community and government agencies could be doing much more to support efforts to a growing number of families relying on food assistance from charitable organizations.

Anyone who has visited a grocery store in the last year understands the challenge our food banks are facing. U.S. grocery prices increased 5.1 percent overall during the last year, with a 17-percent increase in cost for dairy products, a 13-percent increase for rice and pasta, and a 12-percent increase in the cost of breads. This has a tremendous impact on the bottom line for American families. For example, if a family earns $45,000 a year, it now costs them an extra $1,000 to maintain the same food, gas, and basic goods purchases compared to 2006—a 9.6-percent increase. This makes more families dependent on food assistance, and even more affluent families less likely to donate to food banks and food pantries.

I am proud that the food banks and food pantries, grocery stores, and chambers of commerce in my district are coming together to raise awareness of this challenge and develop community-based solutions. Given the large federal agency presence in my district, I believe that this bill will help supplement their efforts.

Mr. Speaker, I urge my colleagues to join me in supporting this pragmatic and necessary legislation.

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

Mr. CLAY. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 2420.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FEDERAL AGENCY DATA PROTECTION ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4791) to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4791

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 ''Federal Agency Data Protection Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. Authority of Director of Office of Management and Budget to establish information security policies and procedures.
Sec. 5. Responsibilities of Federal agencies for information security.
Sec. 6. Federal agency data breach notification requirements.
Sec. 7. Protection of government computers from risks of peer-to-peer file sharing.
Sec. 8. Annual independent audit.
Sec. 9. Best practices for privacy impact assessments.
Sec. 10. Implementation.

SEC. 2. PURPOSE.

The purpose of this Act is to protect personally identifiable information of individuals that is maintained in or transmitted by Federal agency information systems.

SEC. 3. DEFINITIONS.

(a) PERSONALLY IDENTIFIABLE INFORMATION AND MOBILE DIGITAL DEVICE DEFINITIONS.—Section 3542(b) of title 44, United States Code, is amended by adding at the end the following new paragraphs:

''(4) The term 'personally identifiable information', with respect to an individual, means any information about the individual maintained by an agency, including information—

''(A) about the individual's education, finances, or medical, criminal, or employment history;

''(B) that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records; or

''(C) that is otherwise linked or linkable to the individual.

''(5) The term 'mobile digital device' includes any device that can store or process information electronically and is designed to be used in a manner not limited to a fixed location, including—

''(A) processing devices such as laptop computers, communication devices, and other handheld computing devices; and

''(B) storage devices such as portable hard drives, CD–ROMs, DVDs, and other portable electronic media.''.

(b) CONFORMING AMENDMENTS.—Section 208 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i), by striking ''information that is in an identifiable form'' and inserting ''personally identifiable information''; and

(B) in clause (ii)(II), by striking ''information in an identifiable form permitting the physical or online contacting of a specific individual'' and inserting ''personally identifiable information'';

(2) in subsection (b)(2)(B)(i), by striking ''information that is in an identifiable form'' and inserting ''personally identifiable information'';

(3) in subsection (b)(3)(C), by striking ''information that is in an identifiable form'' and inserting ''personally identifiable information''; and

(4) in subsection (d), by striking the text and inserting ''In this section, the term 'personally identifiable information' has the meaning given that term in section 3542(b)(4) of title 44, United States Code.''.

SEC. 4. AUTHORITY OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET TO ESTABLISH INFORMATION SECURITY POLICIES AND PROCEDURES.

Section 3543(a) of title 44, United States Code, is amended—

(1) by inserting before the semicolon at the end of paragraph (5) the following: '', including plans and schedules, developed by the agency on the basis of priorities for addressing levels of identified risk, for conducting—

''(A) testing and evaluation, as required under section 3544(b)(5); and

''(B) remedial action, as required under section 3544(b)(6), to address deficiencies identified by such testing and evaluation''; and

(2) by adding at the end the following:

''(9) establishing minimum requirements regarding the protection of personally identifiable information maintained in or transmitted by mobile digital devices, including requirements for the use of technologies that efficiently and effectively render information unusable by unauthorized persons;

''(10) requiring agencies to comply with—

''(A) minimally acceptable system configuration requirements consistent with best practices, including checklists developed under section 8(c) of the Cyber Security Research and Development Act (Public Law 107–305; 116 Stat. 2378) by the Director of the National Institute of Standards and Technology; and

''(B) minimally acceptable requirements for periodic testing and evaluation of the implementation of such configuration requirements;

''(11) ensuring that agency contracts for (or involving or including) the provision of information technology products or services include requirements for contractors to meet minimally acceptable configuration requirements, as required under paragraph (10);

''(12) ensuring the establishment through regulation and guidance of contract requirements to ensure compliance with this subchapter with regard to providing information security for information and information systems used or operated by a contractor of an agency or other organization on behalf of the agency; and''.

