the budget. The conferees continue longstanding bill language capping the full-time equivalent (FTE) workforce at 45,000 as proposed by the House. The conferees expect the Transportation Security Administration (TSA) to have no more than 45,000 FTE screeners by the end of fiscal year 2007. At this time, TSA is about 4,000 screeners below this level. As such, the conferees recognize TSA may need to realign its workforce throughout the year due to attrition or advances in detection technologies. TSA has the flexibility to hire screeners during the fiscal year at those airports where additional or replacement screeners are necessary to maintain sufficient aviation security and customer service.

PRIVATIZED SCREENING AIRPORTS

The conferees agree to provide $148,600,000 as proposed by the House and the Senate. TSA is directed to notify the Committees on Appropriations if TSA expects to spend less than the appropriated amount due to situations where no additional airports express interest in converting, either fully or partially, to privatized screening, or where airports currently using privatized screening convert to using federal screeners. TSA shall adjust its program, project, and activity (PPA) line items, within ten days, to account for any changes in private screening contracts and screener personnel, compensation and benefits to reflect the award of contracts under the screening partnership program, or the movement from privatized screening into federal screening.

SCREENERS AT COMMERCIAL AIRPORTS AND HELIPORTS

The conferees are concerned with TSA's current screening policy at 24 commercial airports and heliports in the United States that have requested TSA screening but continue to operate with temporary screening or none at all. The conferees remind TSA that section 44901 of the Aviation and Transportation Security Act requires all passengers to be screened, by either TSA or contracted screeners, before they board commercial aircraft. Vision 100—the Century of Aviation Reauthorization Act (P.L. 108–176) further clarified TSA's screening requirements for charter air carriers with a maximum takeoff weight of more than 12,500 pounds and for the deployment of screeners to certain airports. The conferees direct TSA to provide screening at those airports and heliports that have requested screening and encourage TSA to consider contracting out the screening function if TSA does not believe it would be efficient to place TSA personnel in these locations.

CHECKPOINT SUPPORT

The conferees agree to provide $173,366,000 as proposed by the House instead of $180,966,000 as proposed by the Senate. TSA shall place a priority on expanding the use of emerging technologies at the highest risk airports so screeners can better detect threats to our aviation system. The conferees do not increase funding for this activity above the budget request because TSA projects it will have about $56,000,000 in carryover balances from previous fiscal years to address checkpoint support activities in 2007. The conferees direct TSA to develop a strategic plan for screening passengers and carry on baggage for all types of explosives, including a timeline for deploying emerging technologies to airports and the percent of passengers and carry on baggage currently and projected to be screened by these emerging technologies. This plan should take into account appropriations included in this Act, as well as all prior year unobligated balances.

EXPLOSIVE DETECTION SYSTEMS PURCHASES

The conferees agree to provide $141,400,000 for explosive detection systems (EDS) procurement as proposed by the Senate instead of $136,000,000 as proposed by the House. Of this total, up to $6,000,000 shall be for refurbishment of EDS machines to maximize and extend the useful life of those EDS machines manufacturers are willing to place back under warranty. In addition, $47,000,000 shall be for the procurement of multiple next-generation, in-line and stand alone EDS systems. The conferees direct that no EDS funding shall be used to procure explosive trace detection machines (ETDs) unless they are necessary for secondary screening of checked baggage, to replace an aging ETD system in those airports that are primarily dependent on ETD technologies, or to procure new ETD systems for new, small airports or heliports that are federalized.

EDS INSTALLATIONS

The conferees agree to provide a total of $388,000,000 for EDS installation, including $250,000,000 in mandatory funding from the Aviation Security Capital Fund and $138,000,000 in this Act. This funding is sufficient to fulfill the Letters of Intent, install next-generation EDSs at airports nationwide, and complete other pending airport modifications.

EDS/ETD MAINTENANCE

The conferees agree to provide $222,000,000 for EDS/ETD maintenance instead of $234,000,000 as proposed by the House and $210,000,000 as proposed by the Senate. The conferees encourage TSA to combine funding for maintenance of all equipment (Checkpoint, EDS, and ETD) into one PPA in fiscal year 2008 to provide a more complete picture of all maintenance costs for equipment deployed throughout our nation's airports.

AIR CARGO

TSA has been slow to obligate funding for air cargo security. TSA projects one-tenth of the air cargo budget will be carried into fiscal year 2007. The conferees encourage TSA to use some of these unobligated balances or the fiscal year 2007 appropriation to hire additional permanent staff to enhance TSA's analytic air cargo security capabilities.

WAIT TIMES

The conferees direct TSA to review airport wait times over the past three years, identify those airports with above average times, and provide this review with the fiscal year 2008 budget.

ALTERNATIVE SCREENING PROCEDURES

Both the House and Senate reports expressed concern over TSA's occasional use of alternative screening procedures. The conferees support reporting requirements contained in both House Report 109–476 and Senate Report 109–273, including: develop performance measures and targets; track the use of alternative screening procedures at airports; assess the effectiveness of these measures; conduct covert testing at airports using these techniques; and develop a plan to stop alternative screening measures. TSA shall report to the Committees on Appropriations; the House Committee on Homeland Security; and the Senate Committee on Commerce, Science and Transportation on implementation of these requirements.

CHANGES TO AVIATION SECURITY POLICY

The conferees are aware that TSA is considering revising the aviation security policy. These revisions may require changes to staffing, such as who monitors airport exit lanes, who may be a ticket checker, and who may move baggage to and from EDS machines. Each of these policy decisions has a cost implication. Before moving forward with any proposed change, TSA shall brief the Committees on Appropriations on the security and fiscal impact of each change and outline the ramifications to the fiscal year 2007 appropriation. If these costs exceed transfer and reprogramming thresholds, TSA must notify the Committees as required by section 503 of this Act.

PROHIBITED ITEMS

The conferees direct the Comptroller General to report to the Committees on Appropriations no later than six months after the enactment of this Act on the impact on public safety and on the effectiveness of screening operations resulting from the modification announced by TSA on December 2, 2005, to the list of items permitted and prohibited from being carried aboard a passenger aircraft.

SURFACE TRANSPORTATION SECURITY

The conferees agree to provide $37,200,000 as proposed by the House and the Senate. Within this total, $24,000,000 is for surface transportation staffing and operations and $13,200,000 is for rail security inspectors and canines.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

The conferees agree to provide a direct appropriation of $39,700,000 instead of $74,700,000 as proposed by the House and $29,700,000 as proposed by the Senate. In addition, the conferees anticipate TSA will collect $76,101,000 in fees. Funding is provided as follows:

| | |
|---|---|
| Direct Appropriation: | |
| Secure flight | $15,000,000 |
| Crew vetting | 14,700,000 |
| Screening administration and operations | 10,000,000 |
| Subtotal, direct appropriations | 39,700,000 |
| Fee Collections: | |
| Registered traveler | 35,101,000 |
| Transportation worker identification credential | 20,000,000 |
| Hazardous materials | 19,000,000 |
| Alien flight school (transfer from DOJ) | 2,000,000 |
| Subtotal, fee collections | 76,101,000 |

TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

The conferees are very supportive of expeditious implementation of the transportation worker identification credential (TWIC) program. Because TSA submitted a reprogramming request to expedite this program, a direct appropriation is no longer necessary in fiscal year 2007. The conferees do not incorporate either House or Senate language on TWIC.

SECURE FLIGHT

The conferees agree to provide $15,000,000 as proposed by the Senate instead of $40,000,000 as proposed by the House. While the conferees remain supportive of the Secure Flight concept, TSA has been reviewing and rebaselining this program since the beginning of 2006, resulting in further delays to this program. At this time, TSA cannot justify its fiscal year 2007 budget request, cannot explain how this program will move forward or detail the associated costs. More than $21,000,000 of funding provided in fiscal year 2006 will remain available for obligation in fiscal year 2007. Within 90 days after enactment of this Act, TSA shall submit a detailed plan on achieving key milestones, as well as certification of this program as discussed in section 514 of this Act.

In addition, the conferees are concerned TSA has made little progress in ensuring the security of its Secure Flight passenger screening program, and because of this, names are checked only against the No Fly and Selectee lists, not the full terrorist watch list. The conferees direct TSA to provide a detailed program plan if the Administration believes that security vulnerability exists between the lists used for Secure Flight and the full terrorist watch list as discussed in the House report.

TECHNICAL ASSISTANCE TO AIRLINES

The conferees direct TSA to provide airlines with technical or other assistance to better align their reservation and ticketing systems with terrorist databases to assist in alleviating travel delays and other problems associated with mistaken identification.

SCREENING ADMINISTRATION AND OPERATIONS

The conferees agree to provide $10,000,000 for screening administration and operations. The conferees expect these funds may be used to support the following programs, if necessary: transportation worker identification credential, armed law enforcement officer identity verification, alien flight school, and sterile area credential checks. None of the funds may be used to augment the Secure Flight program. In addition, the conferees do not expect these funds to be used to pay for airmen and pilot checks, activities that are currently a Federal Aviation Administration responsibility. TSA shall provide the Committees on Appropriations a plan further elaborating how these funds will be utilized by January 23, 2007.

TRANSPORTATION SECURITY SUPPORT

The conferees agree to provide $525,283,000 instead of $503,283,000 as proposed by the House and $618,865,000 as proposed by the Senate. The conferees are aware of a large number of vacancies within this program. Funding is provided as follows:

| | |
|---|---|
| Headquarters administration | $294,191,000 |
| Information technology | 210,092,000 |
| Intelligence | 21,000,000 |
| Subtotal, transportation security support | 525,283,000 |

EXPENDITURE PLAN

The conferees include bill language requiring TSA to submit an expenditure plan to the Committees on Appropriations detailing explosive detection systems procurement, refurbishment, and installation on an airport-by-airport basis for fiscal year 2007 no later than 60 days after enactment of this Act, as discussed in the House report. The conferees include bill language withholding $5,000,000 from obligation until this plan is received.

TRANSPORTATION SECURITY LABORATORY

The conferees do not agree to a Senate provision transferring the Transportation Security Lab (TSL) from the Science and Technology Directorate (S&T) to TSA. This action is taken in large part as a result of the successful negotiation of a Memorandum of Understanding between the two agencies signed on August 22, 2006. The conferees direct TSA to work with S&T to determine appropriate research and technology requirements to sustain current and advance future aviation security capabilities. Further, S&T should clearly reflect resource needs for the TSL in the fiscal year 2008 budget request to achieve these requirements. The conferees further direct S&T to work expeditiously with TSA to develop a research execution plan that meets the needs of TSA within the amounts provided.

FINANCIAL MANAGEMENT

The conferees are concerned financial management within TSA has not fully recovered from the lack of internal controls that were in place in its two start-up years. The conferees understand the TSA may face financial obligations due to this mismanagement and direct TSA to work expeditiously to determine if a violation of the Anti-Deficiency Act took place. If there is a shortfall, TSA shall submit a plan to the Committees on Appropriations that addresses the shortfall.

FEDERAL AIR MARSHALS

The conferees agree to provide $714,294,000 for the Federal Air Marshals (FAMs) instead of $699,294,000 as proposed by the House and the Senate. Within this total, $628,494,000 is for management and administration and $85,800,000 is for travel and training.

MULTI-MODAL SECURITY ENHANCEMENT TEAMS

TSA has been piloting a program to use FAMs in multi-modal security enhancement teams to counter potential criminal or terrorist activities throughout the transportation sector, as well as supplement local or state law enforcement agencies in railroad and transit systems, within ports, and on ferries. The conferees recognize that this mission goes beyond what has been authorized for FAMs. Following the events in London, it is imperative air marshals first and foremost focus is protecting the aviation environment, including passenger flights deemed to be a high security threat, before expanding their roles into other transportation modes.

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide $5,477,657,000 instead of $5,481,643,000 as proposed by the House and $5,534,349,000 as proposed by the Senate. Within this amount, $340,000,000 is available for defense-related activities as proposed by both the House and the Senate. The conferees have fully funded the budget request except $5,986,000 is reduced from centrally managed accounts due to high unobligated balances and no funding is provided for the new Coast Guard headquarters at the St. Elizabeths campus. In addition, the conferees include $15,000,000 for port security inspections to double the amount of foreign port assessments, to conduct unannounced inspections of domestic port facilities, and for additional port vulnerability and threat assessments, if necessary. Funding for operating expenses shall be allocated as follows:

| | |
|---|---|
| Military pay and allowance: | |
| Military pay and allowance | $2,342,434,000 |
| Military health care | 337,324,000 |
| Permanent change of station | 108,518,000 |
| Subtotal, military pay and allowance | 2,788,276,000 |
| Civilian pay and benefits: | 569,434,000 |
| Training and recruiting: | |
| Training and education | 83,556,000 |
| Recruitment | 97,320,000 |
| Subtotal, training and recruiting | 180,876,000 |
| Operating funds and unit level maintenance: | |
| Atlantic Command | 188,982,000 |
| Pacific Command | 196,449,000 |
| 1st District | 50,388,000 |
| 7th District | 63,771,000 |
| 8th District | 39,985,000 |
| 9th District | 28,756,000 |
| 13th District | 20,569,000 |
| 14th District | 15,754,000 |
| 17th District | 25,604,000 |
| Headquarters directorates | 255,253,000 |
| Headquarters managed units | 125,104,000 |
| Other activities | 759,000 |
| Subtotal, operating funds and unit level maintenance | 1,011,374,000 |
| Centrally managed accounts: | 201,968,000 |

| | |
|---|---|
| Intermediate and depot level maintenance: | |
| Aeronautical maintenance | 265,979,000 |
| Electronic maintenance | 111,736,000 |
| Civil/ocean engineering and shore facilities maintenance | 176,394,000 |
| Vessel maintenance | 156,620,000 |
| Subtotal, intermediate and depot level maintenance | 710,729,000 |
| Port security inspections: | 15,000,000 |
| Total, operating expenses | 5,477,657,000 |

PERSONNEL

Bill language is provided in this Act to allow the Coast Guard to transfer up to five percent of the Operating Expenses (OE) appropriation to the Acquisition, Construction, and Improvements (AC&I) appropriation for personnel, compensation and benefits provided notice is given to the Committees on Appropriations within 30 days of the transfer. The conferees are aware of the Coast Guard's interest in consolidating OE and AC&I personnel funding in the OE account in order to provide greater flexibility to meet changing personnel requirements. While the conferees support this consolidation, a new PPA structure reflective of this consolidation does not accompany this Act in order to allow the Coast Guard to provide sufficient background materials to the Committees. The conferees encourage the Coast Guard to include the consolidation of OE and AC&I personnel funding, and personnel funding in other accounts, as appropriate, into the OE account in its fiscal year 2008 budget submission. The budget submission shall include a crosswalk of the merged accounts, which tracks personnel and resources from the current PPA structure to the new structure proposed in the budget submission.

NEW HEADQUARTERS BUILDING

The conferees have not provided funding for a new Coast Guard headquarters building. According to DHS, relocating the Coast Guard headquarters to St. Elizabeths campus in Washington, D.C. would be the first phase of a larger effort to move most or all of DHS headquarters' functions to that location. However, the Department has not finalized a plan identifying what specific components would move to the site; the total space requirements for DHS headquarters; and total costs associated with using the St. Elizabeths site as a headquarters' location. Until such a plan has been completed and reviewed by Congress, it is premature to relocate the Coast Guard headquarters.

MERCHANT MARINERS LICENSING

The conferees support increasing locations where merchant mariner applicants may appear for fingerprinting and identification, as discussed in the House report, and direct the Coast Guard to complete this new rule expeditiously.

LONG RANGE AIDS TO NAVIGATION (LORAN)–C

The President's budget proposed terminating the LORAN–C program. The conferees assume the continuation of the LORAN–C program until: (1) the appropriate entities within the Executive Branch have agreed in writing to the termination, (2) the public has been notified, and (3) the appropriate countries have been notified under existing international agreements. Within 15 days of a coordinated Executive Branch decision to terminate LORAN–C, the Coast Guard is directed to provide a report to the Committees on Appropriations on the entities within the Executive Branch that agreed to the termination, the date such entities agreed to the termination, and names of the officials who agreed to the termination. Further, the report shall also include the date and methods used to notify the public and foreign countries, as appropriate under existing international agreements, of the program's termination.