SEC. 5. RESPONSIBILITIES OF FEDERAL AGENCIES FOR INFORMATION SECURITY.

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (2)(D)(iii), by striking ''as determined by the agency'' and inserting ''as required by the Director under section 3543(a)(10)'';

(2) in paragraph (5)—

(A) by inserting after ''annually'' the following: ''and as approved by the Director'';

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

(C) by redesignating subparagraph (B) as subparagraph (D); and

(D) by inserting after subparagraph (A) the following:

''(B) shall include testing and evaluation of system configuration requirements as required under section 3543(a)(10);

''(C) shall include testing of systems operated by a contractor of the agency or other organization on behalf of the agency, which testing requirement may be satisfied by independent testing, evaluation, or audit of such systems; and'';

(3) by striking ''and'' at the end of paragraph (7);

(4) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(5) by adding at the end the following:

''(9) plans and procedures for ensuring the adequacy of information security protections for systems maintaining or transmitting personally identifiable information, including requirements for—

''(A) maintaining a current inventory of systems maintaining or transmitting such information;

''(B) implementing information security requirements for mobile digital devices maintaining or transmitting such information, as required by the Director (including the use of technologies rendering data unusable by unauthorized persons); and

''(C) developing, implementing, and overseeing remediation plans to address vulnerabilities in information security protections for such information;''.

SEC. 6. FEDERAL AGENCY DATA BREACH NOTIFICATION REQUIREMENTS.

(a) AUTHORITY OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET TO ESTABLISH DATA BREACH POLICIES.—Section 3543(a) of title 44, United States Code, as amended by section 4, is further amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) in paragraph (8)—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking the period and inserting ''; and'' at the end of subparagraph (E); and

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

''(F) a summary of the breaches of information security reported by agencies to the Director and the Federal information security incident center pursuant to paragraph (13);''; and

(3) by adding at the end the following:

''(13) establishing policies, procedures, and standards for agencies to follow in the event of a breach of data security involving the disclosure of personally identifiable information, specifically including—

''(A) a requirement for timely notice to be provided to those individuals whose personally identifiable information could be compromised as a result of such breach, except no notice shall be required if the breach does not create a reasonable risk—

''(i) of identity theft, fraud, or other unlawful conduct regarding such individual; or

''(ii) of other harm to the individual;

''(B) guidance on determining how timely notice is to be provided;

''(C) guidance regarding whether additional special actions are necessary and appropriate, including data breach analysis, fraud resolution services, identify theft insurance, and credit protection or monitoring services; and

''(D) a requirement for timely reporting by the agencies of such breaches to the Director and Federal information security center.''.

(b) AUTHORITY OF CHIEF INFORMATION OFFICER TO DEVELOP AND MAINTAIN INVENTORIES.—Section 3544(a)(3) of title 44, United States Code, is amended—

(1) by inserting after ''authority to ensure compliance with'' the following: ''and, to the extent determined necessary and explicitly authorized by the head of the agency, to enforce'';

(2) by striking ''and'' at the end of subparagraph (D);

(3) by inserting ''and'' at the end of subparagraph (E); and

(4) by adding at the end the following:

''(F) developing and maintaining an inventory of all personal computers, laptops, or any other hardware containing personally identifiable information;''.

(c) INCLUSION OF DATA BREACH NOTIFICATION.—Section 3544(b) of title 44, United States Code, as amended by section 5, is further amended by adding at the end the following:

''(10) procedures for notifying individuals whose personally identifiable information may have been compromised or accessed following a breach of information security; and

''(11) procedures for timely reporting of information security breaches involving personally identifiable information to the Director and the Federal information security incident center.''.

(d) AUTHORITY OF AGENCY CHIEF HUMAN CAPITAL OFFICERS TO ASSESS FEDERAL PERSONAL PROPERTY.—Section 1402(a) of title 5, United States Code, is amended—

(1) by striking '', and'' at the end of paragraph (5) and inserting a semicolon;

(2) by striking the period and inserting ''; and'' at the end of paragraph (6); and

(3) by adding at the end the following:

''(7) prescribing policies and procedures for exit interviews of employees, including a full accounting of all Federal personal property that was assigned to the employee during the course of employment.''.

SEC. 7. PROTECTION OF GOVERNMENT COMPUTERS FROM RISKS OF PEER-TO-PEER FILE SHARING.

(a) PLANS REQUIRED.—As part of the Federal agency responsibilities set forth in sections 3544 and 3545 of title 44, United States Code, the head of each agency shall develop and implement a plan to ensure the security and privacy of information collected or maintained by or on behalf of the agency from the risks posed by certain peer-to-peer file sharing programs.

(b) CONTENTS OF PLANS.—Such plans shall set forth appropriate methods, including both technological (such as the use of software and hardware) and nontechnological methods (such as employee policies and user training), to achieve the goal of securing and protecting such information from the risks posed by peer-to-peer file sharing programs.

(c) IMPLEMENTATION OF PLANS.—The head of each agency shall—

(1) develop and implement the plan required under this section as expeditiously as possible, but in no event later than six months after the date of the enactment of this Act; and

(2) review and revise the plan periodically as necessary.

(d) REVIEW OF PLANS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall—

(1) review the adequacy of the agency plans required by this section; and

(2) submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review, together with any recommendations the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) PEER-TO-PEER FILE SHARING PROGRAM.—The term ''peer-to-peer file sharing program'' means computer software that allows the computer on which such software is installed (A) to designate files available for transmission to another such computer, (B) to transmit files directly to another such computer, and (C) to request the transmission of files from another such computer. The term does not include the use of such software for file sharing between, among, or within Federal, State, or local government agencies in order to perform official agency business.

(2) AGENCY.—The term ''agency'' has the meaning provided by section 3502 of title 44, United States Code.

SEC. 8. ANNUAL INDEPENDENT AUDIT.

(a) REQUIREMENT FOR AUDIT INSTEAD OF EVALUATION.—Section 3545 of title 44, United States Code, is amended—

*(1) in the section heading, by striking ''**evaluation**'' and inserting ''**audit**'' ; and*

(2) in paragraphs (1) and (2) of subsection (a), by striking ''evaluation'' and inserting ''audit'' both places it appears.

(b) ADDITIONAL SPECIFIC REQUIREMENTS FOR AUDITS.—Section 3545(a) of such title is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''subset of the agency's information systems;'' and inserting the following: ''subset of—

''(i) the information systems used or operated by the agency; and

''(ii) the information systems used, operated, or supported on behalf of the agency by a contractor of the agency, any subcontractor (at any tier) of such a contractor, or any other entity;'';

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

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

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

''(D) a conclusion whether the agency's information security controls are effective, including an identification of any significant deficiencies in such controls.''; and

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

''(3) Each audit under this section shall conform to generally accepted government auditing standards.''.

(c) CONFORMING AMENDMENTS.—

(1) Each of the following provisions of section 3545 of title 44, United States Code, is amended by striking ''evaluation'' and inserting ''audit'' each place it appears:

(A) Subsection (b)(1).

(B) Subsection (b)(2).

(C) Subsection (c).

(D) Subsection (e)(1).

(E) Subsection (e)(2).

(2) Section 3545(d) of such title is amended to read as follows:

''(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on an audit relating to programs or practices of the applicable agency.''.

(3) Section 3545(f) of such title is amended by striking ''evaluators'' and inserting ''auditors''.

(4) Section 3545(g)(1) of such title is amended by striking ''evaluations'' and inserting ''audits''.

(5) Section 3545(g)(3) of such title is amended by striking ''Evaluations'' and inserting ''Audits''.

(6) Section 3543(a)(8)(A) of such title is amended by striking ''evaluations'' and inserting ''audits''.

(7) Section 3544(b)(5)(D) of such title (as redesignated by section 5(2)(C)) is amended by striking ''a evaluation'' and inserting ''an audit''.

SEC. 9. BEST PRACTICES FOR PRIVACY IMPACT ASSESSMENTS.

Section 208(b)(3) of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note) is amended—

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

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

(3) by adding at the end the following:

''(D) develop best practices for agencies to follow in conducting privacy impact assessments.''.

SEC. 10. IMPLEMENTATION.

Except as otherwise specifically provided in this Act, implementation of this Act and the amendments made by this Act shall begin not later than 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, as chairman of the Subcommittee of Information Policy, Census and National Archives, I am pleased to join my colleagues in the consideration of H.R. 4791, the Federal Agency Data Protection Act, a bill to protect personally identifiable information of individuals that is maintained in or transmitted by Federal agency information systems.

H.R. 4791, which I introduced along with Chairman HENRY WAXMAN and Representative ED TOWNS on December 18, 2007, was reported from the Committee on Oversight and Government Reform on May 21, 2008. I want to also thank Ranking Member TOM DAVIS for working with us on this legislation, especially on the notification provision.