INAPPROPRIATE BEHAVIOR AT THE COAST GUARD ACADEMY

As discussed in the House report, the conferees direct GAO to study the progress made by the Coast Guard Academy in response to sexual harassment claims and report its findings to the Committees on Appropriations; the House Committee on Transportation and Infrastructure; and the Senate Committee on Commerce, Science, and Transportation no later than 180 days after enactment.

LIVE-FIRE EXERCISES

The conferees are concerned Coast Guard's recent proposal to establish live-fire zones on the Great Lakes was not well-coordinated with the public, and therefore direct Coast Guard to provide public notice of safety zone closures for weapons training beyond just marine band radio to include notices to harbormasters and local media.

REPORT ON BASE CLOSURES AND THE FEDERAL CITY PROJECT

The conferees direct Coast Guard to comply with the reporting requirement of Senate bill section 553 no later than 90 days after the enactment of this Act.

MISSION HOUR EMPHASIS AND ACQUISITION REPORTS

The conferees direct Coast Guard to continue submitting quarterly mission hour emphasis and acquisition reports to the Committees on Appropriations consistent with the deadlines articulated under section 360 of Division I of Public Law 108–7.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conferees agree to provide $10,880,000 as proposed by the Senate instead of $11,880,000 as proposed by the House.

RESERVE TRAINING

The conferees agree to provide $122,448,000 instead of $122,348,000 as proposed by the House and $123,948,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees agree to provide $1,330,245,000 instead of $1,139,663,000 as proposed by the House and $1,145,329,000 as proposed by the Senate. Funding is provided as follows:

| | |
|---|---|
| Vessels and Critical Infrastructure: | |
| Response boat medium | $24,750,000 |
| Special purpose craft-law enforcement | 1,800,000 |
| Subtotal, vessels and critical infrastructure | 26,550,000 |
| Aircraft: | |
| Replacement HH–60 aircraft | 15,000,000 |
| Subtotal, aircraft | 15,000,000 |
| Other Equipment: | |
| Rescue 21 | 39,600,000 |
| Automatic identification system | 11,238,000 |
| High frequency recap | 2,475,000 |
| National Capital Region air defense | 66,510,000 |
| Subtotal, Other Equipment | 119,823,000 |
| Shore Facilities and Aids to Navigation | 22,000,000 |
| Personnel and Related Support: | |
| Direct personnel costs | 80,500,000 |
| AC&I core | 500,000 |
| Subtotal, Personnel and Related Support | 81,000,000 |
| Integrated Deepwater System: | |
| Aircraft: | |
| Maritime patrol aircraft | 148,116,000 |
| VTOL unmanned aerial vehicles (UAVs) | 4,950,000 |
| HH–60 conversion projects | 49,302,000 |
| HC–130H conversion/sustainment projects | 48,955,000 |
| HH–65 re-engining project | 32,373,000 |
| Armed helicopter equipment | 55,740,000 |
| C–130J missionization | 4,950,000 |
| Subtotal, Aircraft | 344,386,000 |
| Surface Ships: | |
| National security cutter, construction | 417,780,000 |
| Fast response cutter | 41,580,000 |
| IDS patrol boat long range interceptor | 1,188,000 |
| Medium endurance cutter sustainment | 45,318,000 |
| Replacement patrol boat | 48,000,000 |
| Subtotal, Surface Ships | 553,866,000 |
| C4ISR | 50,000,000 |
| Logistics | 36,000,000 |
| System engineering and management | 35,145,000 |
| Government program management | 46,475,000 |
| Subtotal, Integrated Deepwater System | 1,065,872,000 |
| Total, Acquisition, Construction, and Improvements | 1,330,245,000 |

REPLACEMENT PATROL BOAT

The conferees remain concerned with the lack of Coast Guard leadership in addressing the impending patrol boat crisis and note Coast Guard's surface ship management assessment is ''red'' for cost, schedule and contract administration. The Coast Guard has yet to decide the deployment profile, drydocking, service life, crewing, and concept of operations of the much needed replacement patrol boat in part because the Coast Guard did not admit to the need for a replacement patrol boat until recently despite repeated direction from the conferees. Given the significant gap in patrol boat hours and the delays of the Fast Response Cutter (FRC) program, the conferees strongly encourage the Coast Guard to proceed expeditiously to evaluate replacement patrol boat designs

and conduct a proposal effort as early in 2007 as possible. The conferees provide $126,693,508 for replacement patrol boats to address an immediate need. This funding consists of a reappropriation of $78,693,508 as discussed in section 521 of this Act and a new appropriation of $48,000,000 as shown on the table above. Any delay in this acquisition negates the purpose of this funding: to fill the gap in patrol boat hours until the Fast Response Cutters are operational. This funding may also be used for service life extensions of the existing 110 foot Island class patrol boats, which become increasingly critical as replacement patrol boat decisions are delayed. The conferees direct the Coast Guard to provide monthly briefings on the patrol boat replacement effort and development of FRC, as well as a detailed plan for the replacement patrol boat, including critical decision points and dates, and planned service life extensions of existing 110-foot patrol boats, within two months after enactment of this Act.

C4ISR

Even though C4ISR is pointed to by the Coast Guard as a Deepwater success due to new capabilities like AIS and SIPRNET, Coast Guard listed C4ISR design efforts as over cost and behind schedule in a report submitted to the Committees on Appropriations in August 2006. The conferees understand a stop work order has been issued for Increment 2 and this increment is being ''rescoped''. The conferees are concerned the Coast Guard needs to devote more management attention to resolving C4ISR design problems and directs the Coast Guard to provide a briefing on its plan to resolve them. Furthermore, the conferees direct the Coast Guard to improve the linkage between C4ISR and demonstrate its value to operations.

RESCUE 21

The conferees agree to provide $39,600,000 for Rescue 21. Funding may be expended to complete the Anuenue Project as proposed by the Senate. Bill language limiting the obligation of funding for vessel subsystem, as proposed by the House, is not included.

The Rescue 21 program has had repeated problems with software development, cost overruns, and schedule delays, causing the Coast Guard to terminate the vessel subsystem portion of this contract. Due to past failures, the conferees direct the Coast Guard to brief the Committees on Appropriations on a quarterly basis, the first briefing by January 31, 2007, on the status of this program and provide supporting documentation, including a detailed breakout of its revised cost and schedule and fully justify each estimate, as discussed in the House report.

REPLACEMENT OF GULFPORT STATION

Public Law 109–234 provides funds for the relocation of the Coast Guard Station in Gulfport, Mississippi. Due to changing circumstances after Hurricane Katrina, these funds are for design and construction of a replacement station on the current site in keeping with the architectural design of the community.

COUNTERTERRORISM TRAINING INFRASTRUCTURE SHOOT HOUSE

The conferees do not provide funding for the counterterrorism training infrastructure shoot house as proposed by the House instead of $1,683,000 as proposed by the Senate. While the conferees are not predisposed against the need for a counterterrorism training infrastructure shoot house, the Coast Guard failed to adequately explain the complete costs of this project and outyear funding needs.

ALTERATION OF BRIDGES

The conferees agree to provide $16,000,000 instead of $17,000,000 as proposed by the House and $15,000,000 as proposed by the Senate. Within this total, funds shall be allocated as follows:

| | |
|---|---|
| Burlington Northern Railroad Bridge in Burlington, Iowa | $1,000,000 |
| Canadian Pacific Railway Bridge in LaCrosse, Wisconsin | 2,000,000 |
| Chelsea Street Bridge in Chelsea, Massachusetts | 3,000,000 |
| Elgin, Joliet, and Eastern Railway Company Bridge in Morris, Illinois | 1,000,000 |
| Fourteen Mile Bridge in Mobile, Alabama | 7,000,000 |
| Galveston Causeway Bridge in Galveston, Texas | 2,000,000 |
| Total | 16,000,000 |

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conferees agree to provide $17,000,000 instead of $13,860,000 as proposed by the House and $17,573,000 as proposed by the Senate.

MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND CONTRIBUTION

The conferees include a permanent and indefinite appropriation of $278,704,000 for Medicare-eligible retiree health care fund contribution as proposed by both the House and the Senate.

RETIRED PAY

The conferees agree to provide $1,063,323,000 as proposed by both the House and the Senate.

UNITED STATES SECRET SERVICE

NEW APPROPRIATIONS ACCOUNT STRUCTURE

The conferees are very concerned about the ability of the U.S. Secret Service (USSS) to effectively align its resource requirements to workload and mission needs. To ensure accountability in budgeting for the dual missions of protection and investigations, the conferees provide funding for the USSS in a new appropriations account structure, depicted in detail tables that follow. The conferees recognize the agency's concerns regarding the ability of its budgetary systems to obligate and track funds in line with this new structure and have included language under the Office of the Chief Financial Officer directing support in budget execution and the real-time tracking of resource hours. The conferees direct the Secret Service to apply the reprogramming and transfer guidelines contained within section 503 of this Act, as needed, to adapt to the new account structure as well as to preserve the interdependent relationship between protection and investigations. The conferees direct the USSS to report on the status of its budgetary improvements, including the implementation of refined performance metrics, as specified by the House report.

PROTECTION, ADMINISTRATION, AND TRAINING

The conferees agree to provide $961,779,000 instead of $956,399,000 as proposed by the House and $918,028,000 as proposed by the Senate. This includes: $18,400,000 for Presidential candidate nominee protection; $1,000,000 for National Special Security Events; and an additional $11,500,000 to support the protection costs of the 2008 Presidential Campaign and the President's post-Presidency protective detail. Of the funds provided under this heading, $2,000,000 is not available for obligation until the Committees on Appropriations receive the overdue workload rebalancing report, specified in the House report. The conferees include a general provision (section 559) that rescinds $2,500,000 in unobligated balances for National Special Security Events and reappropriates the same amount, extending its availability until expended.

The following table specifies funding by budget program, project, and activity:

| | |
|---|---|
| Protection: | |
| Protection of persons and facilities | $651,247,000 |
| Protective intelligence activities | 55,509,000 |
| National Special Security Events | 1,000,000 |
| Presidential Candidate Nominee Protection | 18,400,000 |
| White House mail screening | 16,201,000 |
| Subtotal, Protection | 742,357,000 |
| Administration Headquarters, management and administration | 169,370,000 |
| Training: James J. Rowley Training Center | 50,052,000 |
| Total, Protection, Administration, and Training | 961,779,000 |

2008 PRESIDENTIAL CAMPAIGN

The conferees do not agree to create a new appropriation for protective activities related to the 2008 Presidential Campaign and National Special Security Events and instead provide requested funds in a separate program, project, and activity within the Protection, Administration, and Training appropriation. Funds provided for the 2008 Presidential campaign are available until September 30, 2009. The conferees direct the Secret Service to submit a comprehensive expenditure plan, as specified by the House report, for the 2008 Presidential Campaign through the 2009 Presidential inauguration. Further, the conferees direct the Secret Service to submit quarterly reports, with the first report due on January 23, 2007, on the status of filling the required special agent billets to support the post-Presidency protective detail.

FUNDING PRIORITIES

The conferees are concerned with the Secret Service's ability to address its critical resource needs while carrying an apparent shortfall within base budget for protection. The conferees have fully funded the request for protective terrorist countermeasures at $17,200,000 and have provided an additional $11,500,000 for the 2008 Presidential campaign and the post-Presidency protective detail. Prior to the obligation of these funds, the Secret Service shall assess the status of its base budget shortfall in fiscal year 2007 and apply these resources where required to meet the agency's highest priority needs, in accordance with section 503 of this Act.

INVESTIGATONS AND FIELD OPERATIONS

The conferees agree to provide $311,154,000 instead of $312,499,000 as proposed by the House and $304,205,000 as proposed by the Senate. The amount provided under this heading fully funds the budget request and includes: $236,093,000 for domestic field operations; $22,616,000 for international field office administration and operations, including an additional $1,000,000 to support the costs of re-constituting a resident office in Moscow, Russia; $44,079,000 for the Electronic Crimes Special Agent Program and Electronic Crimes Task Forces; and $8,366,000 for the National Center for Missing and Exploited Children, of which $6,000,000 is for grants and $2,366,000 is for forensic support.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $3,725,000 as proposed by the House and Senate. Of the

total provided under this heading, $500,000 is unavailable for obligation until the Committees on Appropriations receive the revised James J. Rowley Training Center master plan.

TITLE III—PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $30,572,000 for management and administration of the Preparedness Directorate as proposed by the Senate instead of $39,468,000 as proposed by the House. Included in this amount is $16,392,000 for the immediate Office of the Under Secretary for Preparedness; $4,980,000 for the Office of the Chief Medical Officer; $2,741,000 for the Office of National Capital Region Coordination; and $6,459,000 for the National Preparedness Integration Program (NPIP).

In spite of clear direction in sections 503 and 504 of P.L. 109–90, the conferees are troubled by an apparent disregard for consistent and transparent budget execution within the Preparedness Directorate. As a result, the conferees direct the Government Accountability Office (GAO) to review the Department's use of shared services within the entire Preparedness Directorate and report to the Committees on Appropriations. The review shall focus on compliance with appropriation law and the proper use of the Economy Act. The conferees are concerned that the Preparedness Directorate is funding new activities for which funds were not specifically appropriated and are not shared services. The conferees direct the Preparedness Directorate to provide all relevant supporting documents to GAO on an expedited basis. The conferees further direct the Preparedness Directorate to provide to the Committees on Appropriations, within 30 days after enactment, a budget execution plan by program, project, and activity.

NATIONAL CAPITAL REGION COORDINATION

The conferees are concerned that planning for evacuation of the National Capital Region during a disaster has not incorporated all of the pertinent officials from the appropriate states. Despite requests for such officials to be included by Congress and the effected states, no such joint planning efforts have occurred. Therefore, the conferees include bill language requiring the Preparedness Directorate to include the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region planning process for mass evacuations. Further, the conferees direct the Preparedness Directorate to include officials from the counties and municipalities that contain the evacuation routes and their tributaries in the planning process. The Secretary shall provide a report to the Committees on Appropriations on the implementation of the planning process, including a list of participants, no later than January 23, 2007, and quarterly thereafter, on the progress made to implement such plans.

NATIONAL PREPAREDNESS INTEGRATION PROGRAM

The conferees note requests for a prioritization of the initiatives proposed to be accomplished by the NPIP have not been fulfilled. Without this prioritization, the conferees were unable to support a level above that recommended by the Senate. The conferees include bill language withholding the funds provided for the NPIP until the Committees on Appropriations receive and approve an expenditure plan.

The conferees are concerned with the concept of creating a Federal Preparedness Coordinator (FPC) for placement in each Federal Emergency Management Agency (FEMA) Regional Office. The conferees agree that an official overseeing preparedness by region is appropriate. However, the conferees are not convinced that creating a senior executive position in the Preparedness Directorate, who reports through a chain of command that does not include response and recovery personnel in FEMA, will further the nation's readiness. Separating preparedness and response functions is detrimental during a disaster and, as demonstrated in past disasters, leads to a lack of communication and a lack of situational awareness, with dire consequences. During emergencies, state emergency managers need clear communications and missions, not confusion and redundancy. The conferees direct the Under Secretary to focus NPIP funding on plan modernization and resolving interoperability issues, as outlined by the Under Secretary, and discourage the use of funds to hire FPCs.

NATIONAL PREPAREDNESS GOAL

The conferees are disturbed by the delay in issuing the final National Preparedness Goal (Goal). In the fiscal year 2006 statement of managers accompanying the conference report (H. Report 109–241), the conferees directed the Department to issue the final Goal, including the final Universal Task List and Target Capabilities List, no later than December 31, 2005. To date, the final Goal and its component pieces have not been published. Absent the final Goal, national preparedness lacks clear direction and resources cannot be most efficiently allocated. The conferees direct the Department to publish the final Goal, without further unnecessary delay. In addition, the Secretary shall provide a report to the Committees on Appropriations explaining what substantive improvements have been made to the Goal as a result of the delay.

INSPECTOR GENERAL REPORT ON THE NATIONAL ASSET DATABASE

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations a report addressing compliance with the recommendations set forth in the July 6, 2006, Inspector General report entitled ''Progress in Developing the National Asset Database.'' The report shall include the status of the prioritization of assets into high-value, medium-value, and low-value asset tiers, and how such tiers will be used by the Secretary in the allocation of grant funds.