Despite progress made with the implementation of the Federal Information Security Management Act, or FISMA, GAO found that pervasive weaknesses continue to exist primarily because agencies fail to maintain secure IT networks. As a result, GAO concluded that Federal financial data are at risk of unauthorized modification or destruction, sensitive information at risk of inappropriate disclosure, and critical operations at risk of disruption.

H.R. 4791 would secure our agencies' IT access and require an annual audit of agency programs. The bill would also establish a comprehensive definition for ''personally identifiable information'' and mandate that agencies notify individuals when their personal information is accessed in a data breach.

Mr. Speaker, in light of today's report that 1,000 patients at Walter Reed Army Medical Center and other military hospitals had their names, Social Security numbers and birth dates exposed in a security breach, this is a timely measure that provides Americans with some assurance that the Federal Government will work diligently to protect their personal information.

I urge the swift passage of H.R. 4791.

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

□ 1600

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

Mr. Speaker, I rise today to speak on H.R. 4791, the Federal Agency Data Protection Act. While we appreciate the majority's willingness to incorporate several suggestions from our side such as including language from H.R. 2124, Representative TOM DAVIS' Federal Agency Data Breach Protection Act, we remain concerned that this legislation misses some key opportunities to advance legislation which truly strengthens our Federal information security laws.

But, Mr. Speaker, I rise today to speak on a much more pressing issue, an issue of great concern to all Americans.

With gas prices soaring to $3.98 per gallon over the weekend, according to AAA, the House returned officially from Memorial Day break today, but believe it or not, not a single piece of legislation to help lower gas prices is on the House schedule this week. This is particularly amazing since then Minority Leader NANCY PELOSI promised the American people ''a commonsense plan'' to lower gas prices way back in April, 2006. And it's particularly troubling since House Republicans unveiled a comprehensive plan to lower gas prices 2 weeks ago and has promoted that plan across the country during last week's Memorial Day recess.

Instead of delivering on their April, 2006, promise, however, the Democrats in charge of Congress have delivered only a staggering $1.65 Pelosi premium, meaning consumers are forced to pay $1.65 more per gallon of gasoline compared to what they paid on January 4, 2007, the Democrats' first day in the majority.

For an average family that fills up its two cars once a week, that's an astronomical 2,574 more dollars per year that they are forced to pay at the pump. That's $2,574 less that families have for their children's educational expenses; $2,574 less for family vacations this summer; and $2,574 less for food costs, which also are skyrocketing.

No wonder Democrats are continuing to feel the heat for doing nothing, nothing, to address the rising cost of gasoline.

Let me quote part of a column in Monday's New Hampshire Union Leader about what Congress has done to contribute to American families' and small businesses' pain at the pump:

''Congress has prevented the drilling in the Alaska National Wildlife Refuge, which could be providing 1 million gallons of oil per day. Congress has put 85 percent of the U.S. coastal areas off-limits for drilling. Congress has recently prohibited the processing of oil shale, which could provide substantial quantities of oil economically . . .

''To sum it up, Congress has done nothing to help but lots to increase on our dependence on foreign oil and increase the price Americans pay for oil and gas.''

An op-ed published over the weekend in the Athens, Georgia, Banner-Herald makes the case that the Democratic Congress has contributed to the recent surge in gas prices:

''Drilling is prohibited in the Alaska National Wildlife Refuge, a potential source of 1 million barrels a day, 5 percent of America's daily oil consumption. Also off-limits is 85 percent of America's coastline.

''Americans deserve to know the story, in all its gory details, of what their government has done and is doing to cause high prices at the pump and to make gasoline, indeed, all energy, more scarce and more expensive in the future.''

Indeed, while Democrats have offered nothing more than broken promises and policies that drive up gas prices, House Republicans have unveiled a comprehensive plan for lower gas prices and energy independence. The GOP blueprint promotes alternative and renewable fuels, harnesses technologies already being employed successfully by our global competitors, and unlocks America's natural energy resources through the responsible exploration of oil and gas in the United States, a reform backed by the majority of Americans, according to a new Gallup Poll. How much longer will Democrats ignore the will of the American people by keeping the House Republicans' plan off the House floor?

Another quote from the Charleston, West Virginia, Daily Mail: ''Doing Nothing is What Democrats in Congress Have Specialized in, and That's One of the Reasons Gasoline Costs $4 Per Gallon.''