HURRICANE KATRINA LESSONS LEARNED

One year after Hurricanes Katrina, Rita and Wilma the conferees remain concerned by slow progress of improvement particularly in the areas of training and exercises to better prepare for future emergencies. The conferees expect the relevant Congressional Committees will be briefed by November 1, 2006, on improvements to training and exercises as recommended by the White House, House, and Senate investigations into Katrina.

NATIONAL EMERGENCY COMMUNICATIONS STRATEGY

The conferees direct the Preparedness Directorate and FEMA to coordinate revised strategy, procedures, and instructions for supporting national emergency response communications operations. The Department shall consider the findings and recommendations of the after action reports for Hurricane Katrina and other disasters produced by the White House, federal agencies, the Congress, the GAO, and the Inspector General, as well as state and local government commissions who have reported on communications. The conferees direct the Secretary to report to the Committees on Appropriations on the progress of this effort by March 1, 2007. The report shall also include an assessment of short-term (defined as within two years after the date of enactment of this Act), intermediate-term (defined as between two years and four years after such date of enactment), and long-term (defined as more than four years after such date of enactment) actions necessary for the Department to take in order to assist federal, state, and local governments achieve communications interoperability, including equipment acquisition, governance structure, and training.

OFFICE OF GRANTS AND TRAINING

SALARIES AND EXPENSES

The conferees agree that not to exceed three percent of Homeland Security Grant Program funds and discretionary grants may be used to fund salaries and expenses.

STATE AND LOCAL PROGRAMS

The conferees agree to provide $2,531,000,000 instead of $2,594,000,000 as proposed by the House and $2,400,000,000 as proposed by the Senate. State and Local Programs funding is allocated as follows:

| | |
|---|---|
| State Formula Grants: | |
| State Homeland Security Program | $525,000,000 |
| Law Enforcement Terrorism Prevention Program | 375,000,000 |
| Subtotal, State Formula Grants | 900,000,000 |
| Discretionary Grants: | |
| High-Threat, High-Density Urban Area | 770,000,000 |
| Port Security | 210,000,000 |
| Trucking Security | 12,000,000 |
| Intercity Bus Security | 12,000,000 |
| Rail and Transit Security | 175,000,000 |
| Buffer Zone Protection Plan | 50,000,000 |
| Subtotal, Discretionary Grants | 1,229,000,000 |
| Commercial Equipment Direct Assistance Program | 50,000,000 |
| National Programs: | |
| National Domestic Preparedness Consortium | 145,000,000 |
| National Exercise Program | 49,000,000 |
| Metropolitan Medical Response System | 33,000,000 |
| Technical Assistance | 18,000,000 |
| Demonstration Training Grants | 30,000,000 |
| Continuing Training Grants | 31,000,000 |
| Citizen Corps | 15,000,000 |
| Evaluations and Assessments | 19,000,000 |
| Rural Domestic Preparedness Consortium | 12,000,000 |
| Subtotal, National Programs | 352,000,000 |
| Total, State and Local Programs | $2,531,000,000 |

For purposes of eligibility for funds under this heading, any county, city, village, town, district, borough, parish, port authority, transit authority, intercity rail provider, commuter rail system, freight rail provider, water district, regional planning commission, council of government, Indian tribe with jurisdiction over Indian country, authorized tribal organization, Alaska Native village, independent authority, special district, or other political subdivision of any state shall constitute a ''local unit of government''.

The conferees urge the Department to work with state and local governments to ensure regional authorities, such as port,

transit, or tribal authorities, are given due consideration in the distribution of state formula grants.

The conferees direct the Office of Grants and Training (G and T) to continue to distribute Homeland Security Grant Program grants in a manner consistent with the fiscal year 2006 practice. The conferees disagree with House language regarding the use of authorized and traditional terrorist focused funding and direct G and T to not alter the manner in which grant funds are distributed. While certain grants are authorized to be all-hazard, G and T is directed to ensure that terrorism-focused funds provided herein are not misdirected. The Department should continue its efforts to evaluate State Homeland Security Program (SHSP), Law Enforcement Terrorism Protection Program (LETPP), and High-Threat, High-Density Urban Area grants (also known as the Urban Areas Security Initiative or UASI) applications based on risk and on how effectively these grants will address identified homeland security needs. In those areas of the country where the risk is very high, the Department shall work aggressively to ensure these applications are produced in a manner in which appropriate levels of funding reflect the level of threat. The conferees agree that states must identify gaps in levels of preparedness and how funding will close those gaps. The Department is encouraged to consider the need for mass evacuation planning and pre-positioning of equipment for mass evacuations in allocating first responder funds and in allocating training, exercises and technical assistance funds through the national programs.

The conferees include bill language requiring the GAO to report on the validity, relevance, reliability, timeliness, and availability of the risk factors, and the application of those factors in the allocation of discretionary grants to the Committees on Appropriations no later than 45 days after enactment. The Secretary is required to provide GAO with the necessary information seven days after enactment of this Act. The conferees direct the Preparedness Directorate to brief the Committees on Appropriations by November 1, 2006, on the steps it is taking to make transparent to states its risk-based grant methodology.

The conferees agree that for SHSP, LETPP, and UASI grants, application kits shall be made available 45 days after enactment of this Act, states shall have 90 days to apply after the grant is announced, and G and T shall act on an application 90 days after receipt of an application. The conferees further agree that no less than 80 percent of these funds shall be passed by the state to local units of government within 60 days of the state receiving funds, except in the case of Puerto Rico, where no less than 50 percent of any grant under this paragraph shall be made available to local governments within 60 days after the receipt of the funds. The conferees direct the Secretary to submit a report to the Committees on Appropriations containing an assessment of state compliance in fiscal years 2005 and 2006 with the requirement to pass through funds in 60 days, accompanied by recommendations, if appropriate, to improve compliance.

The conferees are disappointed with the slow pace of discretionary transportation and infrastructure grant awards in fiscal year 2006. Bill language is included requiring port, trucking, intercity bus, intercity passenger rail transportation, and buffer zone protection grant applications to be made available 75 days after enactment; applicants shall have 45 days to apply after the grant is announced; and G and T shall act on an application within 60 days after receipt of an application.

The conferees continue and modify a provision requiring notification of the Committees on Appropriations before grant notifications are made. For Homeland Security Grant Program funds, G and T will brief the Committees on Appropriations five full business days in advance of any notifications.

The conferees expect G and T to continue all current overtime reimbursement practices. The conferees continue bill language prohibiting the use of funds for construction, except for Port Security, Rail and Transit Security, and the Buffer Zone Protection grants. However, bill language is included to allow SHSP, LETPP, and UASI grants to be used for minor perimeter security projects and minor construction or renovation of necessary guard facilities, fencing, and related efforts, not to exceed $1,000,000 as deemed necessary by the Secretary. The conferees further agree the installation of communication towers that are included in a jurisdiction's interoperable communications plan does not constitute construction for the purposes of this Act.

The Secretary of Homeland Security is encouraged to consult with the National Council on Radiation Protection and Measurements and other qualified governmental and non-governmental organizations in preparing guidance and recommendation for emergency responders to assist recovery operations, and to protect the general public with respect to radiological terrorism, threats, and events.

STATE FORMULA GRANTS

The conferees agree to provide $525,000,000 for the State Homeland Security Program instead of $545,000,000 as proposed by the House and $500,000,000 as proposed by the Senate. The conferees provide $375,000,000 for the Law Enforcement Terrorism Protection Program instead of $400,000,000 as proposed by the House and $350,000,000 as proposed by the Senate.

DISCRETIONARY GRANTS

The conferees agree to provide $1,229,000,000 instead of $1,235,000,000 as proposed by the House and $1,172,000,000 as proposed by the Senate. Within this total, $770,000,000 is made available to the Secretary for discretionary grants to high-threat, high-density urban areas. The conferees include bill language requiring the Secretary to distribute funds allocated in fiscal year 2006 for grants to non-profit organizations determined by the Secretary to be at high risk of terrorist attack. The Secretary shall consider prior threats or attacks against like organizations when determining risk, and shall notify the Committees on Appropriations of the high risk or potential high risk to each designated tax exempt grantee at least five full business days in advance of the announcement of any grant award.

The conferees agree that for discretionary transportation and infrastructure grants, Transportation Security Administration (TSA) and Infrastructure Protection and Information Security (IPIS) shall retain operational subject matter expertise of these grants and will be fully engaged in the administration of related grant programs. The Office of Grants and Training shall also continue to work with the Science and Technology Directorate (S&T) on the identification of possible research and design requirements for rail and transit security.

PORT SECURITY

The conferees agree to provide $210,000,000 as proposed by the Senate instead of $200,000,000 as proposed by the House. The conferees direct G and T to ensure all port security grants are coordinated with the state, local port authority, and the Captain of the Port, so all vested parties are aware of grant determinations and that limited resources are maximized. The conferees further direct G and T to work with IPIS to determine the threat environment at individual ports and with the Coast Guard to evaluate each port's vulnerability. The conferees expect funds to be directed to ports with the highest risk and largest vulnerabilities.

TRUCKING INDUSTRY SECURITY

The conferees agree to provide $12,000,000 for this program, $7,000,000 above the House and Senate levels, to maintain and enhance current training levels, and to work toward the Highway Watch stated goal of enrolling 1,000,000 truckers.

INTERCITY BUS SECURITY

The conferees agree to provide $12,000,000 for Intercity Bus Security grants as proposed by the Senate instead of $10,000,000 as proposed by the House. The conferees agree with language in the Senate report that intercity bus security grants will support the improvement of ticket identification, the installation of driver shields, the enhancement of emergency communications, enhancement of facility security, and further implementation of passenger screening.

RAIL AND TRANSIT SECURITY

The conferees agree to provide $175,000,000, instead of $200,000,000 as proposed by the House and $150,000,000 as proposed by the Senate.

The conferees are concerned the nation's rails are vulnerable, at-risk systems since they are not designed to adequately resist, respond to, manage or rapidly recover from natural or manmade crises. The conferees encourage G and T to coordinate with short line and regional railroads to address the rail system's security and safety challenges for both manmade and natural disasters.

BUFFER ZONE PROTECTION PROGRAM

The Committee recommends $50,000,000 for the Buffer Zone Protection Program (BZPP), as proposed by the House and Senate. The conferees concur with House report language directing G and T to continue to work with IPIS to identify critical infrastructure, assess vulnerabilities at those sites, and direct funding to resolve those vulnerabilities. The conferees do not agree to language contained in the Senate report relating to BZPP grants and the protection of federal facilities. The conferees note that under current guidance, federal facilities are not eligible for BZPP grants.

COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM (CEDAP)

The conferees agree to provide $50,000,000, instead of $75,000,000 as proposed by the House and $40,000,000 as proposed by the Senate. The conferees direct the Department to award funding through CEDAP only if projects or equipment are consistent with State Homeland Security Strategies and the unmet essential capabilities identified through HSPD–8.

NATIONAL PROGRAMS

NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide $145,000,000 as proposed by the Senate instead of $135,000,000 as proposed by the House. This funding shall be distributed in a manner consistent with fiscal year 2006. The conferees concur with Senate report language directing G and T to prepare a long-range strategic plan for the National Domestic Preparedness Consortium.

METROPOLITAN MEDICAL RESPONSE SYSTEM

The conferees agree to provide $33,000,000 instead of $30,000,000 as proposed by the

House and $35,000,000 as proposed by the Senate.

TECHNICAL ASSISTANCE

The conferees agree to provide $18,000,000 as proposed by the Senate instead of $25,000,000 as proposed by the House.

The conferees support the House language that the Department continues the National Memorial Institute for the Prevention of Terrorism's (MIPT) Lessons Learned Information Sharing and Responder Knowledge Base under the oversight of the Preparedness Directorate. The conferees direct the Department to continue these important public service programs and ensure MIPT's inclusion in any competition.

DEMONSTRATION TRAINING GRANTS

The conferees agree to provide $30,000,000 as proposed by the House instead of $25,000,000 as proposed by the Senate.

CONTINUING TRAINING GRANTS

The conferees agree to provide $31,000,000 instead of $35,000,000 as proposed by the House and $30,000,000 as proposed by the Senate. The conferees recommend full funding for the graduate-level homeland security education programs currently supported by the Department and encourage the Department to leverage these existing programs to meet the growing need for graduate-level education.

CITIZEN CORPS

The conferees agree to provide $15,000,000 instead of $20,000,000 as proposed by the Senate. The House did not provide funds for this program.

RURAL DOMESTIC PREPAREDNESS CONSORTIUM

The conferees agree to provide $12,000,000 as proposed by the House. The Senate did not provide funds for this program. The conferees direct G and T to continue the development of specialized and innovative training curricula for rural first responders and ensure the coordination of such efforts with existing Office of Grants and Training partners.

NATIONWIDE PLAN REVIEW PHASE 2 REPORT

The Preparedness Directorate and the Federal Emergency Management Agency are directed to brief the Committees on Appropriations 45 days after the date of enactment of this Act and quarterly thereafter, on the progress made to implement each of the conclusions of the June 16, 2006, Nationwide Plan Review Phase 2 Report. The first briefing shall include a detailed timeline for the completion of implementing each conclusion with major milestones and how the implementation of the conclusions are being coordinated with the guidelines developed by the Department for state and local governments as required in Public Law 109–90. The conferees direct the Department to work with all stakeholders to resolve the findings of the Nationwide Plan Review Phase 2 in accordance with the fiscal year 2007 Senate Report.

EMERGENCY MEDICAL SERVICES

The conferees remain concerned with the lack of first responder grant funding being provided to the Emergency Medical Services (EMS) community and direct G and T to require in its grant guidance that state and local governments include EMS representatives in planning committees as an equal partner and to facilitate a nationwide EMS needs assessment. In addition, no later than January 23, 2007, the Department shall report to the Committees on Appropriations, the House Committee on Homeland Security, and the Senate Committee on Homeland Security and Governmental Affairs, on the use of Homeland Security Grant Program funds and Firefighter Assistance Grant funds for EMS.

FIREFIGHTER ASSISTANCE GRANTS

The conferees agree to provide $662,000,000 instead of $655,200,000 as proposed by the House and $680,000,000 as proposed by the Senate. Of this amount, $115,000,000 shall be for firefighter staffing, as authorized by section 34 of the Federal Fire Prevention and Control Act of 1974, instead of $112,100,000 as proposed by the House and $127,500,000 as proposed by the Senate.

The conferees concur with language in the Senate report directing the Department to favor those grant applications that take a regional approach in equipment purchases and their future deployment.

The conferees further agree to make $3,000,000 available for implementation of section 205(c) of Public Law 108–169, the United States Fire Administration Reauthorization Act of 2003.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The conferees agree to provide $200,000,000 instead of $186,000,000 as proposed by the House and $220,000,000 as proposed by the Senate.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The conferees agree to provide for the receipt and expenditure of fees collected, as authorized by Public Law 105–276 and as proposed by both the House and Senate.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

The conferees agree to provide $46,849,000 for the United States Fire Administration and Training as proposed by the House and instead of $45,887,000 as proposed by the Senate. Of this amount, $5,500,000 is for the Noble Training Center.

The FIRE Act requires the United States Fire Administration to submit to the Congress by April 28, 2006, an assessment of capability gaps that fire departments currently possess in equipment, training and staffing. While the U.S. Fire Administration has completed the assessment, it has not been submitted to the Congress. The conferees direct the Secretary to submit the report no later than November 1, 2006.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

The conferees agree to provide $547,633,000 for Infrastructure Protection and Information Security (IPIS) instead of $549,140,000 as proposed by the House and $525,056,000 as proposed by the Senate. Funding is allocated as follows:

| | |
|---|---|
| Management and Administration | $77,000,000 |
| Critical Infrastructure Outreach and Partnership | 101,100,000 |
| Critical Infrastructure Identification and Evaluation | 69,000,000 |
| National Infrastructure Simulation and Analysis Center | 25,000,000 |
| Biosurveillance | 8,218,000 |
| Protective Actions | 32,043,000 |
| Cyber Security | 92,000,000 |
| National Security/Emergency Preparedness Telecommunications | 143,272,000 |
| Total | $547,633,000 |

BUDGET

The conferees support language contained in the House report concerning the format of the IPIS fiscal year 2008 budget justification with budget lines that align with the operational divisions and programs of IPIS as well as language directing the Department to fully display program transfers. The conferees direct the Department to work with the Committees on Appropriations to create an acceptable budget structure.

BUDGET OFFICE

The conferees direct DHS to establish a budget office within IPIS and include sufficient funds for two positions. The budget officer and staff will support the Office of Infrastructure Protection and the Office of Information Security in its efforts to align its budget with its organizational structure, better formulate and execute its resources, and perform other budgetary and financial activities, as necessary.

CRITICAL INFRASTRUCTURE IDENTIFICATION AND EVALUATION

The conferees agree to provide $69,000,000 for Critical Infrastructure Identification and Evaluation instead of $71,631,000 as proposed by the House and $67,815,000 as proposed by the Senate. The conferees support the budget request for the Protective Security Analysis Center.

CHEMICAL SITE SECURITY

The conferees support language in the House report providing $10,000,000 for the Chemical Site Security program and direct the Department to provide the Committees on Appropriations an expenditure plan showing how these resources will be used.

CHEMICAL SECTOR SECURITY RESOURCE NEEDS

The conferees include bill language withholding $10,000,000 until the Committees on Appropriations receive the report required in the statement of the managers (House Report 109–241) accompanying P.L. 109–90 on departmental resources necessary to implement mandatory security requirements for the nation's chemical sector.

CRITICAL INFRASTRUCTURE OUTREACH AND PARTNERSHIP

The conferees agree to provide $101,100,000 for Critical Infrastructure Outreach and Partnership as proposed by the House instead of $104,600,000 as proposed by the Senate. The conferees provide $5,000,000 for the Homeland Secure Information Network, as requested.

CYBER SECURITY AND INFORMATION SHARING INITIATIVE

The conferees agree to provide $16,700,000 to continue the National Cyber Security Division's Cyber Security and Information Sharing Initiative instead of $11,700,000 as proposed by the Senate.

BOMBING PREVENTION

The conferees support language contained in the Senate report on the Office of Bombing Prevention directing the Secretary to develop a national strategy for bombing prevention, including a review of existing federal, state, and local efforts in this effort. The strategy shall be submitted to the Committees on Appropriations no later than January 23, 2007.

BUFFER ZONE PROTECTION PROGRAM

The conferees encourage the Department to continue the chemical and other high risk sector Buffer Zone Protection Program in fiscal year 2007. The conferees note $25,000,000 was allocated in fiscal year 2006 for this program and encourage IPIS to utilize section 503 of this Act to provide appropriate funding in fiscal year 2007, if funding is available.

TRANSPORTATION VULNERABILITY REPORT

The conferees direct the Secretary to submit a report to the Committees on Appropriations; the Senate Committee on Commerce, Science, and Transportation; and the House Committee on Transportation and Infrastructure no later than March 1, 2007, describing the security vulnerabilities of all rail, transit, and highway bridges and tunnels connecting Northern New Jersey, New

York and the five boroughs of New York City.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The conferees do not incorporate Senate language on an organization review.

ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide $282,000,000 instead of $254,499,000 as proposed by the House and $249,499,000 as proposed by the Senate.

WORKFORCE STRATEGY

The conferees remain concerned about the numerous personnel and senior leadership vacancies within the Federal Emergency Management Agency (FEMA). Therefore, the conferees provide an additional $30,000,000 to fund up to 250 permanent disaster staff to replace the existing temporary Stafford Act workforce. The House and Senate reports direct FEMA to develop a comprehensive workforce strategy, which includes hiring goals for vacant positions, retention initiatives, training needs, and resource needs to bolster its workforce. The conferees direct the Administrator to submit to the Committees on Appropriations the strategic human capital plan outlined in Title VI.

The conferees concur with House report language directing the Department to finish the national build-out of the Digital Emergency Alert System with Public Television and to provide for origination of emergency alert messages from authorized local and state officials.

READINESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide $244,000,000 instead of $240,199,000 as proposed by the House and $240,000,000 as proposed by the Senate.

URBAN SEARCH AND RESCUE

Of the funds provided for Readiness, Mitigation, Response, and Recovery, the conferees agree to provide $25,000,000 for urban search and rescue instead of $19,817,000 as proposed by the House and $30,000,000 as proposed by Senate.

CATASTROPHIC PLANNING

The conferees concur with House report language requesting an expenditure plan for catastrophic planning but do not withhold funding until such time as this plan is submitted.

HURRICANE KATRINA LESSONS LEARNED

The conferees continue to be concerned about FEMA's ability to incorporate the lessons learned from Hurricane Katrina, in particular in the areas of logistics tracking, incident management capability of the National Response Coordination Center, temporary housing for evacuated residents, and debris removal. The conferees direct FEMA to brief the Committees on Appropriations on the status of continuing improvements and changes to FEMA as a result of lessons learned from Hurricane Katrina.

DISASTER SPENDING PROGRAMS

The conferees are concerned by the findings of the Government Accountability Office, the DHS Inspector General, and others regarding the fraud and abuse associated with victim assistance programs and other disaster spending for the 2005 Gulf Coast hurricanes. The conferees concur with language in the House and Senate reports directing FEMA to correct weaknesses in its disaster assistance claims system. The conferees expect FEMA to include corrective actions for the disaster claims system in the brief to the Committees on Appropriations on Hurricane Katrina Lessons Learned.

The conferees understand FEMA has begun comprehensive modernization of its legacy information management systems into an Enterprise Content Management System and development of such a system is a basic requirement for FEMA to have the capacity to handle expected future caseloads. The conferees encourage FEMA to pursue this improved document reporting and tracking system.

CONTRACTS

FEMA shall provide a quarterly report to the Committees on Appropriations regarding all contracts issued during any disaster. The report shall include a detailed justification for any contract entered into using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code. Justification details by individual contract are to include, at least: the amount of funds, the timeframe, the contractor, a specific reason why the contract could not be competed and how action may be taken to ensure competition of the contract in the future without impeding timely disaster response.

LOGISTICS CENTERS

The conferees direct the Department to brief the Committees on Appropriations on the strategic or business plan that guided the site selection for the logistics centers and locations for prepositioned items and any plans for future movement of assets or actions to extend or add centers or the locations of prepositioned items. The conferees concur with language in the House and Senate reports regarding pre-positioning Meals-Ready-to-Eat.

The conferees direct FEMA to use no less than $5,000,000 to develop a demonstration program with regional and local governments in the formation of innovative public and private logistical partnerships and centers to improve readiness, increase response capacity, and maximize the management and impact of homeland security resources.

The conferees agree the lack of coordinated incident management contributed to failures at all levels of government during Hurricane Katrina. The White House Report: ''The Federal Response to Hurricane Katrina: Lessons Learned'' states, ''DHS should establish and maintain a deployable communications capability to quickly gain and retain situational awareness when responding to catastrophic events''. The conferees agree and direct DHS to support deployment of integrated and regional near real-time information and incident tracking systems. The conferees encourage DHS to work with regional state emergency managers to deploy an operationally ready National Incident Management System (NIMS) compliant incident management system for use by the first responder community that includes redundant 24/7 online capability.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

The conferees encourage FEMA to assess how the National Center for Missing and Exploited Children and state family assistance call centers can best contribute to the National Response Plan in helping disaster victims locate family members. The Secretary shall submit a report to the Committees on Appropriations no later than 45 days after enactment of this Act.

NATIONAL INCIDENT MANAGEMENT SYSTEM

Of the funds provided for Readiness, Mitigation, Response, and Recovery, the conferees agree to provide $30,000,000 for the National Incident Management System (NIMS) as proposed by the House. The conferees direct FEMA to use no less than $10,000,000 to continue to implement NIMS nationwide, with a focus specifically on standards identification, testing and evaluation of equipment, and gap and lessons learned identification.

LEVEE RECERTIFICATION

The conferees understand FEMA is in the process of revising its levee certification regulations and guidance. The conferees expect FEMA to utilize the latest findings of the Army Corps of Engineers levee inventory when developing its regulations and guidance. The conferees direct FEMA to provide a status report, no later than 60 days after enactment of this Act, on its processes for levee certification. This status report should include the Army Corps of Engineers levee inventory, the number and location of levees that require certification, the estimated costs of recertifying, the resources required to fulfill the new certification regulations, and a description of the Administration's policy on how these cost requirements should be met.

EMERGENCY PREPAREDNESS DEMONSTRATION PROGRAM

The conferees understand the emergency preparedness demonstration program is in the information collection phase. The conferees direct FEMA to expand this pilot demonstration project so information from Hurricane Katrina victims can be added to this study. The conferees recognize this may cause the time of the study to lengthen and direct FEMA to provide an interim report to the Committees on Appropriations by March 31, 2007.

PUBLIC HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conferees provide $33,885,000 for public health programs to fund the National Disaster Medical System (NDMS), as proposed in the budget, and include bill language transferring all the funding, components, and functions of the NDMS to the Department of Health and Human Service, effective January 1, 2007.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $1,500,000,000, instead of $1,676,891,000, as proposed by the House and $1,582,000,000 as proposed by the Senate. The conferees include bill language as proposed by the Senate, permitting up to $13,500,000 for the Office of Inspector General to be drawn from the Disaster Relief Fund for audits and investigations related to natural disasters.

The conferees understand FEMA intends to use the almost 20,000 manufactured housing units that were not used in the 2005 hurricane season for future disasters, and encourage FEMA to do so. The conferees are concerned a portion of the 128,000 units currently occupied will come back into the FEMA stock as previous disaster victims find other living arrangements and units are refurbished in accordance with FEMA policy. The conferees direct FEMA to take an aggressive approach in managing the manufactured housing supply in a cost-effective manner and to brief the Committees on Appropriations regarding the supply on hand, the cost of maintenance and storage, the anticipated use, and strategic storage location of unoccupied manufactured units.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide $569,000 for administrative expenses as proposed by both the House and Senate. Gross obligations for the principal amount of direct loans shall not exceed $25,000,000 as proposed by both the House and Senate.

FLOOD MAP MODERNIZATION FUND

The conferees agree to provide $198,980,000 as proposed by both the House

and Senate for Flood Map Modernization Fund. The conferees recognize the importance of the Flood Map Modernization Program to state and local governments. When allocating funds, the conferees encourage FEMA to prioritize as criteria the number of stream and coastal miles within the state, the Mississippi River Delta region, and the participation of the state in leveraging nonfederal contributions. The conferees further direct FEMA to recognize and support those states that integrate the Flood Map Modernization Program with other state programs to enhance greater security efforts and capabilities in the areas of emergency management, transportation planning and disaster response. The conferees recognize the usefulness of updated flood maps in state planning, and encourage this efficient use of federal dollars.

The conferees are concerned the Flood Map Modernization Program is using outdated and inaccurate data when developing its maps. The conferees direct FEMA, in consultation with the Office of Management and Budget, to review technologies by other Federal agencies, such as the National Oceanic and Atmospheric Administration, the National Geospatial Intelligence Agency, and the Department of Defense, use to collect elevation data. The conferees expect a briefing no later than 180 days after enactment of this Act on the technologies available, the resources needed for each technology, and a recommendation of what is most effective for the Flood Map Modernization Program.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $38,230,000 for salaries and expenses as proposed by both the House and Senate. The conferees further agree to provide up to $50,000,000 for severe repetitive loss property mitigation expenses under section 1361A of the National Flood Insurance Act of 1968 and a repetitive loss property mitigation pilot program under section 1323 of the National Flood Insurance Act; and up to $90,358,000 for other flood mitigation activities, of which up to $31,000,000 is available for transfer to the National Flood Mitigation Fund. Total funding of $128,588,000 is offset by premium collections. The conferees further agree on limitations of $70,000,000 for operating expenses, $692,999,000 for agents' commissions and taxes, and ''such sums'' for interest on Treasury borrowings.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $31,000,000 by transfer from the National Flood Insurance Fund as proposed by the House and Senate.

NATIONAL PREDISASTER MITIGATION FUND

The conferees agree to provide $100,000,000 as proposed by the House instead of $149,978,000 as proposed by the Senate. While the conferees are supportive of the Predisaster Mitigation program, they remain concerned by the slow pace of implementation and the obligation of the funds. This program has a large unobligated balance of $53,000,000. The conferees encourage FEMA to implement lessons learned, as described in the report on impediments to timely obligations of the Fund submitted to the Committees on Appropriations in compliance with the Senate Report 109–83 accompanying the fiscal year 2006 Department of Homeland Security Appropriations Act (P.L. 109–90) and direct FEMA to brief the Committees on Appropriations on the progress of the implementation.

EMERGENCY FOOD AND SHELTER

The conferees agree to provide $151,470,000 as proposed by both the House and Senate.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

The conferees agree to provide $181,990,000 as proposed by the House instead of $134,990,000 as proposed by the Senate for United States Citizenship and Immigration Services (USCIS), of which $93,500,000 is available until expended. The conference agreement includes $47,000,000 for USCIS business system and information technology transformation, including converting immigration records into digital format, to remain available until expended; $21,100,000 for the Systematic Alien Verification for Entitlements (SAVE) program; and $113,890,000 to expand the Employment Eligibility Verification (EEV) program. Current estimates of fee collections are $1,804,000,000, for total resources available to USCIS of $1,985,990,000. The conferees direct that, of these collections, not to exceed $5,000 shall be for official reception and representation expenses.

The following table specifies funding by budget activity, and includes both direct appropriations and estimated collections:

| | |
|---|---|
| Direct Appropriations: | |
| Business and IT Transformation | $47,000,000 |
| Systematic Alien Verification for Entitlements (SAVE) | 21,100,000 |
| Employment Eligibility Verification (EEV) | 113,890,000 |
| Subtotal, Direct Appropriations | 181,990,000 |
| Adjudication Services (fee accounts): | |
| Pay and Benefits | 624,600,000 |
| Operating Expenses: | |
| District Operations | 385,400,000 |
| Service Center Operations | 267,000,000 |
| Asylum, Refugee and International Operations | 75,000,000 |
| Records Operations | 67,000,000 |
| Subtotal, Adjudication Services | 1,419,000,000 |
| Information and Customer Services (Immigration Examination Fee Accounts): | |
| Pay and Benefits | 81,000,000 |
| Operating Expenses: | |
| National Customer Service Center | 48,000,000 |
| Information Services | 15,000,000 |
| Subtotal, Information and Customer Services | 144,000,000 |
| Administration (Immigration Examination Fee Accounts): | |
| Pay and Benefits | 45,000,000 |
| Operating Expenses | 196,000,000 |
| Subtotal, Administration | 241,000,000 |
| Fraud Prevention and Detection Fee Account | 31,000,000 |
| H–1B Non-Immigrant Petitioner Fee Account | 13,000,000 |
| Total, U.S. Citizenship and Immigration Services | 1,985,990,000 |

BUSINESS AND INFORMATION TECHNOLOGY TRANSFORMATION

The conferees include $47,000,000 to support the business system and information technology transformation process at USCIS. The conferees direct USCIS not to obligate these funds until the Committees on Appropriations have received and approved a strategic transformation plan and expenditure plan that has been reviewed by the Secretary and the Government Accountability Office. The expenditure plan should include a detailed breakout of costs associated with the USCIS business and information technology transformation effort in fiscal year 2007, a report on how the transformation process is aligned with USCIS and Departmental Enterprise Architecture, and details on expected project performance and deliverables.

The Department stated in its request that it would also apply $65,000,000 in fee revenues to this effort, for a total fiscal year 2007 program of $112,000,000. The conferees expect the aforementioned expenditure plan will reflect all resources associated with transformation efforts, and address the impact of availability of such fee revenue.

SECURITY AND INTERNAL AFFAIRS

The conferees are concerned with reports that USCIS may be at risk for security lapses, in part because the Office of Security and Investigations has a significant case backlog, and in part because some USCIS adjudicators may lack necessary security clearances. As a result, critical enforcement actions could be delayed, or adjudicators could find themselves unable to access relevant watchlist databases, increasing the risk that immigration benefits could be granted to ineligible recipients. The conferees direct USCIS to work closely with Immigration and Customs Enforcement and the Office of the Inspector General to address these security vulnerabilities.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $211,033,000, instead of $210,507,000 as proposed by the House and $207,634,000 as proposed by the Senate. Included in this amount is $1,042,000 for salaries and expenses at the Counterterrorism Operations Training Facility. The increase from the budget request includes $4,691,000 for training resources proposed to be funded in Customs and Border Protection and $4,444,000 for training resources proposed to be funded in Immigration and Customs Enforcement. The conferees also extend the rehired annuitant authority through December 31, 2007.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $64,246,000, instead of $42,246,000 as proposed by the House and $63,246,000 as proposed by the Senate. Included in this amount is $1,000,000 for the construction of the Counterterrorism Operations Training Facility. The increase from the budget request includes $22,000,000 for renovation and construction needs at the Artesia, New Mexico training center.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $135,000,000 for management and administration of Science and Technology (S&T) instead of $180,901,000 as proposed by the House and $104,414,000 as proposed by the Senate. This amount includes $7,594,000 for the immediate Office of the Under Secretary and $127,406,000 for other salaries and expenses.

The conferees provide funding under this account for the salary, expenses and benefits of full-time federal and contract employees; S&T's portion of the Working Capital Fund; and for S&T Business Operations.

Funding for other management and administration costs such as laboratory construction and maintenance; individuals and

detailees provided through the Intergovernmental Personnel Act; and contract support associated with certain projects within the portfolio will be provided within the ''Research, Development, Acquisition and Operations'' account. The conferees direct S&T to report to the Committees on Appropriations any assessment of the aforementioned costs exceeding five percent of the total program appropriation, which shall be subject to section 503 of this Act. The conferees include bill language withholding $60,000,000 until the Committees receive and approve an expenditure plan described in the bill.

FIVE-YEAR RESEARCH PLAN AND BUSINESS MODEL

The conferees expect S&T to greatly improve its research strategic plan and its budget documents. These documents should reflect the new vision for S&T as proposed by the Under Secretary. The conferees direct the Under Secretary to develop a five-year research plan, which outlines its priorities, performance measures for each portfolio and resources needed to meet its mission. This plan should also incorporate a business model for its output of services and technologies to its end user. The conferees expect the Under Secretary to brief the Committees on Appropriations no later than 180 days after the date of enactment of this Act.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

The conferees agree to provide $838,109,000 for research, development, acquisition, and operations instead of $775,370,000 as proposed by the House and $714,041,000 as proposed by the Senate.

The following table specifies funding by budget activity:

| | |
|---|---|
| Biological Countermeasures | $350,200,000 |
| Chemical Countermeasures | 60,000,000 |
| Explosives Countermeasures | 86,582,000 |
| Threat and Vulnerability, Testing and Assessment | 35,000,000 |
| Conventional Missions | 85,622,000 |
| Standards Coordination | 22,131,000 |
| Emergent Prototypical Technologies | 19,451,000 |
| Critical Infrastructure Protection | 35,413,000 |
| University Programs | 50,000,000 |
| Counter MANPADS | 40,000,000 |
| Safety Act | 4,710,000 |
| Cyber Security | 20,000,000 |
| Interoperability and Compatibility | 27,000,000 |
| Pacific Northwest National Laboratory | 2,000,000 |
| Total | 838,109,000 |

BIOLOGICAL COUNTERMEASURES

The conferees agree to provide for Biological Countermeasures instead of $337,200,000 as proposed by the House and $327,200,000 as proposed by the Senate. Of the amount provided, the conferees agree to provide up to $82,800,000 for the BioWatch program. The conferees also agree to provide $23,000,000 for site selection and other pre-construction activities for the National Bio and Agrodefense Facility. The conferees expect the Department to submit a project schedule, including expected completion dates and funding requirements for all phases of the project, to the Committees on Appropriations within 45 days after the date of enactment of this Act.

BIOLOGICAL COUNTERMEASURES STRATEGIC PLAN

The conferees believe DHS should establish an architecture to outline and coordinate federal biological activities, and to chart future federal activities and goals. S&T, in consultation with the DHS Chief Medical Officer, Department of Health and Human Services, United States Department of Agriculture, and other participating federal departments, shall submit a strategic plan to the Committees on Appropriations; the House Homeland Security Committee; the House Science Committee; the Senate Commerce, Science and Transportation Committee; the Senate Energy and Natural Resources Committee; and the Senate Homeland Security and Governmental Affairs Committee outlining the various missions of each agency and how they relate to one another. Further, the strategic plan should specifically describe DHS' roles and responsibilities; its framework for deploying biological sensors, including how detector alerts will be managed; its plans to enhance advanced animal vaccine research and other agro-terrorism defense efforts; its overall fulfillment of the Department's obligations under HSPD–10; and how its other activities relate to and will be coordinated with similar efforts by other government agencies.

URBAN DISPERSION

The conferees support the House report language on Urban Dispersion recommending continued funding of this program.

EXPLOSIVES COUNTERMEASURES

The conferees agree to provide $86,582,000 for explosive countermeasures, instead of $76,582,000 as proposed by the House and a total of $86,582,000 as proposed by the Senate, of which $81,582,000 was included in the Transportation Security Administration account. The conferees include $13,500,000 for Manhattan II as proposed by the House.

The conferees are concerned about the recent discoveries by British officials of terrorist efforts to bring explosives aboard aircraft. S&T has efforts underway to find and develop practical technologies for detecting explosive substances regardless of their shape or form. The conferees direct S&T to aggressively pursue its efforts to develop such technologies and strengthen any efforts to find explosives.

TRANSPORTATION SECURITY LABORATORY (TSL)

The conferees agree to keep the TSL within S&T. The conferees direct S&T to work with Transportation Security Administration (TSA) to determine appropriate detection research and technology requirements to sustain current and advance future aviation security capabilities. S&T should clearly reflect resource needs for the TSL in the fiscal year 2008 budget request to achieve these requirements. The conferees further direct S&T to work expeditiously with TSA to develop a research execution plan that meets the needs of TSA within the amounts provided.

PACIFIC NORTHWEST NATIONAL LABORATORY

The conferees include $2,000,000 for construction of radiological laboratories at the Pacific Northwest National Laboratory and direct the Department to fully fund its obligations and characterize its efforts at this site in the fiscal year 2008 budget submission.

CONVENTIONAL MISSIONS

The conferees agree to provide $85,622,000 for Conventional Missions, as proposed by the House instead of $80,000,000 as proposed by the Senate. The conferees provide funding for the Regional Technology Integration initiative at the fiscal year 2007 request level. The conferees support Senate report language encouraging S&T to continue funding for technology which enables users to collect and analyze surveillance data to detect suspicious activities in the vicinity of critical ports and infrastructure. The conferees also support Senate report language continuing the Regional Research Pilot program at the fiscal year 2006 level.

NEW TECHNOLOGIES

The conferees believe new technologies may significantly help the Department as it seeks to secure our homeland. The conferees encourage the Department to develop such technologies as singlet oxygen generating chemical and enzymatic systems, airborne rapid imaging, privacy Real ID technology, anti-microbial coating free masks, lightweight miniature cooling systems for protective gear, body armor designed to reduce back problems, security of open source systems, nanotechnology based flow cytometer, doorless maritime cargo container security technology, deployment research of water and air system biosensors, photonic and microsystem technologies for high threat problem-solving and coordinate standards for intelligent video software.

EMERGENT AND PROTOTYPICAL TECHNOLOGIES

The conferees provide $19,451,000 for Emergent and Prototypical Technologies as proposed by the House instead of $12,500,000 as proposed by the Senate. The conferees support House report language supporting the budget request for the Public Safety and Security Institute for Technology centralized clearinghouse. The conferees direct DHS to work with the operators of the relevant databases, websites and portals within DHS, including the Responder Knowledge Base, to integrate this information into the centralized clearinghouse.

CRITICAL INFRASTRUCTURE PROTECTION

The conferees agree to provide $35,413,000 for Critical Infrastructure Protection research, including $20,000,000 to support existing work in research and development and application of technology for community-based critical infrastructure protection efforts. The conferees provide up to $5,000,000 for modeling and simulation.

UNIVERSITY PROGRAMS

The University program has the potential to facilitate cutting-edge research on homeland security issues. The conferees encourage S&T to solicit a wide variety of research projects from the plethora of universities engaged in homeland security research that focus on the greatest risks facing the nation. The conferees direct the Under Secretary of Science and Technology to brief the Committees on Appropriations, no later than 60 days after the date of the enactment of this Act, on the University-Based Centers of Excellence Program goals for fiscal year 2007 and outcomes projected for each center for the next three years.

COUNTER-MAN PORTABLE AIR DEFENSE SYSTEMS

The conferees provide $35,000,000 as proposed by the Senate for a comprehensive passenger aircraft suitability assessment. The conferees urge S&T to include the passenger airline industry in the evaluation phase of this assessment. The conferees direct the Under Secretary to brief the Committees on Appropriations, no later than 60 days after the enactment of this Act, on the expenditure plan for this suitability assessment.

PROJECT 25 STANDARDS

Federal funding for first responder communication equipment should be compliant with Project 25 standards, where necessary. The Committee directs the Under Secretary of Science and Technology, in conjunction with the Director of the National Institute of Standards and Technology, to establish a program to assess the compliance of first responder communication equipment with Project 25 standards.

TUNNEL DETECTION

The conferees support the language in Senate Report 109–273 requiring a briefing by the Under Secretary on tunnel detection technologies being researched and developed to

detect and prevent illegal entry into the United States. The briefing should also provide an assessment of the applicability of using existing military and other tunnel detection technologies along our borders.

INTERNET PROTOCOL INTEROPERABILITY

The conferees direct the Office of Interoperability and Compatibility to amend SAFECOM guidelines to clarify that, for purposes of providing near-term interoperability, funding requests to improve interoperability need not be limited to the purchase of new radios, but can also fund the purchase of Internet-Protocol (IP) based interoperability solutions that connect existing and future radios over an IP interoperability network. Likewise, funding requests for transmission equipment to construct mutual aid channels and upgrade such channels with IP connectivity will also be considered, so long as P–25 and other digital radios utilizing the public safety portions of the 700 MHz band can operate over an IP interoperability network.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

The conferees agree to provide $30,468,000 for management and administration as proposed by both the House and the Senate.

ARCHITECTURE INVESTMENTS AND BUDGETING

The conferees direct the Domestic Nuclear Detection Office (DNDO) to provide a report to the Committees on Appropriations, no later than November 1, 2006, on the budget crosscut of federal agencies involved in domestic nuclear detection. The budget crosscut should include investments of all agencies, how these investments will meet the goals of the global strategy, the performance measures associated with these investments, identification of investment gaps, and what budgetary mechanisms DNDO will use to ensure it requests appropriate resources.

RADIOACTIVE SOURCES

The conferees are concerned the risks and vulnerabilities of radioactive sources may not have not been adequately characterized and addressed. DNDO should work with the Nuclear Regulatory Commission to determine the risks associated with, and strengthen the regulation and control of, radioactive sources as necessary.

RESEARCH, DEVELOPMENT, AND OPERATIONS

The conferees agree to provide $272,500,000 for Research, Development, and Operations. Within the total, sufficient funds are provided for the Cargo Advanced Automated Radiography Systems as well as the Radiological and Nuclear Forensic and Attributions programs. The total also includes no more than $9,000,000 for the new university research program proposed in the budget. The conferees make $15,000,000 unavailable for obligation until the Secretary provides notification it has entered into a Memorandum of Understanding with each federal agency and organization participating in its global architecture, which describe the role, responsibilities, and resource commitments of each.

SYSTEMS ACQUISITION

ADVANCED SPECTROSCOPIC PORTAL MONITORS

The conferees are concerned preliminary testing of Advanced Spectroscopic Portal (ASP) monitors indicates the effectiveness of the new technology may fall well short of levels anticipated in DNDO's cost-benefit analysis. To date, the conferees have not received validated quantitative evidence that ASP monitors perform more effectively in an operational environment compared to current generation portal monitors. Therefore, the conferees include bill language prohibiting DNDO from full scale procurement of ASP monitors until the Secretary has certified and reports to the Committees on Appropriations that a significant increase in operational effectiveness merits such a decision. The conferees recognize the potential benefit of ASP technology and encourage continued testing and piloting of these systems.

CONTAINER SECURITY

As described under the Office of the Secretary and Executive Management, the conferees strongly support port, container, and cargo security. As part of the Department's strategic plan, U.S. Customs and Border Protection and DNDO are directed to achieve 100 percent radiation examination of containers entering the United States through the busiest 22 seaports of entry by December 31, 2007.

TITLE V—GENERAL PROVISIONS

Section 501. The conferees continue a provision proposed by the House and Senate that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The conferees continue a provision proposed by the House and Senate that unexpended balances of prior appropriations may be merged with new appropriations accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. The conferees continue a provision proposed by the House and Senate that provides authority to reprogram appropriations within an account and to transfer not to exceed 5 percent between appropriations accounts with 15-day advance notification of the Committees on Appropriations. A detailed funding table identifying each Congressional control level for reprogramming purposes is included at the end of this report. These reprogramming guidelines shall be complied with by all agencies funded by the Department of Homeland Security Appropriations Act, 2007.

The conferees expect the Department to submit reprogramming requests on a timely basis, and to provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The conferees expect the Department to manage its programs and activities within the levels appropriated. The conferees are concerned with the number of reprogramming proposals submitted for consideration by the Department and remind the Department that reprogramming or transfer requests should be submitted only in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. Further, the conferees note that when the Department submits a reprogramming or transfer request to the Committees on Appropriations and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request unapproved.

The Department is not to propose a reprogramming or transfer of funds after June 30th unless there are exceptional or extraordinary circumstances such that lives or property are placed in imminent danger.

Section 504. The conferees continue a provision proposed by the Senate that none of the funds appropriated or otherwise available to the Department may be used to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in the President's fiscal year 2007 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing. The House bill contained no similar provision.

Section 505. The conferees continue a provision proposed by the House and Senate that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2007 from appropriations made for salaries and expenses shall remain available through fiscal year 2008 subject to reprogramming guidelines.

Section 506. The conferees continue a provision proposed by the House and Senate deeming that funds for intelligence activities are specifically authorized during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

Section 507. The conferees continue a provision proposed by the House and Senate directing the Federal Law Enforcement Training Center (FLETC) to lead the Federal law enforcement training accreditation process.

Section 508. The conferees continue and modify a provision proposed by the House and Senate requiring notification of the Committees on Appropriations three business days before any grant allocation, discretionary grant award, discretionary contract award, letter of intent, or public announcement of the intention to make such an award totaling in excess of $1,000,000. Additionally, the Department is required to brief the Committees on Appropriations five full business days prior to announcing publicly the intention to make a State Homeland Security Program; Law Enforcement Terrorism Prevention Program; or High-Threat, High-Density Urban Areas grant award.

Section 509. The conferees continue a provision proposed by the House and Senate that no agency shall purchase, construct, or lease additional facilities for federal law enforcement training without advance approval of the Committees on Appropriations.

Section 510. The conferees continue a provision proposed by the House and Senate that FLETC shall schedule basic and advanced law enforcement training at all four training facilities under its control to ensure that these training centers are operated at the highest capacity.

Section 511. The conferees continue a provision proposed by the House and Senate that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, as required by the Public Buildings Act of 1959, has not been approved.

Section 512. The conferees continue a provision proposed by the House and Senate that none of the funds may be used in contravention of the Buy American Act.

Section 513. The conferees continue a provision proposed by the House and Senate related to the transfer of the authority to conduct background investigations from the Office of Personnel Management to DHS. The conferees are concerned by delays in personnel security and suitability background investigations, update investigations and periodic reinvestigations for Departmental employees and, in particular for positions within the Office of the Secretary and Executive Management, Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate of Science and Technology, and the Directorate for Preparedness. The conferees direct this authority be

used to expeditiously process background investigations, including updates and reinvestigations, as necessary.

Section 514. The conferees continue and modify a provision proposed by the House and Senate to prohibit the obligation of funds for the Secure Flight program, except on a test basis, until the requirements of section 522 of Public Law 108–334 have been met and certified by the Secretary of DHS and reported by the Government Accountability Office (GAO). The conferees direct the GAO to continue to evaluate DHS and Transportation Security Administration (TSA) actions to meet the ten conditions listed in section 522(a) of Public Law 108–334 and to report to the Committees on Appropriations, either incrementally as the Department meets additional conditions, or when all conditions have been met by the Department. The provision also prohibits the obligation of funds to develop or test algorithms assigning risk to passengers not on government watch lists and for a commercial database that is obtained from or remains under the control of a non-federal entity, excluding Passenger Name Record data obtained from air carriers. Within 90 days after enactment of this Act, TSA shall submit a detailed plan on achieving key milestones, as well as certification of this program.

Section 515. The conferees continue a provision proposed by the House and Senate prohibiting funds to be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

Section 516. The conferees continue a provision proposed by the House and Senate regarding competitive sourcing.

Section 517. The conferees continue and modify a provision proposed by the House and Senate regarding the reimbursement to the Secret Service for the cost of protective services.

Section 518. The conferees continue a provision proposed by the House and Senate directing the Secretary of Homeland Security, in consultation with industry stakeholders, to develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

Section 519. The conferees continue and modify a provision proposed by the House and Senate directing TSA to utilize existing checked baggage explosive detection equipment and screeners to screen cargo on passenger aircraft when practicable and requiring TSA to report air cargo inspection statistics to the Committees on Appropriations within 45 days of the end of each quarter of the fiscal year.

Section 520. The conferees include a new provision regarding the designation of funds.

Section 521. The conferees include and modify a provision proposed by the House rescinding $78,693,508 for the Coast Guard's service life extension program of the 110-foot Island Class patrol boat and accelerated design and production of the fast response cutter and appropriating the same amount for acquisition of replacement patrol boats and service life extensions. The Senate bill contained a similar provision in Title II.

Section 522. The conferees continue a provision proposed by the House and Senate that directs that only the Privacy Officer, appointed pursuant to section 222 of the Homeland Security Act of 2002, may alter, direct that changes be made to, delay or prohibit the transmission of a Privacy Officer report to Congress.

Section 523. The conferees continue a provision proposed by the House and Senate requiring only those employees who are trained in contract management to perform contract management.

Section 524. The conferees continue and modify a provision proposed by the House and Senate directing that any funds appropriated or transferred to TSA ''Aviation Security'', ''Administration'' and ''Transportation Security Support'' in fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage and checkpoint screening systems subject to notification.

Section 525. The conferees continue and modify a provision proposed by the House and Senate requiring DHS to revise, within 30 days after enactment, its management directive on Sensitive Security Information (SSI) to among other things, provide for the release of certain SSI information that is three years old unless the Secretary makes a written determination that identifies a rational reason why the information must remain SSI. The conferees expect this rational reason written determination to identify and describe the specific risk to the national transportation system. The provision also contains a mechanism for SSI to be used in civil judicial proceedings if the judge determines that is needed. The conferees expect that a party will be able to demonstrate undue hardship to the judge if equivalent information is not available in one month's time. The conferees expect the criminal history records check and terrorist threat assessment on the persons seeking access to SSI in civil proceedings to be identical to that conducted for aviation workers. The conferees further expect any DHS demonstration of risk or harm to the nation in a judicial proceeding include a description of the specific risk to the national transportation system. This is consistent with demonstrations made for classified information.

Section 526. The conferees continue a provision proposed by the House and Senate extending the authorization of the Working Capital Fund in fiscal year 2007.

Section 527. The conferees continue a provision proposed by the House and Senate rescinding $16,000,000 from the unobligated balances from prior year appropriations made available for the ''Counterterrorism Fund''.

Section 528. The conferees continue and modify a provision proposed by the House requiring monthly Disaster Relief Fund financial reports. These changes are in part based on recommendations made by the Government Accountability Office in report GAO–06–834. The Senate bill contained no similar provision.

Section 529. The conferees continue and modify a provision proposed by the Senate rescinding $125,000,000 from unexpended balances of the Science and Technology Directorate, as proposed by the Senate and modified by the conferees. The House bill contained no similar provision.

Section 530. The conferees continue a provision proposed by the Senate regarding the enforcement of section 4025(1) of Public Law 108–458. The House bill contained no similar provision.

Section 531. The conferees continue and modify a provision proposed by the House and Senate requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 532. The conferees continue and modify a provision proposed by the House relating to undercover investigative operations authority of the Secret Service for fiscal year 2007. The Senate bill contained no similar provision.

Section 533. The conferees continue a provision proposed by the House directing the Director of the Domestic Nuclear Detection Office to operate extramural and intramural research, development, demonstration, testing, and evaluation programs so as to distribute funding through grants, cooperative agreements, other transactions and contracts. The Senate bill contained no similar provision.

Section 534. The conferees continue a provision proposed by the Senate regarding the Hancock County Port and Harbor Commission of Mississippi. The House bill contained no similar provision.

Section 535. The conferees continue and modify a provision proposed by the House and Senate regarding the importation of prescription drugs.

Section 536. The conferees continue a provision proposed by the Senate directing the Department of Homeland Security to account for the needs of household pets and service animals in approving standards for state and local emergency preparedness operational plans under the Stafford Act. The House bill contained no similar provision.

Section 537. The conferees continue a provision proposed by the House and Senate rescinding $4,776,000 of unobligated balances from prior year appropriations made available for Transportation Security Administration ''Aviation Security'' and ''Headquarters Administration''.

Section 538. The conferees continue a provision proposed by the Senate rescinding $61,936,000 from the unobligated balances of prior year appropriations for TSA ''Aviation Security''. The House bill contained no similar provision.

Section 539. The conferees continue a provision proposed by the Senate rescinding $20,000,000 from unexpended balances of the United States Coast Guard ''Acquisition, Construction, and Improvements'' account identified in House Report 109–241 for the development of the Offshore Patrol Cutter. The House bill contained no similar provision.

Section 540. The conferees include a new provision rescinding $4,100,000 from the Coast Guard's Automatic Identification System. The Senate bill contained a similar proposal. The House bill contained no similar proposal.

Section 541. The conferees continue a provision proposed by the House permitting the Army Corps of Engineers to use specific Meadowview Acres Addition lots in Augusta, Kansas, for building portions of the flood-control levee. The conferees expect FEMA to cooperate with and assist the Army Corps of Engineers with regard to this section. The Senate bill contained no similar provision.

Section 542. The conferees continue a provision proposed by the Senate permitting the City of Cuero, Texas, to use grant funds awarded under title I, chapter 6, Public Law 106–31 until September 30, 2007. The House bill contained a similar provision.

Section 543. The conferees continue a provision proposed by the House prohibiting the use of funds to contravene the federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005. The Senate bill contained no similar provision.

Section 544. The conferees continue a provision proposed by the Senate classifying the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the Federal Activities Inventory Reform Act of 1998. The House bill contained no similar provision.

Section 545. The conferees continue a provision proposed by the House prohibiting the use of funds to contravene section 303 of the Energy Policy Act. The Senate bill contained no similar provision.

Section 546. The conferees continue and modify a provision proposed by the Senate

regarding the Western Hemisphere Travel Initiative. The House bill contained no similar provision.

Section 547. The conferees continue a provision proposed by the House prohibiting the use of funds to award a contract for major disaster or emergency assistance activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, except in accordance with section 307 of that Act. The Senate bill contained no similar provision.

Section 548. The conferees continue a provision proposed by the House prohibiting funds to be used to reimburse L.B. & B. Associates, Inc. or Olgoonik Logistics LLC for attorney fees related to litigation against Local 30 of the International Union of Operating Engineers. The Senate bill contained no similar provision.

Section 549. The conferees continue and modify a provision proposed by the Senate regarding the Transportation Security Administration's Acquisition Management System. The House bill contained no similar provision.

Section 550. The conferees continue and modify a provision proposed by the Senate to require the Secretary to issue interim risk-based security regulations on high risk chemical facilities. This three-year authorization gives the Secretary and facilities flexibility to achieve the appropriate risk reduction, but also provides the Secretary the means to inspect and sanction non-compliant facilities, including authority to shut down non-compliant facilities until they comply. The provision protects sensitive information, but allows it to be shared with appropriate authorities. The House bill contained no similar provision.

Section 551. The conferees continue a provision proposed by the Senate regarding unlawful border tunnels. The House bill contained no similar provision.

Section 552. The conferees continue and modify a provision proposed by the Senate prohibiting the Secretary of Homeland Security from altering or reducing the Coast Guard's civil engineering program until Congress receives and approves any planned changes. The House bill contained no similar provision.

Section 553. The conferees continue a provision proposed by the Senate prohibiting the use of funds in contravention to Executive Order 13149, relating to fleet and transportation efficiency. The House bill contained no similar provision.

Section 554. The conferees continue a provision proposed by the Senate requiring each air carrier to submit a plan to the Transportation Security Administration on how it will participate in the voluntary provision of the emergency services program. The House bill contained no similar provision.

Section 555. The conferees continue a provision proposed by the Senate requiring the Director of the Federal Emergency Management Agency, in conjunction with the Director of the National Institute of Standards and Technology, to report on federal earthquake response plans for high-risk earthquake regions. The House bill contained no similar provision.

Section 556. The conferees continue a provision proposed by the Senate directing the Secretary of Homeland Security to revise procedures for clearing individuals who have been mistakenly placed on a terrorist database list. The House bill contained no similar provision.

Section 557. The conferees continue and modify a provision proposed by the Senate prohibiting the confiscation of firearms during certain national emergencies. The House bill contained no similar provision.

Section 558. The conferees continue and modify a provision proposed by the Senate to pilot an integrated scanning system at foreign seaports. The House bill contained no similar provision.

Section 559. The conferees include a new provision rescinding $2,500,000 from the United States Secret Service National Special Security Event Fund and re-appropriating the same amount to the same account available until expended.

Section 560. The conferees include a new provision requiring the transfer authority contained in section 505 of the Homeland Security Act, as amended by Title VI of this Act, concerning the reorganization of FEMA be subject to 31 U.S.C. 1531 (a)(2).

PROVISIONS NOT ADOPTED

The conference agreement deletes section 516 of the House bill maintaining the United States Secret Service as a distinct entity within the Department of Homeland Security. The provision is already enacted into law (section 607 of Public Law 109–177).

The conference agreement deletes section 520 of the House bill and Section 520 of the Senate bill relating to the transportation worker identification credential.

The conference agreement deletes section 534 of the Senate bill transferring the Transportation Security Laboratory to the Transportation Security Administration.

The conference agreement deletes section 536 of the House bill prohibiting the Transportation Security Administration from employing nonscreener personnel in certain situations.

The conference agreement deletes section 536 of the Senate bill prohibiting the use of funds for the Office of the Federal Coordinator for Gulf Coast Rebuilding until certain conditions are met. This issue is addressed in the statement of managers under Departmental Management and Operations.

The conference agreement deletes section 541 of the House bill reducing funds for the Office of the Secretary and Executive Management and adding funds to Fire Fighter Assistance Grants.

The conference agreement deletes section 541 of the Senate bill requiring a report on agriculture inspections. This requirement is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 542 of the House bill adding funds to the Secret Service and Federal Emergency Management Agency.

The conference agreement deletes section 542 of the Senate bill requiring the conference report accompanying H.R. 5441 to contain any limitation, directive, or earmarking agreed upon by both the House and Senate.

The conference agreement deletes section 543 of the House bill relating to a limitation on funds to be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The conference agreement deletes section 543 of the Senate bill requiring reports submitted to the Committees on Appropriations and the annual budget justifications to be posted on the Department's website with 48 hours. The conferees note the Director of the Office of Management and Budget's decision to post budget justifications and related material on a public web site within two weeks of submitting the material to Congress (OMB circular A–11).

The conference agreement deletes section 544 of the House bill prohibiting the use of funds to provide information to foreign governments about activities of organized volunteer civilian action groups, unless required by international treaty.

The conference agreement deletes section 544 of the Senate bill providing funds to the Chief Financial Officer from the Office of Domestic Preparedness. This requirement is addressed in the statement of managers under Office of the Chief Financial Officer.

The conference agreement deletes section 545 of the Senate bill prohibiting the use of funds for the Long Range Aids to Navigation stations, except for certain geographic areas. This requirement is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 546 of the Senate bill regarding statutory limitations of the number of TSA employees.

The conference agreement deletes section 547 of the Senate bill requiring a report on actions to achieve interoperable communications. This issue is addressed in the statement of managers under Preparedness.

The conference agreement deletes section 549 of the Senate bill relating to data-mining. This requirement is addressed in the statement of managers under Office of the Secretary and Executive Management.

The conference agreement deletes section 551 of the Senate bill requiring the Department of Homeland Security to conduct a pilot program at the Northern Border air wing bases to test unmanned aerial vehicles. This requirement is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 552 of the Senate bill requiring Immigration and Customs Enforcement to report on the costs and need of establishing a sub-office in Greeley, Colorado. This requirement is addressed in the statement of managers under Immigration and Customs Enforcement.

The conference agreement deletes section 553 of the Senate bill requiring a report on locating existing Louisiana facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana. This requirement is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 554 of the Senate bill that authorizes the Coast Guard to buy law enforcement patrol boats. This requirement is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 555 of the Senate bill regarding the screening of municipal solid waste.

The conference agreement deletes section 557 of the Senate bill requiring the Secretary of Homeland Security to inspect and levy a fee to inspect international shipments of municipal solid waste.

The conference agreement deletes section 558 of the Senate bill requiring the evaluation of interoperable communications for the 2010 Olympics. This requirement is addressed in the statement of managers under Office of the Secretary and Executive Management.

The conference agreement deletes section 560 of the Senate bill reducing the amounts made available under this Act for travel, transportation, printing, and reproduction.

The conference agreement deletes section 565 of the Senate bill allowing the Coast Guard to use funds from its Operating Expenses for the National Capital Region Air Defense mission. This issue is addressed in the statement of managers under United States Coast Guard.

The conference agreement deletes section 566 of the Senate bill reflecting the sense of the Senate on combating methamphetamine. This is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 567 of the Senate bill requiring the Secretary of Homeland Security to report on the

compliance with the recommendations of the Inspector General relating to the National Asset Database. This requirement is addressed in the statement of managers under Preparedness.

The conference agreement deletes section 568 of the Senate bill requiring the Inspector General to review any Secure Border Initiative contracts awarded over $20,000,000. This requirement is addressed in the statement of managers under Office of Inspector General.

The conference agreement deletes section 569 of the Senate bill permitting funds from Title VI to be used for the establishment of the Northern Border air wing site in Michigan. This requirement is addressed in the statement of managers under Customs and Border Protection.

The conference agreement deletes section 572 of the Senate bill to expand the National Infrastructure Simulation and Analysis Center. This issue is addressed in Title VI of this Act.

The conference agreement deletes section 573 of the Senate bill requiring the Secretary of Homeland Security to consult with the National Council on Radiation Protection and Measurement and other organizations in preparing guidance with respect to radiological terrorism, threats, and events. This requirement is addressed in the statement of managers under Preparedness.

The conference agreement deletes section 574 of the Senate bill requiring the Comptroller General to report on the effect on public safety and screening operations from modifications to the list of items prohibited from being carried on commercial aircraft. This requirement is addressed in the statement of managers under Transportation Security Administration.

TITLE VI—BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

The conference agreement does not include Title VI of the Senate bill, ''Border Security Infrastructure Enhancements.'' The House bill contained no similar matter. These matters are addressed in Titles I–IV of this Conference Report and the accompanying statement of managers.

The conference agreement includes new National Emergency Management authority in Title VI of this Conference Report. The Senate bill included ''United States Emergency Management Authority'' in Title VIII. The House bill contained no similar matter.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The conference agreement does not include Title VII of the Senate bill, ''Supplemental Appropriations for Port Security Enhancements.'' The House bill contained no similar matter. These matters are addressed in Titles I–IV of this Conference Report and the accompanying statement of managers.

TITLE VIII—UNITED STATES EMERGENCY MANAGEMENT AUTHORITY

The conference agreement does not include Title VIII of the Senate bill, ''United States Emergency Management Authority.'' The House bill contained no similar matter. The conferees include new National Emergency Management authority in Title VI of this Conference Report.

TITLE IX—BORDER ENFORCEMENT RELIEF ACT

The conference agreement does not include Title IX of the Senate bill, ''Border Enforcement Relief Act.'' The House bill contained no similar matter.

The conference agreement contains no appropriations as defined in House Resolution 1000 that were not otherwise addressed in the House or Senate bills or reports.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in this bill are contained in the table listed below.

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS | | |
| Departmental Operations | | |
| Office of the Secretary and Executive Management: | | |
| Immediate Office of the Secretary | 3,148 | 2,540 |
| Immediate Office of the Deputy Secretary | 1,648 | 1,185 |
| Chief of Staff | 2,901 | 2,560 |
| Office of Counternarcotics Enforcement | 2,878 | 2,360 |
| Executive Secretary | 5,001 | 4,450 |
| Office of Policy | 31,093 | 29,305 |
| Secure Border Coordination Office | --- | 4,500 |
| Office of Public Affairs | 6,808 | 6,000 |
| Office of Legislative and Intergovernmental Affairs | 6,479 | 5,449 |
| Office of General Counsel | 14,065 | 12,759 |
| Office of Civil Rights and Liberties | 13,125 | 13,000 |
| Citizenship and Immigration Services Ombudsman | 5,927 | 5,927 |
| Privacy Officer | 4,435 | 4,435 |
| Subtotal, Office of the Secretary and Executive Management | 97,508 | 94,470 |
| Office of Screening Coordination and Operations | 3,960 | --- |
| Office of the Under Secretary for Management: | | |
| Under Secretary for Management | 2,012 | 1,870 |
| Office of Security | 58,514 | 52,640 |
| Business Transformation Office | 2,017 | --- |
| Office of the Chief Procurement Officer | 16,895 | 16,895 |
| Office of the Chief Human Capital Officer: | | |
| Salaries and expenses | 9,827 | 8,811 |
| MAX - HR System | 71,449 | 25,000 |
| Subtotal, Office of the Chief Human Capital Officer | 81,276 | 33,811 |
| Office of the Chief Administrative Officer: | | |
| Salaries and expenses | 40,218 | 40,218 |
| Nebraska Avenue Complex (NAC-DHS Headquarters) | 8,206 | 8,206 |
| Subtotal, Office of the Chief Administrative Officer | 48,424 | 48,424 |
| Subtotal, Office of the Under Secretary for Management | 209,138 | 153,640 |
| Office of the Chief Financial Officer: | | |
| Salaries and expenses | 26,018 | 26,000 |
| Emerge2 | 18,362 | --- |
| Subtotal, Office of the Chief Financial Officer | 44,380 | 26,000 |
| Office of the Chief Information Officer: | | |
| Salaries and expenses | 79,521 | 79,521 |
| Information technology services | 61,013 | 61,013 |
| Security activities | 64,139 | 89,387 |
| Wireless program | 86,438 | 86,438 |
| Homeland Secure Data Network (HSDN) | 32,654 | 32,654 |
| Subtotal, Office of the Chief Information Officer | 323,765 | 349,013 |
| Analysis and Operations | 298,663 | 299,663 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Total, Departmental Operations | 977,414 | 922,786 |
| Office of the Federal Coordinator for Gulf Coast Rebuilding | --- | 3,000 |
| Office of Inspector General | | |
| Operating expenses | 96,185 | 85,185 |
| Total, title I, Departmental Management and Operations | 1,073,599 | 1,010,971 |
| TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS | | |
| U.S. Visitor and Immigrant Status Indicator Technology | 399,494 | 362,494 |
| Customs and Border Protection | | |
| Salaries and expenses: | | |
| Headquarters, Management, and Administration: | | |
| Management and administration, border security inspections and trade facilitation | 663,943 | 658,943 |
| Management and administration, border security and control between ports of entry | 594,446 | 589,446 |
| Subtotal, Headquarters, Mgt, & Admin | 1,258,389 | 1,248,389 |
| Border security inspections and trade facilitation: | | |
| Inspections, trade, and travel facilitation at ports of entry | 1,282,102 | 1,326,665 |
| Harbor maintenance fee collection (trust fund) | 3,026 | 3,026 |
| Container security initiative | 139,312 | 139,312 |
| Other international programs | 8,701 | 8,701 |
| Customs-Trade Partnership Against Terrorism/ Free and Secure Trade (FAST) NEXUS/SENTRI | 75,909 | --- |
| Customs-Trade Partnership Against Terrorism (C-TPAT) | --- | 54,730 |
| Free and Secure Trade (FAST) NEXUS/SENTRI | --- | 11,243 |
| Inspection and detection technology investments | 94,317 | 141,317 |
| Emergency appropriations | --- | 100,000 |
| Subtotal | 94,317 | 241,317 |
| Automated targeting systems | 27,298 | 27,298 |
| National Targeting Center | 23,635 | 23,635 |
| Other technology investments, including information technology | 1,027 | --- |
| Training | 24,564 | 24,564 |
| Subtotal, Border security inspections and trade facilitation | 1,679,891 | 1,860,491 |
| Border security and control between ports of entry: | | |
| Border security and control | 2,243,619 | 2,239,586 |
| Border technology | 131,559 | --- |
| Training | 45,688 | 37,924 |
| Subtotal, Border security and control between ports of entry | 2,420,866 | 2,277,510 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Air and Marine Personnel Compensation and Benefits | 159,876 | 175,796 |
| Subtotal, Salaries and expenses | 5,519,022 | 5,562,186 |
| Appropriations | (5,515,996) | (5,459,160) |
| Emergency appropriations | --- | (100,000) |
| Trust fund | (3,026) | (3,026) |
| Automation modernization: | | |
| Automated commercial environment/International Trade Data System (ITDS) | 318,490 | 316,800 |
| Automated commercial system and legacy IT costs | 142,717 | 134,640 |
| Subtotal, Automation modernization | 461,207 | 451,440 |
| Border security fencing, infrastructure, and technology (BSFIT) | --- | 28,365 |
| Emergency appropriations | --- | 1,159,200 |
| Subtotal, BSFIT | --- | 1,187,565 |
| Air and Marine Interdiction, Operations, Maintenance, and Procurement: | | |
| Operations and maintenance | 265,966 | 236,454 |
| Unmanned aerial vehicles | 10,353 | --- |
| Procurement | 61,380 | 133,733 |
| Emergency appropriations | --- | 232,000 |
| Subtotal | 61,380 | 365,733 |
| Subtotal, Air and marine interdiction, operations, maintenance, and procurement | 337,699 | 602,187 |
| Appropriations | (337,699) | (370,187) |
| Emergency appropriations | --- | (232,000) |
| Construction: | | |
| Construction | 255,954 | 122,978 |
| Construction (Border Patrol) (emergency) | --- | 110,000 |
| Subtotal, Construction | 255,954 | 232,978 |
| Total, Direct appropriations for Customs and and Border Protection | 6,573,882 | 8,036,356 |
| Fee accounts: | | |
| Immigration inspection user fee | (529,300) | (529,300) |
| Immigration enforcement fines | (1,724) | (1,724) |
| Land border inspection fee | (28,071) | (28,071) |
| COBRA passenger inspection fee | (387,804) | (387,804) |
| APHIS inspection fee | (214,287) | (214,287) |
| Puerto Rico collections | (97,815) | (97,815) |
| Small airport user fees | (6,230) | (6,230) |
| Subtotal, fee accounts | (1,265,231) | (1,265,231) |
| Total, Customs and Border Protection | (7,839,113) | (9,301,587) |
| Appropriations | (6,573,882) | (6,435,156) |
| Emergency apropriations | --- | (1,601,200) |
| (Fee accounts) | (1,265,231) | (1,265,231) |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Immigration and Customs Enforcement | | |
| Salaries and expenses: | | |
| Headquarters Management and Administration (non-Detention and Removal Operations): | | |
| Personnel compensation and benefits, service and other costs | --- | 140,000 |
| Headquarters managed IT investment | --- | 134,013 |
| Subtotal, Headquarters management and administration | --- | 274,013 |
| Legal proceedings | 206,511 | 187,353 |
| Investigations: | | |
| Domestic | 1,456,650 | 1,285,229 |
| International | 104,744 | 104,681 |
| Subtotal, Investigations | 1,561,394 | 1,389,910 |
| Intelligence: | | |
| Intelligence | 57,932 | 51,379 |
| Subtotal, Intelligence | 57,932 | 51,379 |
| Detention and removal operations: | | |
| Custody Operations | 1,432,702 | 1,381,767 |
| Fugitive operations | 173,784 | 183,200 |
| Criminal Alien program | 110,250 | 137,494 |
| Alternatives to detention | 42,702 | 43,600 |
| Transportation and removal program | 317,016 | 238,284 |
| Subtotal, Detention and removal operations | 2,076,454 | 1,984,345 |
| Subtotal, Salaries and expenses | 3,902,291 | 3,887,000 |
| Federal protective service: | | |
| Basic security | 123,310 | --- |
| Building specific security (including capital equipment replacement/acquisition) | 392,701 | --- |
| Subtotal, Federal Protective Service | 516,011 | --- |
| Offsetting fee collections | -516,011 | --- |
| Automation modernization: | | |
| ATLAS | --- | 15,000 |
| Construction | 26,281 | 26,281 |
| Emergency appropriations | --- | 30,000 |
| Subtotal, Construction | 26,281 | 56,281 |
| Total direct appropriations for Immigration and Customs Enforcement | 3,928,572 | 3,958,281 |
| Fee accounts: | | |
| Federal Protective Service | --- | (516,011) |
| Immigration inspection user fee | (108,000) | (108,000) |
| Breached bond/detention fund | (90,000) | (90,000) |
| Student exchange and visitor fee | (54,349) | (54,349) |
| Subtotal, fee accounts | (252,349) | (768,360) |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Subtotal, Immigration and Customs Enforcement (gross) | (4,696,932) | (4,726,641) |
| Offsetting fee collections | (-516,011) | --- |
| Total, Immigration and Customs Enforcement | (4,180,921) | (4,726,641) |
| Appropriations | (3,928,572) | (3,928,281) |
| Emergency appropriations | --- | (30,000) |
| Fee accounts | (252,349) | (768,360) |
| Transportation Security Administration | | |
| Aviation security: | | |
| Screening operations: | | |
| Screener workforce: | | |
| Privatized screening | 148,600 | 148,600 |
| Passenger screener - personnel, compensation, and benefits | 1,556,226 | --- |
| Baggage screener - personnel, compensation, and benefits | 913,974 | --- |
| Passenger & Baggage screener - personnel, compensation, and benefits | --- | 2,470,200 |
| Subtotal, Sceener workforce | 2,618,800 | 2,618,800 |
| Screening training and other: | | |
| Passenger screeners, other | 23,352 | --- |
| Baggage screeners, other | 133,114 | --- |
| Screener training | 88,000 | --- |
| Subtotal, Screening training and other | 244,466 | --- |
| Screening Training and Other | --- | 244,466 |
| Human resource services | 207,234 | 207,234 |
| Checkpoint support | 173,366 | 173,366 |
| EDS/ETD Systems: | | |
| EDS Purchase | 91,000 | 141,400 |
| EDS Installation | 94,000 | 138,000 |
| EDS/ETD Maintenance | 234,000 | 222,000 |
| Operation integration | 23,000 | 23,000 |
| Subtotal, EDS/ETD Systems | 442,000 | 524,400 |
| Subtotal, Screening operations | 3,685,866 | 3,768,266 |
| Aviation direction and enforcement: | | |
| Aviation regulation and other enforcement | 217,516 | 217,516 |
| Airport management, IT, and support | 666,032 | 666,032 |
| FFDO and flight crew training | 30,470 | 25,000 |
| Air cargo | 55,000 | 55,000 |
| Subtotal, Aviation direction and enforcement | 969,018 | 963,548 |
| Aviation security capital fund | (250,000) | (250,000) |
| Subtotal, Aviation security (gross) | 4,654,884 | 4,731,814 |
| Offsetting fee collections (non-mandatory) | -3,650,000 | -2,420,000 |
| Aviation security capital fund | (250,000) | (250,000) |
| Total, Aviation security (net) | 1,004,884 | 2,311,814 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Surface transportation security: | | |
| Staffing and operations | 24,000 | 24,000 |
| Rail security inspectors and canines | 13,200 | 13,200 |
| Subtotal, Surface transportation security | 37,200 | 37,200 |
| Transportation Threat Assessment and Credentialing: | | |
| SecureFlight | 40,000 | 15,000 |
| Crew vetting | 14,700 | 14,700 |
| Screening administration and operations | --- | 10,000 |
| Registered Traveler Program fees | (35,101) | (35,101) |
| TWIC fees | (20,000) | (20,000) |
| Hazardous materials fees | (19,000) | (19,000) |
| Alien Flight School (by transfer from DOJ) - fees | (2,000) | (2,000) |
| Subtotal, Transportation Threat Assessment and Credentialing (Gross) | (130,801) | (115,801) |
| Fee funded programs | (76,101) | (76,101) |
| Subtotal, Transportation Threat Assessment and Credentialing (net) | 54,700 | 39,700 |
| Transportation security support: | | |
| Administration: | | |
| Headquarters administration | 296,191 | 294,191 |
| Information technology | 210,092 | 210,092 |
| Subtotal, Administration | 506,283 | 504,283 |
| Intelligence | 21,000 | 21,000 |
| Subtotal, Transportation security support | 527,283 | 525,283 |
| Federal Air Marshals: | | |
| Management and administration | 628,494 | 628,494 |
| Travel and training | 70,800 | 85,800 |
| Subtotal, Federal Air Marshals | 699,294 | 714,294 |
| Total, Transportation Security Administration (gross) | 6,299,462 | 6,374,392 |
| Offsetting fee collections | -3,650,000 | -2,420,000 |
| Aviation security capital fund | (250,000) | (250,000) |
| Fee accounts | (76,101) | (76,101) |
| Total, Transportation Security Administration (net) | 2,323,361 | 3,628,291 |
| United States Coast Guard | | |
| Operating expenses: | | |
| Military pay and allowances | 2,788,276 | 2,788,276 |
| Civilian pay and benefits | 569,434 | 569,434 |
| Training and recruiting | 180,876 | 180,876 |
| Operating funds and unit level maintenance | 1,061,574 | 1,011,374 |
| Centrally managed accounts | 207,954 | 201,968 |
| Intermediate and depot level maintenance | 710,729 | 710,729 |
| Port Security | --- | 15,000 |
| Less adjustment for defense function | -340,000 | -340,000 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Defense function | 340,000 | 340,000 |
| Subtotal, Operating expenses | 5,518,843 | 5,477,657 |
| Appropriations | (5,178,843) | (5,137,657) |
| Defense function | (340,000) | (340,000) |
| Environmental compliance and restoration | 11,880 | 10,880 |
| Reserve training | 123,948 | 122,448 |
| Acquisition, construction, and improvements: | | |
| Vessels: | | |
| Response boat medium (41ft UTB and NSB replacement) | 24,750 | 24,750 |
| Special purpose craft - Law enforcement (emergency) | --- | 1,800 |
| Subtotal, Vessels | 24,750 | 26,550 |
| Aircraft: | | |
| HH-60 replacement | --- | 15,000 |
| Other equipment: | | |
| Automatic identification system | 11,238 | 11,238 |
| National distress and response system modernization (Rescue 21) | 39,600 | 39,600 |
| HF Recap | 2,475 | 2,475 |
| National Capital Region Air Defense | 48,510 | 48,510 |
| Emergency appropriations | --- | 18,000 |
| Subtotal | 48,510 | 66,510 |
| Counter Terrorism Training Infrastructure - shoothouse | 1,683 | --- |
| Subtotal, Other equipment | 103,506 | 119,823 |
| Personnel compensation and benefits: | | |
| Core acquisition costs | 500 | 500 |
| Direct personnel cost | 80,500 | 80,500 |
| Subtotal, Personnel compensation and benefits | 81,000 | 81,000 |
| Integrated deepwater systems: | | |
| Aircraft: | | |
| Aircraft, other | 216,513 | 211,513 |
| Emergency appropriations | --- | 100,500 |
| HH-65 re-engining | 32,373 | 32,373 |
| Subtotal, Aircraft | 248,886 | 344,386 |
| Surface ships | 498,366 | 498,366 |
| Emergency appropriations | --- | 55,500 |
| Subtotal, Surface ships | 498,366 | 553,866 |
| C4ISR | 60,786 | 50,000 |
| Logistics | 42,273 | 36,000 |
| Systems engineering and integration | 35,145 | 35,145 |
| Government program management | 48,975 | 46,475 |
| Subtotal, Integrated deepwater systems | 934,431 | 1,065,872 |
| Shore facilities and aids to navigation: | | |
| Shore operational and support projects | 2,600 | --- |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Shore construction projects | 2,850 | --- |
| Renovate USCGA Chase Hall barracks, phase I | 2,000 | --- |
| Coast Guard housing - Cordova, AK | 5,500 | --- |
| ISC Seattle Group, sector admin ops facility phase II | 2,600 | --- |
| Replace multi-purpose building - Group Long Island Sound | 1,000 | --- |
| Construct breakwater - Station Neah Bay | 1,100 | --- |
| Rebuild station and waterfront at Base Galveston phase I | 5,200 | --- |
| Waterways aids to navigation infrastructure | 3,000 | --- |
| Undistributed distributions | --- | 22,000 |
| Subtotal, Shore facilities and aids to navigation | 25,850 | 22,000 |
| Subtotal, Acquisition, construction, and improvements | 1,169,537 | 1,330,245 |
| Appropriations | (1,169,537) | (1,154,445) |
| Emergency appropriations | --- | (175,800) |
| Alteration of bridges | --- | 16,000 |
| Research, development, test, and evaluation | 13,860 | 17,000 |
| Health care fund contribution | 278,704 | 278,704 |
| Subtotal, U.S. Coast Guard discretionary | 7,116,772 | 7,252,934 |
| Retired pay (mandatory) | 1,063,323 | 1,063,323 |
| Total, United States Coast Guard | 8,180,095 | 8,316,257 |
| Appropriations | (8,180,095) | (8,140,457) |
| Emergency appropriations | --- | (175,800) |
| **United States Secret Service** | | |
| Protection, Administration, and Training: | | |
| Protection: | | |
| Protection of persons and facilities | 639,747 | 651,247 |
| Protective intelligence activities | 55,509 | 55,509 |
| National special security event | --- | 1,000 |
| Presidental candidate nominee protection | --- | 18,400 |
| White House mail screening | 16,201 | 16,201 |
| Subtotal, Protection | 711,457 | 742,357 |
| Field operations: | | |
| Domestic field operations | 236,093 | --- |
| International field office administration, operations and training | 21,616 | --- |
| Electronic crimes special agent program and electronic crimes task forces | 44,079 | --- |
| Subtotal, Field operations | 301,788 | --- |
| Administration: | | |
| Headquarters, management and administration | 169,370 | 169,370 |
| Grants for National Center for Missing and Exploited Children | 7,811 | --- |
| Subtotal, Administration | 177,181 | 169,370 |
| Training: | | |
| Rowley training center | 50,052 | 50,052 |
| Subtotal, Protection, Admin and Training | 1,240,478 | 961,779 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Investigations and Field Operations: | | |
| Domestic field operations | --- | 236,093 |
| International field administration and operations | --- | 22,616 |
| Electronic crimes special agent program and electronic crimes task forces | --- | 44,079 |
| Forensic support and grants to NCMEC | --- | 8,366 |
| Subtotal, Investigations and Field operations | --- | 311,154 |
| Special Event Fund: | | |
| National special security event fund | 2,500 | --- |
| Candidate nominee protection (equip and training) | 18,400 | --- |
| Subtotal, Special Event Fund | 20,900 | --- |
| Acquisition, construction, improvements and related expenses (Rowley training center) | 3,725 | 3,725 |
| Total, United States Secret Service | 1,265,103 | 1,276,658 |
| Total, title II, Security, Enforcement, and Investigations | 22,670,507 | 25,578,337 |
| Appropriations | (22,670,507) | (23,771,337) |
| Emergency appropriations | --- | (1,807,000) |
| (Fee Accounts) | (1,593,681) | (2,109,692) |
| TITLE III - PREPAREDNESS AND RECOVERY | | |
| Preparedness | | |
| Management and administration: | | |
| Immediate Office of the Under Secretary | 17,497 | 16,392 |
| Office of the Chief Medical Officer | 4,980 | 4,980 |
| Office of National Capital Region Coordination | 1,991 | 2,741 |
| National Preparedness Integration Program | 50,000 | 6,459 |
| Subtotal, Management and administration | 74,468 | 30,572 |
| Grants and Training: | | |
| State and Local Programs: | | |
| State formula grants: | | |
| State Homeland Security Grant Program | 633,000 | 525,000 |
| Emergency management performance grants | 170,000 | --- |
| Citizen Corps | 35,000 | --- |
| Law enforcement terrorism prevention grants | --- | 375,000 |
| Subtotal, State formula grants | 838,000 | 900,000 |
| Discretionary grants: | | |
| High-threat, high-density urban area | 838,000 | 770,000 |
| Port security grants | --- | 210,000 |
| Trucking security grants | --- | 12,000 |
| Intercity bus security grants | --- | 12,000 |
| Rail and transit security | --- | 175,000 |
| Buffer zone protection program | --- | 50,000 |
| Targeted infrastructure protection | 600,000 | --- |
| Subtotal, Discretionary grants | 1,438,000 | 1,229,000 |
| Commercial equipment direct assistance program | --- | 50,000 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| National Programs: | | |
| National Domestic Preparedness Consortium | 89,351 | 145,000 |
| National exercise program | 48,708 | 49,000 |
| Technical assistance | 11,500 | 18,000 |
| Metropolitan Medical Response System | --- | 33,000 |
| Demonstration training grants | --- | 30,000 |
| Continuing training grants | 3,000 | 31,000 |
| Citizen Corps | --- | 15,000 |
| Evaluations and assessments | 23,000 | 19,000 |
| Rural Domestic Preparedness Consortium | --- | 12,000 |
| Management and Administration | 5,000 | --- |
| Subtotal, National Programs | 180,559 | 352,000 |
| Subtotal, State and Local Programs | 2,456,559 | 2,531,000 |
| Firefighter assistance grants: | | |
| Grants | 293,450 | 547,000 |
| Staffing for Adequate Fire and Emergency Response (SAFER) Act | --- | 115,000 |
| Subtotal, Firefighter Assistance Grants | 293,450 | 662,000 |
| Emergency management performance grants | --- | 200,000 |
| Subtotal, Grants and Training | 2,750,009 | 3,393,000 |
| Radiological Emergency Preparedness Program | -477 | -477 |
| U.S. Fire Administration and Training: | | |
| United States Fire Administration | 40,887 | 41,349 |
| Noble Training Center | 5,962 | 5,500 |
| Subtotal, U.S. Fire Administration and Training | 46,849 | 46,849 |
| Infrastructure Protection and Information Security | | |
| Management and administration | 84,650 | 77,000 |
| Critical infrastructure outreach and partnership | 101,100 | 101,100 |
| Critical infrastructure identification and evaluation | 71,631 | 69,000 |
| National Infrastructure Simulation and Analysis Center | 16,021 | 25,000 |
| Biosurveillance | 8,218 | 8,218 |
| Protective actions | 32,043 | 32,043 |
| Cyber security | 92,205 | 92,000 |
| National Security/Emergency Preparedness Telecommunications | 143,272 | 143,272 |
| Subtotal, Infrastructure Protection and Information Security | 549,140 | 547,633 |
| Total, Preparedness | 3,419,989 | 4,017,577 |
| Federal Emergency Management Agency | | |
| Administrative and regional operations | 206,259 | 232,760 |
| Defense function | 49,240 | 49,240 |
| Readiness, mitigation, response, and recovery: | | |
| Operating activities | 213,682 | 219,000 |
| Urban search and rescue teams | 19,817 | 25,000 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Subtotal, Readiness, mitigation, response, and recovery | 233,499 | 244,000 |
| Public health programs | 33,885 | 33,885 |
| Disaster relief | 1,941,390 | 1,500,000 |
| Disaster assistance direct loan program account: | | |
| (Limitation on direct loans) | (25,000) | (25,000) |
| Administrative expenses | 569 | 569 |
| Flood map modernization fund | 198,980 | 198,980 |
| National flood insurance fund: | | |
| Salaries and expenses | 38,230 | 38,230 |
| Flood hazard mitigation | 90,358 | 90,358 |
| Offsetting fee collections | -128,588 | -128,588 |
| Transfer to National flood mitigation fund | (-31,000) | (-31,000) |
| National flood mitigation fund (by transfer) | (31,000) | (31,000) |
| National predisaster mitigation fund | 149,978 | 100,000 |
| Emergency food and shelter | 151,470 | 151,470 |
| Total, Federal Emergency Management Agency | 2,965,270 | 2,510,904 |
| Total, title III, Preparedness and Recovery | 6,385,259 | 6,528,481 |
| (Limitation on direct loans) | (25,000) | (25,000) |
| (Transfer out) (including emergency) | (-31,000) | (-31,000) |
| (By transfer) (including emergency) | (31,000) | (31,000) |

TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

U.S. Citizenship and Immigration Services

| | | |
|---|---|---|
| Salaries and expenses: | | |
| Business transformation | 47,000 | 47,000 |
| Systematic Alien Verification for Entitlements (SAVE) | 24,500 | 21,100 |
| Employment Eligibility Verification (EEV) program | 110,490 | 113,890 |
| Subtotal, Salaries and expenses | 181,990 | 181,990 |
| Adjudication services (fee account): | | |
| Pay and benefits | (624,600) | (624,600) |
| District operations | (385,400) | (385,400) |
| Service center operations | (267,000) | (267,000) |
| Asylum, refugee and international operations | (75,000) | (75,000) |
| Records operations | (67,000) | (67,000) |
| Subtotal, Adjudication services | (1,419,000) | (1,419,000) |
| Information and customer services (fee account): | | |
| Pay and benefits | (81,000) | (81,000) |
| Operating expenses: | | |
| National Customer Service Center | (48,000) | (48,000) |
| Information services | (15,000) | (15,000) |
| Subtotal, Information and customer services | (144,000) | (144,000) |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| Administration (fee account): | | |
| Pay and benefits | (45,000) | (45,000) |
| Operating expenses | (196,000) | (196,000) |
| Subtotal, Administration | (241,000) | (241,000) |
| Total, U.S. Citizenship and Immigration Services | (1,985,990) | (1,985,990) |
| Appropriations | (181,990) | (181,990) |
| (Immigration Examination Fee Account) | (1,760,000) | (1,760,000) |
| (Fraud prevention and detection fee account) | (31,000) | (31,000) |
| (H1B Non-Immigrant Petitioner fee account) | (13,000) | (13,000) |
| Federal Law Enforcement Training Center | | |
| Salaries and expenses: | | |
| Law enforcement training | 201,020 | 209,743 |
| Accreditation | 1,290 | 1,290 |
| Subtotal, Salaries and expenses | 202,310 | 211,033 |
| Acquisition, Construction, Improvements, and Related expenses: | | |
| Direct appropriation | 42,246 | 42,246 |
| Construction (emergency) | --- | 22,000 |
| Subtotal | 42,246 | 64,246 |
| Total, Federal Law Enforcement Training Center | 244,556 | 275,279 |
| Appropriations | 244,556 | 253,279 |
| Emergency appropriations | --- | 22,000 |
| Science and Technology | | |
| Management and administration: | | |
| Office of the Under Secretary for Science and Technology | 7,594 | 7,594 |
| Other salaries and expenses | 188,307 | 127,406 |
| Subtotal, Management and administration | 195,901 | 135,000 |
| Research, development, acquisition, and operations: | | |
| Biological countermeasures: | | |
| Defense function | 337,200 | 350,200 |
| Chemical countermeasures | 83,092 | 60,000 |
| Explosives countermeasures | 86,582 | 86,582 |
| Threat and vulnerability, testing and assessment | 39,851 | 35,000 |
| Conventional missions in support of DHS | 88,622 | 85,622 |
| Standards coordination | 22,131 | 22,131 |
| Emergent and prototypical technology | 19,451 | 19,451 |
| Critical infrastructure protection | 15,413 | 35,413 |
| University programs/homeland security fellowship | 51,970 | 50,000 |
| Counter MANPADs | 4,880 | 40,000 |
| SAFETY Act | 4,710 | 4,710 |
| Cybersecurity | 22,733 | 20,000 |
| Office of interoperability and compatibility | 29,735 | 27,000 |
| Pacific Northwest National Library | --- | 2,000 |
| Subtotal, Research, development, acquisition, and operations | 806,370 | 838,109 |
| Total, Science and Technology | 1,002,271 | 973,109 |

DEPARTMENT OF HOMELAND SECURITY
(Amounts in thousands)

| | Budget Request | Conference |
|---|---|---|
| **Domestic Nuclear Detection Office** | | |
| Management and administration | 30,468 | 30,468 |
| Research, development, and operations | 327,320 | 272,500 |
| Systems acquisition | 178,000 | 178,000 |
| Subtotal, Domestic Nuclear Detection Office | 535,788 | 480,968 |
| Total, title IV, Research and Development, Training, and Services | 1,964,605 | 1,911,346 |
| Appropriations | (1,964,605) | (1,889,346) |
| Emergency appropriations | --- | (22,000) |
| (Fee Accounts) | (1,804,000) | (1,804,000) |
| **TITLE V - GENERAL PROVISIONS** | | |
| Sec. 521 (fiscal year 2007): | | |
| Rescission, Fast Response Cutter (P.L. 109-90) | --- | -78,693 |
| Replacement patrol boat | --- | 78,693 |
| Sec. 527: Rescission, Counter Terrorism Fund | -16,000 | -16,000 |
| Sec. 529: Rescission, S&T unobligated balances | --- | -125,000 |
| Sec. 537: Rescission, TSA unobligated balances | --- | -4,776 |
| Sec. 538: Rescission, TSA unobligated balances | --- | -61,936 |
| Sec. 539: Rescission, USCG AC&I/OPC unobligated bal | --- | -20,000 |
| Sec. 540: Rescission, USCG AC&I/AIS unobligated bal | --- | -4,100 |
| Sec. 560: | | |
| Rescission, US Secret Service unobligated balances | --- | -2,500 |
| US Secret Service national special security events | --- | 2,500 |
| Total, title V, General Provisions | -16,000 | -231,812 |
| Appropriations | --- | (81,193) |
| Rescissions | (-16,000) | (-313,005) |
| Grand total | 32,077,970 | 34,797,323 |
| Appropriations, fiscal year 2007 | (32,093,970) | (33,281,328) |
| Emergency appropriations | --- | (1,829,000) |
| Rescissions | (-16,000) | (-313,005) |
| Fee funded programs | (3,397,681) | (3,913,692) |
| (Limitation on direct loans) | (25,000) | (25,000) |
| (Transfer out) (including emergency) | (-31,000) | (-31,000) |
| (By transfer) (including emergency) | (31,000) | (31,000) |

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2007 recommended by the Committee of Conference, comparisons to the 2007 budget estimates, and the House and Senate bills for 2007 follow:

[In thousands of dollars]

| | |
|---|---|
| Budget estimates of new (obligational) authority, fiscal year 2007 | 32,077,970 |
| House bill, fiscal year 2007 | 33,143,147 |
| Senate bill, fiscal year 2007 | 33,441,323 |
| Conference agreement, fiscal year 2007 | 34,797,323 |
| Conference agreement compared with: | |
| Budget estimates of new (obligational) authority, fiscal year 2007 | +2,719,353 |
| House bill, fiscal year 2007 | +1,654,176 |
| Senate bill, fiscal year 2007 | +1,356,000 |

HAROLD ROGERS,
ZACH WAMP,
TOM LATHAM,
JO ANN EMERSON,
JOHN E. SWEENEY,
JIM KOLBE,
ANDER CRENSHAW,
JOHN R. CARTER,
JERRY LEWIS,
MARTIN OLAV SABO,
DAVID E. PRICE,
JOSE E. SERRANO,
LUCILLE ROYBAL-ALLARD,
SANFORD D. BISHOP,
MARION BERRY,
CHET EDWARDS,
DAVID R. OBEY,
*Managers on the Part of the House.*

JUDD GREGG,
THAD COCHRAN,
TED STEVENS,
ARLEN SPECTER,
PETE V. DOMENICI,
RICHARD C. SHELBY,
LARRY E. CRAIG,
R.F. BENNETT,
WAYNE ALLARD,
ROBERT C. BYRD,
DANIEL K. INOUYE,
PATRICK J. LEAHY,
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HERB KOHL,
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DIANNE FEINSTEIN,
*Managers on the Part of the Senate.*

***N O T I C E***

***Incomplete record of House proceedings.***

***Today's House proceedings will be continued in the next issue of the Record.***