Mr. Speaker, we can stand here and deal with a lot of issues that we're dealing with this week, but we need to get to the issues that the American people want us to deal with, and that's the soaring price of gasoline and energy costs.

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

Mr. CLAY. Mr. Speaker, in closing, I want to urge the House to support this bill, H.R. 4791, and to say that the American people expect that personal information that they share with their government should be kept private and should be protected, and this bill will ensure that that information is protected.

Mr. DAVIS of Virginia. Mr. Speaker, secure information is the lifeblood of effective government. But we've seen a wide range of incidents involving data loss or theft, privacy breaches, and security incidents at Federal agencies.

In almost all of these cases, Congress and the public would not have learned of these events had we not requested the information. After all, despite the volume of sensitive information held by agencies—tax returns, military records, health records, to name a few—there currently is no requirement that agencies notify citizens whose personal information may have been compromised. We need to ensure the public knows when its sensitive personal information has been lost or compromised.

Therefore I am pleased we incorporated my legislation, H.R. 2124, which requires timely notice be provided to individuals whose sensitive personal information could be compromised by a breach of data security at a Federal agency.

In addition to focusing on ensuring adequate protection of individuals' personal information held by the Federal Government, I have also spent years focusing on general, government-wide information management and security policy.

For example, the Privacy Act and the E-Government Act of 2002 outline the parameters for the protection of personal information. The Federal Information Security Management Act (FISMA), which I authored, requires each agency to create a comprehensive risk-based approach to agency-wide information security management, through preparedness, evaluation, and reporting requirements.

These laws created a solid foundation for Federal information security, making security management an integral part of an agency's operations and ensuring agencies are actively using best practices to secure the Federal Government's systems.

But it is now incumbent upon us to take Federal information security to the next level—to find new and innovative ways to secure government information.

Unfortunately, I do not believe H.R. 4791 does enough. Most of the provisions contained in this bill are a grab bag of vague requirements, additional mandates, and misplaced priorities. It casts dynamic concepts in stone. And it gives agency personnel more boxes to check.

I have long called for a bill with teeth—and an opportunity to discuss and debate the overall issues associated with improving Federal

information security. I think we have missed some key opportunities in that regard.

For example: (1) We haven't seriously considered, to my knowledge, the need to pursue providing incentives for agency success—such as financial incentives for agencies which excel.

(2) We haven't given enough consideration, to my knowledge, to the need to pursue funding penalties and personnel reforms which provide real motivation for an agency to improve its information security.

(3) Although I've pushed the scorecards for many years, we need increased Congressional oversight of agency information security practices.

(4) Have we done enough to bring greater consistency across the IG community regarding standards and review regarding improved information security?

(5) And in our recent review of this issue, I do not believe we have considered, nor do we address, what I believe is one of the most important and complex problems associated with these issues: the difficulties faced by agency Chief Information Officers in their attempts to be successful and effective—both in terms of their status within their agencies and their underlying statutory authority.

(6) Also, have we taken a serious look at whether the creation of a Federal CIO or an Information Czar at OMB would improve the Federal Government's ability to handle and process information? I do not believe so.

Yesterday, OMB Deputy Director for Management, Clay Johnson, wrote to the Committee asking to work with us on a handful of concerns the Administration has with the current draft of the legislation. Although the majority did make important modifications, removing controversial provisions affecting data brokers for example, which were of particular concern to Representative MIKE TURNER, other areas still need to be addressed.

The Administration has expressed particular concern about the bill's codification of terms and requirements in statute, including the definition of "personally identifiable information" as well as various technology-specific provisions, including "personal digital devices" and "peer-to-peer file-sharing programs". I have long maintained that effective security legislation should be technology neutral to enable the government to adequately address constantly evolving threats and technologies. Ironically, we could find ourselves less secure as agencies are forced to meet outdated mandates and requirements. I trust the majority is willing to continue these discussions as the legislation moves forward.

Mr. Speaker, public confidence in government is essential. In the end, the public demands effective government. And effective government depends on secure information. I remain concerned that this legislation falls short in a number of these important areas.

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

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 4791, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 6 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCNULTY) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 138, by the yeas and nays;

House Resolution 923, by the yeas and nays;

House Resolution 1114, by the yeas and nays.

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

SUPPORTING NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 138, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 138, as amended.

The vote was taken by electronic device, and there were—yeas 362, nays 0, answered "present" 0, not voting 71, as follows:

[Roll No. 367]

YEAS—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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Hinojosa
Hirono
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Johnson, E. B.
Johnson, Sam
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Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
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Lofgren, Zoe
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Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
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Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
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Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen