United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, SEPTEMBER 26, 2006 No. 122

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WAMP).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 26, 2006.

I hereby appoint the Honorable ZACH WAMP to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

TURKISH PENAL CODE—ELIF SHAFAK'S TRIAL

Mr. PALLONE. Mr. Speaker, last week Turkey put renowned novelist Elif Shafak on trial for charges that she insulted Turkishness because the character in her latest book refers to the deaths of 1.5 million Armenians in 1915 as genocide. Nine months pregnant, Shafak was forced to defend herself, or, more specifically, a fictional character in her book, to prevent going to jail.

Although Shafak was acquitted, Turkey continues to use forms of intimidation to deny its citizens their right to freedom of expression. It lobbies for its so-called rightful role in the international community, yet it does not live up to democratic principles and standards.

Mr. Speaker, in 1915 a systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire against Armenians occurred. Over the following 8 years, over 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile. To this day the Republic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place in the name of Turkish nationalism.

When it comes to facing the judgment of history about the Armenian genocide, Turkey has chosen to trample on the rights of its citizens to maintain its lies. The trial of Ms. Shafak is a perfect example of the depths the Turkish authorities will go in order to deny the Armenian genocide. Their refusal simply has no limits.

Article 301 of the Turkish penal code was used against Shafak. It is the same law that was used against another author, Orhan Pamuk, in 2005. It states that any person who, quote, insults the republic can be jailed for between 6 months to 3 years.

Mr. Speaker, more than 60 similar cases have been brought against writers and artists in Turkey. The law is being used to silence political voices in the country. In this instance, it disturbingly was used to charge a made-up character in a book.

Mr. Speaker, I am extremely pleased that the European Parliament's Foreign Affairs Committee, on September 4, insisted Turkey make substantial changes in many areas before the nation could ever be accepted as a member of the European Union. On September 4, that Foreign Affairs Committee of the European Parliament announced that Turkey had failed to align its laws with the European Union standards, and in particular, it noted Turkey's lack of recognition of the Armenian genocide, its illegal occupation of the northern third of Cyprus, religious inequality and its oppressive penal code. But Turkish authorities continue to deny their citizens the freedoms that Americans and other democracies across the world value so greatly. Without them, a true democracy does not exist.

Until Turkey can guarantee key principles of a democracy, it should not be allowed to join the European Union. In addition, Turkey needs to abide by international law in its dealings with its neighbors. Turkey continues the illegal blockade of Armenia. It refuses entrance of goods from Cyprus to its ports.

Mr. Speaker, the Turkish Prime Minister is expected to visit with President Bush sometime in early October, in the next few weeks. In light of these latest events, in light of the report of the Foreign Affairs Committee of the European Parliament, I would encourage the Bush administration to insist that Turkey clean up its act, both with regard to suppression of the rights of its own citizens, and illegal and aggressive acts against its neighboring countries.

HONORING CHAIRMAN HENRY J. HYDE

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I am delighted to take this opportunity to reflect on the awe-inspiring career of Chairman HENRY J. HYDE. It is difficult to imagine this House without

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HENRY's wisdom, his leadership and his wit. Chairman HYDE has led our International Relations Committee and the House Judiciary Committee, prior to his current chairmanship, with grace and fairness.

Vice President CHENEY summed up the essence of HENRY HYDE very well when he recently noted, as a committee chairman and in all of his dealings, HENRY HYDE has been the soul of fairness and balance. If you had any kind of trouble in your life, you would want someone like HENRY to plead your case, and you would want someone like HENRY to decide your case. He understands people. He knows that we live in an imperfect world, and he greets his fellow man with an openness, a generosity of spirit, and an easy manner that draws others to him.

HENRY is remarkable, not only for the formidable body of legislation that he has championed in his very long career, but also for the life of service and dedication that he continues to lead.

Born and raised in the Windy City, Chairman HYDE enlisted in the U.S. Navy at the age of 18 and served with distinction during World War II, eventually rising to the rank of commander before his retirement from the Naval Reserve in 1968. He attended Duke and Notre Dame before coming to the town that would eventually become his second home, earning a bachelor's from Georgetown in 1947. It is not difficult to picture HENRY in his undergraduate years musing to himself, ''I'll be back.''

HENRY and Jeanne were married soon thereafter. Then they returned to the great State of Illinois, settling in Chicago. HENRY earned a law degree from Loyola in 1949. He started life in office in 1966, and has forged ever upward ever since, rising through the Illinois State House and becoming majority leader before his election to represent the Sixth District of Illinois in Congress in 1974.

In the 32 years since joining this House, HENRY has made an indelible mark on the history of this institution and on the consciousness of our Nation. The eloquence of his speech, the elegance of his bearing, and the eternity of his convictions have won him a place as one of our Nation's most treasured legislators. HENRY has been lauded in a great many ways, but writer David Horowitz memorably and accurately called him a Gibraltar of conviction, an avatar of grace.

September 11, 2001 was, as many have noted, a day that forever changed our destiny and our thinking. With his usual sense of clarity and his eloquence, HENRY HYDE assessed the grave threats we now face from extremists, noting on the 1-year anniversary of the attacks, ''Our enemies have no aim except destruction, nothing to offer but a forced march back to a bleak and dismal past. Theirs is a world without light.''

Indeed, HENRY has shed light on many of the important issues facing our Nation and, indeed, the world. His stewardship of the Committee on International Relations has been one of principle and grace. He has sought to shed light on the furthest reach of earth, promoting democracy wherever it was absent, and promoting human rights wherever they were lacking. His efforts to fight AIDS around the world have inspired a generation of legislators on both sides of the aisle.

HENRY's endeavors in the domestic sphere have been no less ambitious. His efforts to protect life, to safeguard Old Glory, and defending victims of sexual abuse have greatly resounded with the American people.

How fortunate we are to have been blessed with the awesome presence of a man of such stunning conviction. Serving with Chairman HYDE has been a remarkable privilege. I could not have hoped for a more caring and able mentor or a friend of more steadfast loyalty and kindness. There is hardly a soul in this Chamber who has not been touched by his graceful leadership and his righteous conviction.

Mr. Speaker, we are grateful for the great example that HENRY HYDE represents to our Chamber, our Nation, and to the world. We are so grateful to HENRY HYDE for many decades of guidance and inspiration. It is difficult to express how much he will be missed by all of us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 10 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE of Georgia) at 10 a.m.

PRAYER

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

Lord God, always giving voice to prophets and strength to martyrs, in times of greatest need Your people have turned to You with greater persistence. In the most critical times, You did not bring their mere expressions of need to reality; instead, You took action Yourself to prove You live beyond their imagining and that You are the Lord of all the nations.

Look with mercy and fondness upon Your people today and this government by the people in the House of Representatives as we hear the words once spoken through Ezekiel as Your living word today:

''The nations shall know that I am the Lord, says the Lord God, when in their sight I prove my holiness through you.''

Lord, show us what such holiness means for us in this era of history. Let us humble ourselves before You, that we may draw closer to You and learn how we can show Your holiness to the world.

Ever more attentive to the words of Your mouth and the breath of life You breathe within us, may we respond to Your holy inspirations, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. SNYDER) come forward and lead the House in the Pledge of Allegiance.

Mr. SNYDER 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.

''PRESS ONE FOR ENGLISH''

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

Mr. POE. Mr. Speaker, why must I press ''1'' on my phone for English? Why are voting ballots in numerous languages? Why are street signs in foreign language like Vietnamese? Why do we educate illegals in their native tongue? Why can't some clerks in stores or fast food restaurants speak English?

Mr. Speaker, one of the qualities that make a nation a nation is a common language. Our ancestors decided that the American national language would be English. German was the second choice. But, in our day, we don't want to hurt people's feelings that are not from around here, and we make the unwise choice to communicate with them in their language, not the American language.

If people come to America, they need, like the people before them, to learn to speak English. Failure to do so makes us not a nation but many nations within a nation.

The national language is English. Several national languages are divisive and detrimental and destructive of our culture and our civilization. Mr. Speaker, I am tired of pressing ''1'' for English.

And that's just the way it is.

THE BARBARIC PRACTICE OF GAME BIRD AND ILLEGAL DOG FIGHTING

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

Mr. BLUMENAUER. Mr. Speaker, for the last 5 years I have been working with a bipartisan group of my colleagues to make it illegal to continue the barbaric practice of game bird and illegal dog fighting.

Unfortunately, these practices continue because the purveyors of them have settled on the tactic of having minimal sanctions, not having meaningful penalties in our statutes. Unfortunately, this takes on new urgency because it is not just the fighting and the violence and the illegal betting and other criminal activities. We are now finding, for instance, that viruses like bird flu can be spread through this vile trade.

Mr. Speaker, it is time for the House Republican leadership to stand up to the dark, shadowy forces that allow these evil practices to continue. Allow the bill that has been cosponsored, bipartisan, 324 cosponsors, to be voted on, on a suspension calendar. In fact, it won't even take the 40 minutes we normally allocate, because I am quite confident that we don't find any of the apologists for this barbaric trade who would be willing to stand up in public to defend what they protect in the back rooms of Congress.

HEALTH INSURANCE FOR LIFE ACT (H.R. 5740)

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

Mrs. KELLY. Mr. Speaker, I rise to urge the passage of legislation that I am cosponsoring with the gentlewoman from Ohio (Ms. PRYCE).

The Health Insurance for Life Act provides extended health care coverage to individuals and families who need COBRA when they are in between jobs or waiting for their health insurance to begin at a new job.

Suburban families like those living in the Hudson Valley in New York encounter a job change an average of seven times. Workers need assurances that their health insurance remains as transferable and uncomplicated as possible when job changes occur.

COBRA provides the safety net that parents and children need to maintain affordable health insurance, but under current law there are time limitations on how long families can use COBRA. H.R. 5740 removes COBRA's time limits and ensures that families in need of extended COBRA coverage cannot be charged unreasonable premiums.

This Congress must continue developing new ways to protect the underinsured and uninsured in New York and throughout our country. Passage of our bill ensures that time is on the side of families and children who rely on COBRA for their health insurance.

PROPERLY PREPARING OUR MILITARY

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

Mr. SNYDER. Personnel in our military, Mr. Speaker, must be properly equipped and trained in order to be ready for the unforeseen wars of the future. Even General Schoomaker, the Chief of Staff of the Army, though readiness levels are classified, has publicly expressed concern regarding the unacceptable readiness levels of our U.S.-based units. Not enough equipment, not enough money, not enough time for proper training for our wonderful troops.

We can do better, Mr. Speaker. America must do better so we can be the safe, secure country we want to be.

PRESERVING THE CIA PROGRAM

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

Mr. WILSON of South Carolina. Mr. Speaker, this week we will consider legislation to authorize military tribunals for the prosecution of suspected terrorists and clarify Common Article 3 of the Geneva Convention.

Strenuous interrogation is vital in our efforts to win the global war on terrorism. The CIA program has produced intelligence that has saved countless lives. KSM, the mastermind of 9/11, was arrested as a result of information developed from the program.

The clarification of Common Article 3 will preserve the CIA interrogation program. As a JAG officer for 28 years, I support providing definitions. We do not want to leave our men and women vulnerable to prosecution under vague international law.

I commend Chairman DUNCAN HUNTER for reaching a good bargain with President Bush and the Senate. I look forward to voting in favor of the Military Commissions Act and advancing our efforts to win the global war on terrorism to protect American families.

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

IT'S TIME THE DO-NOTHING CONGRESS ACTUALLY DO SOMETHING FOR THE AMERICAN PEOPLE

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

Mr. CLEAVER. Mr. Speaker, yesterday, when I landed here in Washington, I received a phone call almost immediately from my brother-in-law in St. Louis who said somewhat jokingly, ''I sure hope you will do something for America this week.'' And all I could think about was, ''I do, too.'' Because, unfortunately, we are not doing much for America.

We should not leave this town this week without passing legislation to implement the 9/11 Commission's recommendations so we can make our Nation safer. Congress shouldn't leave without raising the minimum wage for 6.6 million Americans who haven't seen a raise in 9 years. We shouldn't leave without rolling back the $12 billion in tax breaks that were showered on big oil companies last year.

The history books are not going to be kind to this Congress. With a 25 percent approval rating, it seems to me that one way to raise it would be to do something.

NATIONAL SEAFOOD MONTH

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

Mr. BROWN of South Carolina. Mr. Speaker, in 1990, Congress designated October as National Seafood Month. This month-long celebration highlights the importance of seafood as part of a healthy diet. National Seafood Month also honors and celebrates the many contributions of the seafood and fishing industries and recognizes the multiple ways in which industry professionals serve our Nation's economy and continues to spur economic growth.

The First Congressional District of South Carolina, which I represent, has over 75 percent of the South Carolina coastline. Many of my constituents are hardworking shrimpers and fishermen, and I appreciate all the hard work to supply us with good quality seafood.

As the popularity of seafood continues to grow, National Seafood Month offers a unique way to remind consumers of the way the industry helps meet the needs in providing healthy and delicious seafood products year round. Creating a greater awareness among consumers is essential in the efforts to spread the positive message that seafood is a delicious and nutritious source of protein in the American diet.

I urge all of my colleagues to join me in cosponsoring House Resolution 479 which supports the goals and ideals of National Seafood Month.

IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, the President says he looks to the generals on how to prosecute the war in Iraq. Yesterday, two generals from the Army and a Marine colonel who had all served in Iraq called for the resignation of the Secretary of Defense, Mr. Rumsfeld.

The President has repeatedly claimed he listens to the military. Well, General John Batiste told an oversight hearing that Rumsfeld and others in the Bush White House ''did not tell the American people the truth for fear of losing support for the war in Iraq.''

The generals have spoken, Mr. President. Your Defense Secretary misled us into combat with disastrous consequences. Rumsfeld has failed our soldiers and the American people. He just

ordered another 4,000 into Iraq, into the cauldron of violence that his incompetence has created.

The generals have spoken, Mr. Speaker. Tell the President to listen to us. Will you? Somebody has got to talk to the President. He doesn't seem to listen to Members of Congress. The generals have now spoken. What is he waiting for? Perhaps it is the election.

DEMOCRATS OUT OF TOUCH

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

Ms. FOXX. Mr. Speaker, I rise today to deliver a message: The Democrats have no direction when it comes to the war on terror and national security. Just this week, the minority leader said, and I quote, ''5 years after 9/11 Osama bin Laden is still free, and not a single terrorist who planned 9/11 has been caught and brought to justice.''

In reality, currently, the U.S. has in captivity Khalid Shaikh Mohammad, the mastermind behind 9/11; Mustafa Ahmad as-Hawsawi, a financier of the 9/11 attacks; and Ramzi-Bin al-Shibh, who served as a facilitator between the 9/11 hijackers in the U.S. and the al Qaeda leadership in Pakistan and Afghanistan.

Another baffling statement was made recently by the Senate minority leader referring to the national security bills the House has passed to make our Nation safer and secure our porous borders. The Senate minority leader openly said that the Republican Congress is spending time on issues that are not relevant to the American people.

Mr. Speaker, the statements of the respected minority leaders lead me to believe that not only are the Democrats out of touch with the majority of Americans, but it appears as if they are now completely out of touch with reality.

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SPY AGENCIES SAY IRAQ WAR WORSENS TERRORISM THREAT

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

Ms. SOLIS. Mr. Speaker, the headlines in the New York Times says it all, ''Spy Agencies Say Iraq War Worsens Terrorism Threat.''

The top secret terrorism document was completed in April, after receiving final approval from all 16 national intelligence departments. The report concludes that rather than being in retreat, Islamic radicalism has spread across the globe. According to an American intelligence official, the report says that the Iraq war has made the overall terrorism problem worse and attacks continue to increase, with 2,700 soldiers killed and 17,000 injured.

And yet, over the last month President Bush told the American people that our Nations and its allies are safer than they ever were.

Mr. Speaker, it is time for the President to be honest with the American public. He needs to tell the truth, and we need to make sure that those folks that are preparing to vote in November don't believe all of these lies and scare tactics being used by the Republican Party.

NATIONAL DEFENSE

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

Mrs. MILLER of Michigan. Mr. Speaker, when I decided to run for Congress, I made a conscious decision to do so, and I took my oath of office very seriously, just as every Member before me and every Member in the future will as well.

I knew that the first and foremost responsibility of the Federal Government was to provide for the national defense. It is actually in the preamble of our Constitution. America is a peace-loving Nation. And yet we find ourselves in a war with an enemy who hides in the shadows and preys on the innocent, terrorists who have murdered innocent citizens and are enemies of freedom and liberty and democracy.

Mr. Speaker, election day is coming to our Nation, and as Americans make their decisions, national security and the war on terror is on every voter's mind. So I ask them to consider what the Democratic minority leader said in a recent interview about the upcoming elections when asked about the importance of national security. She said, ''This is what I guess campaigns will be about. It shouldn't be about national security.''

Mr. Speaker, Americans are dying and the Democratic minority leader doesn't think national security should be an issue. Think about that.

AMERICA IS NOT SAFER TODAY

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

Mr. PALLONE. Mr. Speaker, America is not safer today than it was before 9/11. The President can continue to deny this fact in speeches around the country, but his own intelligence agencies concluded that the world is not safer today, and the main reason is the ongoing war in Iraq.

This is not the only proof that we are less safe today than 5 years ago. A recent independent Council on Global Terrorism report assigned a grade of D-plus to our Nation's efforts in combating Islamic extremism. The council concluded that ''there is every sign that radicalization in the Muslim world is spreading rather than shrinking.''

Another report, this one by Foreign Policy Magazine, surveyed our Nation's top security experts from across the political spectrum and their conclusions that 84 percent said we are losing the war on terrorism and 87 percent said the war in Iraq had a negative impact on the war on terror.

Mr. Speaker, it is time that we get back to fighting the real war on terror. We need to begin redeploying our troops out of Iraq and refocusing our efforts in Afghanistan. How can we defeat the terrorists if we have seven times as many troops in Iraq as we do in Afghanistan?

NATIONAL SECURITY

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

Mr. PITTS. Mr. Speaker, as we remember 9/11, it should renew our determination to see justice brought to those responsible and to protect our homeland against further attack.

This week, we will take up legislation on both of those points. Thanks to the hard work and dedication of our intelligence community, we have captured most of those responsible for murdering nearly 3,000 of our innocent civilians on 9/11.

This week, we will create a framework to bring these terrorists to justice. It will provide a system that is fair and firm and ensures that these terrorists are never again given the chance to do us harm.

We will also work to prevent further attacks on America by strengthening our surveillance capabilities on terrorist activities. In the war on terror, intelligence-gathering is crucial, and we must give our intelligence community the tools it needs to protect America.

Mr. Speaker, nothing is more urgent than strengthening our national security.

AMERICA'S ECONOMIC SITUATION

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

Mr. CARNAHAN. Mr. Speaker, President Bush and congressional Republicans are out of touch with the economic conditions faced by millions of working Americans today. If they would only take time to talk with any working Americans, they would hear that most fear they are losing their piece of the American Dream. Most Americans are not asking for much. They want to keep their heads above water without going into debt so they can provide a better future for their children.

Unfortunately, most Americans believe the American Dream is getting harder to reach, and many fear their children will be worse off in the future. Working Americans are justifiably skeptical about today's economy. While overall productivity is up,

monthly paychecks are stagnant, forcing most families to stretch paychecks just to make ends meet.

This is not how our country is supposed to work. Unfortunately, Washington Republicans continue to ignore the needs of the middle class. Democrats have a proud history of fighting for working families and will take our country in a new direction, one where their needs are addressed, not ignored.

HONORING VIVIAN MOEGLEIN

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

Mr. BOOZMAN. Mr. Speaker, I rise today to express my sincerest appreciation and thanks to Vivian Moeglein whose tenure as my legislative director comes to an end this Friday. Vivian will be leaving my office at the end of this week after serving the Third District of Arkansas for 10 years.

Her passion for the legislative process, devotion to the people of Arkansas, and her cheerful personality have made her a pleasure to work with, and I am fortunate to have had her on my staff.

Vivian began her service here on Capitol Hill as an intern for Congressman Asa Hutchinson while completing her undergraduate degree at the University of Maryland. Since that time, she has worked her way through the ranks as a staff assistant, office manager, legislative correspondent, legislative assistant, and finally as legislative director.

I was fortunate enough to keep her on the staff when I entered Congress in 2001 in a special election when she carefully steered me through the learning process each new Member of Congress must master.

Mr. Speaker, my staff and I will miss Vivian greatly, as will the Third Congressional District of Arkansas. We are extremely grateful for her tireless efforts on behalf of Arkansas and wish her the best of luck in all of her future endeavors.

WE NEED TO CHANGE COURSE IN IRAQ

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

Mr. FILNER. Mr. Speaker, a famous law of nature says that when you have dug yourself into a deep hole, the first thing to do is stop digging. That hole is Iraq. According to our own intelligence agents, the war in Iraq is actually fueling more terror worldwide, undermining the global war on terror. And yet this administration refuses to stop digging.

Conditions for our own troops are getting worse and worse. They are merely serving as referees in a civil war between Sunnis and Shias in which over 100 Iraqis die every day.

And our Army Chief of Staff, who I refer to as the Carl Sagan of the budget, says we need billions and billions and billion of more dollars if we are going to keep the Army going in Iraq and elsewhere.

Last week, General Abizaid was asked if we were winning the war in Iraq; he said we would be if we had unlimited time and unlimited resources.

Yet in the face of all of this mismanagement, all of the death and destruction, our President has the nerve to say when history looks at Iraq, it will see a mere comma. A mere comma. What about the deaths of 2,700 of our bravest men and women, Mr. President? How about the injuries of 20,000 of our finest troops? It is time to stop digging and bring the troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to the President.

NO CONGRESSIONAL ACCOMPLISHMENTS THIS YEAR

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

Ms. BERKLEY. Mr. Speaker, at the end of this week the Republican leadership is sending us home. They are going to spend the next 4 weeks trying to convince the American people that we have actually accomplished something this year. It is going to be a tough sell.

This is the most do-nothing Congress in American history. Back in 1948, President Harry Truman dubbed the Congress of that year the ''do-nothing Congress'' after it met for only 101 days. At the end of this week, this Congress will have only met for a total of 79 days. That is 22 days less than the do-nothing Congress of 1948. This is the do-less-than-nothing Congress.

And over those 79 days, House Republicans have not passed one piece of meaningful legislation into law. They have been putting on a lot of shows over the last few weeks trying to convince the American people they are actually accomplishing something. Don't believe them.

Here is the record. We are days away from a new fiscal year, Congress has not yet passed a budget. Republicans have been saying all year that immigration and border security are their top priority, but we leave this week without a law on either issue. It is no wonder the American people are fed up with Congress. It is time for a change.

IRAQ WAR CREATING MORE TERRORISTS, NOT LESS

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

Ms. LEE. Mr. Speaker, for 5 weeks President Bush has been telling the American people that they are safer now than they were before 9/11 even though all 16 of his intelligence agencies were telling him that simply was not the case.

The Bush administration's own spy agencies say we are less safe today, and they put the blame on the President's decision to invade Iraq.

If President Bush and Republicans here in Congress are serious on winning the global war on terror, they would not ignore this classified report and would finally join us in coming up with a new strategy for Iraq.

It is clear that staying the course is simply not working. We have lost nearly 2,700 troops and spent upwards of $320 billion. And yet there are still no positive developments on the ground. In fact, things seem to be getting worse as more than 100 Iraqis are now being killed every day.

Mr. Speaker, the war in Iraq and the occupation is making our Nation less safe. It is time that we redeploy our troops out of Iraq so we can finally achieve some form of national security. I mean real national security and real peace.

FAMILIES FACE RISING COSTS WITH FALLING WAGES

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

Mr. PAYNE. Mr. Speaker, at the end of last week Forbes Magazine released their annual list of the 400 richest Americans. For the first time ever, this list was comprised entirely of billionaires. Not one millionaire made the list. 400 billionaires.

These are the types of people who benefited from the massive tax cuts pushed by President Bush and his Republican rubber-stamp allies here in this Congress.

The giveaway to the wealthiest Americans stands in stark contrast to the plight of millions of working people in my home State of New Jersey and throughout the Nation who have actually seen their wages fall by over $3,000 over the past 6 years if you take inflation into account.

How are working Americans supposed to realize the American Dream when their wages remain stagnant, when all of their monthly bills are steadily rising? Over the past 6 years, the cost of health care has risen by 71 percent and the tuition of public colleges has gone up 57 percent. We must stop this. Let's stop benefiting the billionaires.

REMEMBERING LEO DIEHL

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

Mr. FRANK of Massachusetts. Mr. Speaker, there is a cliche of the unsung

hero. Cliches can be tiresome, but generally they have to be true to become a cliche. One such unsung hero in the history of this House recently died. His name was Leo Diehl.

Tip O'Neill was a great Speaker, and we have seen before and since that it is not as easy to be a successful Speaker as it may look. One reason Tip was so good at his job was the friendship and partnership he had with Leo Diehl.

Leo Diehl was a man of integrity, vision and intelligence. He had lost the use of much of his body, but his brain worked, and his eyes and ears and mouth. Because of the great friendship with Leo Diehl, because he could so clearly rely on a man of such strength of character and wisdom, that was one of the reasons that Tip O'Neill's speakership, as he was free to acknowledge, was so successful.

Leo Diehl recently died at the age of 92. He was a great figure in the history of this House, and I think it is appropriate that those of us particularly who served under Tip O'Neill's speakership with Leo Diehl mourn him today.

REMEMBERING LEO DIEHL

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

Mr. MCGOVERN. Mr. Speaker, I want to join with my colleague from Massachusetts, Congressman BARNEY FRANK, in paying tribute to a great man, Leo Diehl, who recently died.

He served as Tip O'Neill's right-hand man and was a great counselor not only to Tip, but to so many people who served in this Congress during those years. Those of us who were members of congressional staff remember him with great fondness and great respect.

The great people who serve in this institution are not just the people who get elected, but often those who serve those who are elected. Leo Diehl was a wonderful man. The world has lost a great person.

□ 1030

PRESIDENT BUSH MISREPRESENTS IRAQ'S IMPACT ON THE OVERALL GLOBAL WAR ON TERROR

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

Ms. WATSON. Mr. Speaker, it is nice to see that we really and finally are hearing the truth from the Bush administration about the Iraq war and its impact on the overall global war on terror. The problem is we didn't hear it from the President himself. No. It comes from a top secret intelligence document that I am sure the President hoped never saw the light of day.

For the better part of a month now, President Bush has been trying to persuade the American people that we are safer today than we were before 9/11. This national intelligence report contradicts the President's statements and says that the war in Iraq has actually made our fight against terrorism even more difficult.

So the question is, why would the President go out and say we are safer if his intelligence agencies refute these claims? Either President Bush has not personally read the top secret report or he is not leveling with the American people about the real worldwide threat we continue to face and how Iraq has made those threats even worse.

PROVIDING FOR CONSIDERATION OF H.R. 2679, VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1038 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1038

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. 2679) to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill 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) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

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

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

Mr. Speaker, H. Res. 1038 is a closed rule. It allows 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides that the amendment in the nature of a substitute as reported by the Committee on the Judiciary shall be considered as adopted. H. Res. 1038 also provides for one motion to recommit with or without instructions.

Mr. Speaker, as you and many others may have noticed, if you look up from the front podium, in the center of the molding above the gallery is a sculpture of Moses, the man who freed the slaves in Egypt and introduced God's law to man. Moses is at the forefront of all of the great legal scholars depicted in this Chamber because of his responsibilities as both a religious leader and the custodian of God's law.

The Ten Commandments are the foundation of common law and the ''rights endowed by our Creator.'' However, in recent decades, the Ten Commandments, religious symbols, and religious liberties in general have been under attack. More specifically, they have been under attack by the same interests that claim to represent civil liberties and free speech.

On July 19, 2005, a month after the Supreme Court ruled on the two Kentucky Ten Commandments cases, United States District Court Judge William O'Kelley ruled in my home State of Georgia that the courthouse in Barrow County, my daughter-in-law's home, had to remove a framed poster of the Ten Commandments and awarded the American Civil Liberties Union, the ACLU, $150,000.

Mr. Speaker, small counties like Barrow cannot afford these costly lawsuits; and my daughter-in-law's parents, Emory and Pat House of Winder, Georgia, experienced an increase in their taxes to help pay for these court costs and the legal fees.

This past July, we had a debate over legislation to preserve the Mount Soledad Veterans Memorial in San Diego, California, from having to remove a cross. Mr. Speaker, one can only wonder how those Korean War veterans, many of whom gave their lives for this country, might have felt had that cross been removed from their memorial cemetery. Thankfully, Mr. HUNTER's legislation passed and was signed into law, but I am stunned at how far our society has fallen when people are compelled to sue a major city to have a cross removed from, of all places, a memorial cemetery.

Mr. Speaker, we cannot continue to allow frivolous and, frankly, unwarranted lawsuits to stifle the beliefs and self-determination of our great communities. This is a textbook example of an issue that needs to be addressed by this Congress.

I have always believed that one man's rights end where another man's rights begin, and we need to draw the line to clarify our first amendment and ensure impartiality for legal challenges.

The rule we are debating today would allow for the consideration of H.R. 2679, the Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Act of 2006. I want to thank Mr. HOSTETTLER for sponsoring this legislation and Chairman SENSENBRENNER for the opportunity to discourage frivolous obstruction to our constitutional rights of religious expression.

The Public Expression of Religion Act would prevent Federal courts from

awarding monetary relief to parties claiming violations based on the constitutionally prohibited ''establishment of religion.'' In addition, H.R. 2679 would prevent plaintiffs who have won such claims from being awarded attorneys' fees and so-called court expenses.

However, what is more concerning is when a defendant decides, a city or county like Barrow and Winder, Georgia, to settle without challenging the frivolous accusations not because they could not win but because they cannot match the challenger's legal war chest. H.R. 2679 will ensure that each party in an Establishment Clause lawsuit shoulders its own costs.

Mr. Speaker, beyond the issue of religious expression, this is an issue about lawsuit reform. We need to move away from this current sue-or-be-sued society, which offers little to no repercussions for those seeking financial gain or the advancement of some personal or political agenda.

As many of my colleagues know, before being elected to this Congress, I had a career as an OB/GYN physician. Most of my patients thought I was a successful, good doctor, but I was in constant fear of medical liability lawsuits, like many of my colleagues, and struggled to make these exorbitant malpractice insurance payments. As a result, one of my primary objectives as a retired doctor now and Member of Congress is to help pass medical malpractice reform and, as a direct result, reduce the cost of health care. What we have with the Establishment Clause litigation is very similar, because the multiple lawsuits tie up our court system and they affect everybody.

Mr. Speaker, the United States Constitution is a revolutionary and sacred document on many levels. Our Founding Fathers had great foresight when they designed our government. The first amendment is an absolute right and should not be misinterpreted to allow these attacks on our freedom of religion. The attack on our religious heritage is just as wrong as denying a person the freedom to worship. The Constitution guarantees freedom of religion, not freedom from religion. And it is my hope that with the passage of this legislation we can prevent future Barrow County rulings and preserve our Nation's heritage.

I ask my colleagues to support this rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes, and I yield myself 5 minutes.

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

Mr. MCGOVERN. Mr. Speaker, the political season is upon us. There is just 1 week left before we adjourn for the midterm elections. And what does that mean? It means we will shove important issues to the side and move the sound bite and wedge issues to the forefront. It means that this Congress will become a place where trivial issues are debated passionately and important ones not at all. The legislation before us is not needed, will not be enacted by the Senate, and, quite frankly, is a waste of our time.

The so-called Public Expression of Religion Act, which should really be called the ''cheap political expression act,'' is simply another wedge issue brought to the floor by the Republican leadership that will be used as a political tool in the November elections. The bill bars the award of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the first amendment. In other words, the Public Expression of Religion Act will prevent lawyers from being paid for representing people who believe that their religious freedoms have been violated.

Now, there is a legal separation of church and State in this country, and we have a court system designed to mediate any dispute over the law, including legal disputes over the separation of church and State. We have an independent judiciary, and they deserve to do the job the framers intended them to do.

But this bill does not allow them to do the job the framers empowered them to do. If this bill is enacted, attorneys will stop representing people who feel that their rights are infringed upon because they won't be compensated for doing their jobs.

The fact, Mr. Speaker, is that there are some on the other side of the aisle who don't like some of the decisions the courts have handed down in regards to the display of certain religious symbols; and since they cannot win in court based on rights guaranteed in the Constitution of the United States, my good friends on the other side of the aisle are now attempting to rig the process in their favor.

Now, there are decisions the courts hand down that I do not agree with, and I can think of a few that the Supreme Court has handed down that I don't agree with. But I do not run to the floor of this House with legislation overturning those decisions. Mr. Speaker, this is a slippery slope that will ultimately cause real legal problems if this bill is ever enacted into law.

Mr. Speaker, my colleague on the Rules Committee, Mr. HASTINGS of Florida, said it best during yesterday's hearing on this rule. He said, ''I don't understand what's broken.'' Well, let me tell you, Mr. Speaker, what is really broken. The way we treat people who need the most help in this country is broken. The way we protect our homeland is broken. The independent 9/11 Commission has given us D's and F's in terms of implementing their recommendations to protect the people of this country. It is a broken process.

And the way we are perceived around the world is broken. We have never, ever been held in such low esteem. The way the people of this country view the United States Congress is broken. We have never had lower ratings than we do right now, because people are fed up with the things that are being brought to this floor.

Instead of addressing the more important and pressing issues, we are forced by the Republican leadership to debate and vote on a bill restricting attorneys' fees.

Where, Mr. Speaker, is a clean bill increasing the minimum wage? The Federal minimum wage is stuck at $5.15 an hour, and 9 years ago was the last time we raised the Federal minimum wage. Yet this Congress has given itself nine pay increases. Where is the legislation implementing the rest of the 9/11 Commission's recommendations? Where is the Labor-HHS-Education appropriations bill?

Mr. Speaker, we shouldn't adjourn before we consider these bills; and bringing up another bill, attacking lawyers for doing their job, does nothing to address these problems.

I urge my colleagues to reject this partisan political legislation, this legislation that is not needed, and instead demand that the leadership of this House bring to the floor meaningful legislation. I would also urge my colleagues to defeat this rule. It is another closed rule. Democracy is dead in this House of Representatives. I cannot remember the last time we had an open rule. There is no reason why this should be a closed rule.

Mr. Speaker, I will insert in the RECORD a number of letters from individuals and organizations that are opposed to this legislation.

First, a letter signed by a number of religious and civil rights organizations, including the American-Arab Anti-Discrimination Committee, the American Jewish Committee, the American Jewish Congress, the Anti-Defamation League, the Baptist Joint Committee, People for the American Way, the Interfaith Alliance, Unitarian Universalist Association of Congregations, and a whole range of other organizations opposed to this.

I would also like to insert in the RECORD a letter opposing this legislation signed by the leaders of the Leadership Conference on Civil Rights.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
September 18, 2006.

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we urge you to oppose the ''Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006'' (H.R. 2679). H.R. 2679 would bar attorney's fees to parties who prevail in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. It would also make injunctive and declaratory relief the only remedies available in such cases.

H.R. 2679 is unprecedented. It would, for the first time, single out one area of constitutional protections under the Bill of Rights and prevent its full enforcement. It would greatly undermine the ability of citizens to challenge Establishment Clause violations, as legal fees often total tens or even hundreds of thousands of dollars, making it difficult to impossible for most citizens to pursue their rights without the possibility of recovering attorney's fees. In addition, because a prevailing party would not even be able to recoup court costs, it would prevent most attorneys from even taking cases on a pro bono basis.

By deterring attorneys from taking Establishment Clause cases, H.R. 2679 would leave many parties whose rights have been violated without legal representation. As such, it would effectively insulate serious constitutional violations from judicial review. It would become far easier for government officials to engage in illegal religious coercion of public school students or in blatant discrimination against particular religions.

If the rights guaranteed under the U.S. Constitution are to be meaningful, every American must have full and equal access to the federal courts to enforce them. The ability to recover attorney's fees in successful cases has long been an essential component of this enforcement, as Congress has recognized in the past. As such, we strongly urge you to oppose H.R. 2679.

Thank you for your consideration. If you have any questions, please contact Rob Randhava, LCCR Counsel, at 202–466–6058 or randhava@civilrights.org.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

OPPOSE H.R. 2679, THE ''PUBLIC EXPRESSION OF RELIGION ACT''

SEPTEMBER 22, 2006.

DEAR REPRESENTATIVE: We write to urge you to oppose the ''Public Expression of Religion Act of 2005'' (H.R. 2679). This bill would bar the award of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. This bill would limit the longstanding remedies available under 42 U.S.C. 1988 (which provides for attorneys fees and costs in successful cases involving constitutional and civil rights violations) in cases brought under the Establishment Clause. If this bill were to become law, the only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive and declaratory relief. As a result, Congress would single out one area of constitutional protections under the Bill of Rights and prevent its full enforcement.

Religious expression is not threatened by the enforcement of the Establishment Clause, but is protected by it. The Establishment Clause promotes religious freedom for all by protecting against government sponsorship of religion. While the signers of this letter may differ on the exact parameters of the Establishment Clause or even on the outcome of particular cases, we all believe that the Establishment Clause together with the Free Exercise Clause, protects religious freedom. The purpose of this bill, however, is to make it more difficult for citizens to challenge violations of religious freedom. But with legal fees often totaling tens—if not hundreds—of thousands of dollars, few citizens can afford to do so. Most attorneys cannot afford to take cases, even on a pro bono basis, if they are barred from recouping their fees and out-of-pocket costs if they ultimately prevail. The elimination of attorney's fees for Establishment Clause cases would deter attorneys from taking cases in which the government has violated the Constitution, thereby leaving injured parties without representation and insulating serious constitutional violations from judicial review.

This bill raises serious constitutional questions and would set a dangerous precedent for the vindication of all civil and constitutional rights. If the right to attorney's fees is taken away from plaintiffs who prove violations of the Establishment Clause, other fundamental rights are likely to be targeted in the future. What will happen when rights under the Free Exercise Clause are targeted? Can we imagine a day when citizens cannot enforce their longstanding free speech rights, or bring a case under the constitution to challenge the government's use of eminent domain to take their property, simply because they cannot hire an attorney to represent them? Surely, these and other fundamental rights might not be far behind once Congress opens the door to picking and choosing which constitutional rights it wants to protect and which ones it wants to disfavor.

If the Constitution is to be meaningful, every American should have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorney's fees in successful cases is an essential component for the enforcement of these rights, as Congress has long recognized. We urge you to protect the longstanding ability of Americans to recoup their costs and fees when faced with basic constitutional violations and urge you in the strongest terms to oppose H.R. 2679.

Sincerely,

ADA Watch/National Coalition for Disability Rights,
Alliance for Justice,
American-Arab Anti-Discrimination Committee (ADC),
American Civil Liberties Union,
American Humanist Association,
American Jewish Committee,
American Jewish Congress,
Americans for Democratic Action,
Americans United for Separation of Church and State,
Anti-Defamation League,
Asian American Justice Center,
Asian Law Caucus,
Asian Pacific American Legal Center,
Baptist Joint Committee,
Bazelon Center for Mental Health Law,
Equal Justice Society,
Gay & Lesbian Advocates & Defenders,
Human Rights Campaign,
Japanese American Citizens League,
Jewish Council for Public Affairs (JCPA),
Lawyers' Committee for Civil Rights Under Law,
Legal Momentum,
Mexican American Legal Defense and Educational Fund (MALDEF),
National Association for the Advancement of Colored People (NAACP),
National Center for Lesbian Rights,
National Council of Jewish Women,
National Employment Lawyers Association,
National Gay and Lesbian Task Force,
National Lawyers Guild,
National Partnership for Women & Families,
National Senior Citizens Law Center,
National Women's Law Center,
National Workrights Institute,
People For the American Way,
Public Justice Center,
Secular Coalition for America,
Sikh American Legal Defense and Education Fund (SALDEF),
The Impact Fund,
The Interfaith Alliance,
The Puerto Rican Legal Defense and Education Fund,
The Urban League,
Union for Reform Judaism,
Unitarian Universalist Association of Congregations.

□ 1045

Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the gentleman from Georgia said the Constitution is a sacred document. I agree. And that is exactly why I passionately oppose this ill-advised legislation, because it does a disservice to the Constitution by making it more difficult to enforce the first amendment to the Constitution, which is dedicated to protecting our first freedom in America, religious freedom.

I am glad to join with faith-based groups, such as the Baptist Joint Committee, the Interfaith Alliance, along with the American Jewish Committee, in strong opposition to this bill. Why? Because this bill would make it more difficult for ordinary Americans to denied their religious freedom against intrusion by government. For over two centuries, the first amendment of our Bill of Rights has protect religious freedom for all Americans.

Listen with me to the words of Thomas Jefferson written in his 1802 letter to the Danbury Baptists: ''I contemplate with sovereign reverence,'' sovereign reverence, ''that Act of the whole American people which declared that their legislature should,'' and here he quotes the Constitution, ''make no law respecting an establishment of religion or prohibiting the free exercise thereof, thus building a wall of separation between church and state.''

Today's amendment would not just chip away, it would chisel away, the wall of separation of church and state. It would knock down the fundamental part of that wall that was designed to keep government out of our houses of worship and out of our own private religious faith.

Today's amendment is a wolf in sheep's clothing. Time for maximum political sound bites, I understand that, just prior to an election. This bill claims to protect the public expression of religion, but it does not do that. What it does is protect the power of government to step on the individual rights of every American citizen when it comes to the exercise of their religious freedom, and it allows the government to inhibit the individual's right to exercise his or her views of faith by using government power to force someone's religion on someone else.

The truth is, this bill undermines the enforcement of the establishment clause of the first amendment, which was designed exactly to protect Americans from government intrusion into our faith. Now, Mr. Madison and Mr. Jefferson knew that government intrusion into religion is the greatest single threat to religious freedom.

And that is why they embedded into our Bill of Rights the fundamental principle that government should not use its power to promote anyone's religion upon anyone else. The principle of church-state separation has been a magnificent bulwark for over 200 years against government intrusion into our houses of worship and our private faith.

Unfortunately, this bill would make it more difficult for citizens to protect that religious freedom by using our judicial system to enforce the first amendment to the Constitution. In fact, this bill would go so far as to say, even if a plaintiff, in defense of religious freedom in the first amendment to the Bill of Rights, even if that plaintiff wins the case before the United States Supreme Court, that party would not be reimbursed for their legal fees.

Let me remind my friends of faith that should, for example, someone not put a 2½ ton monument of the Ten Commandments in an Alabama courthouse, but put a 2½ ton monument to Buddha in an Alabama or a Georgia or a Texas courthouse, this bill would prohibit people of the Christian faith, for example, from filing a lawsuit and then recovering damages if the Supreme Court said, yes, it was wrong for that county judge to put a 2½ ton statue of Buddha in that Alabama courthouse.

This bill does not protect public expression of religion, as its title suggests. To the contrary, this bill should be called, let's not enforce the first amendment to the Constitution, because that is exactly what this legislation does. It makes it harder, if not impossible, for many citizens to stop the intervention of government into our religious faith and our lives.

By making it easier for government to step on the first amendment religious rights of all Americans, this bill does damage to what Jefferson called, with reverence, the wall of separation between church and state.

Mr. Speaker, I believe America's greatest single contribution to the world from our experiment in democracy is our system of protecting religious freedom through the separation of church and state. Our system, built upon the sacred foundation of the first amendment, has resulted in a Nation with more religious freedom, vitality and tolerance than any nation in the world. How ironic and sad it is that while we are preaching democracy and church-state separation to the Iraqis, right here today in the cradle of America's democracy some would try to tear down the wall of separation between church and state.

If anyone thinks government is a friend of religious freedom, then vote for this dangerous, ill-advised legislation during the middle of campaign season. However, I would challenge any Member, Mr. Speaker, to show me one nation, show me one nation in the history of the world where government endorsement and involvement in religion has resulted in more religious freedom than we have in America.

I would be glad to yield any time for any Member who can show me one nation where that has been the case. Aside from the clear lessons of history that have shown just the contrary, that government is a danger to religious freedom, one only has to look at the Middle East today to find out the danger we have when we allow government to use its power and its money to force religion or anyone's religious views on any other citizen.

Church-state separation does not mean keeping people of faith out of government, but it does. And it should, and I pray it always will mean keeping government out of our faith. That is what the establishment clause of the first amendment is all about. That is why that principle was written into our Bill of Rights. And not only the Bill of Rights, but the first 16 words of the first amendment thereof. That is how important Mr. Madison thought, and the Founding Fathers thought, this principle of church separation was to our Republic.

Mr. Speaker, if I must choose today between standing on the side of campaign sound bite politics, or standing with Mr. Madison, Mr. Jefferson and the Bill of Rights, I will proudly stand with our Founding Fathers and our Constitution.

Religious freedom is a gift from God. And our Bill of Rights has been a magnificent steward of that precious gift for over two centuries. Let us not tamper with that divine gift in election season. Vote ''no'' on this bill.

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

Mr. Speaker, the previous speaker talking about the rights of people to sue, and that this bill would discourage that right because we are taking away the ability to recover monetary damages or legal fees and court costs, the American Civil Liberties Union probably files most of these lawsuits on behalf of plaintiffs. They have said very clearly that their motivation is not fees, is not compensation. If there were no fees involved, they would continue to file these lawsuits even though in many cases of course there are tremendous legal fees and court costs awarded, monetary damages.

I want to just, Mr. Speaker, in response to the previous speaker, list a few examples of what I am talking about. I mentioned already in my home State of Georgia, Barrow County of the $150,000 cost. And that small struggling county elected to defend themselves. And that is what it ended up costing them.

Another example. The ACLU received $950,000 in a settlement with the city of San Diego in a case involving the San Diego Boy Scouts. The ACLU received $121,000 in Kentucky in a case to remove a Ten Commandments monument outside of the capitol.

The ACLU and two other groups received nearly $550,000 in an Alabama case to remove the Ten Commandments from a courthouse. I could go on and on and on. But in regard to rights, this case as we will hear, I am sure, from the author of the legislation as we discuss the bill, is not about removing anybody's rights under the establishment clause, not at all.

But we are talking about the rights of these small counties and cities, which represent a lot of people, and their ability to defend themselves when they have not violated the Constitution at all. The Constitution calls for a separation of church and state and a freedom from the imposition of a state religion, but it does not call for the total elimination of religion and the removal of a cross from a veterans cemetery in San Diego.

Mr. Speaker, if we continue down this line, pretty soon Moses will be removed from this Chamber based on the same argument. So I say to my friend from the other side that we need a balancing of rights. That is what this is all about. Let's level the playing field. We are not eliminating anybody's constitutional rights under the establishment clause.

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

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would just like to point out to my friend from Georgia that this legislation, that if one reads it, says that even if a party has prevailed in the United States Supreme Court in an enforcement of the first 16 words of the Bill of Rights, that that party would be denied legal fees.

That is why I say this should be entitled, ''let's not enforce the Bill of Rights legislation.'' And again, groups such as the Baptist Joint Committee strongly oppose this. Why? Because what if that courthouse in Alabama had had a judge that put a 2½ ton statue of Buddha in there. Would one not give the citizens of that community the right to respond?

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

Mr. Speaker, let me read a line from a letter that was sent to all Members of Congress from the Baptist Joint Committee for Religious Freedom.

They write: ''The protections of the first amendment, however, are not self-enforcing. If someone is forced to sue the government to enjoy their constitutional rights, justice and fundamental fairness dictate that they be able to recover the legal fees expended to do so.''

BAPTIST JOINT COMMITTEE FOR RELIGIOUS LIBERTY,
Washington, DC, September 12, 2006.

DEAR REPRESENTATIVE: The Baptist Joint Committee for Religious Liberty (BJC) urges you to vote NO on H.R. 2679, the so-called ''Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006.'' The bill recently passed out of the Judiciary Committee and could be on the floor as early as this week. The BJC is a 70-year-old education and advocacy organization dedicated

to the principle that religion must be freely exercised, neither advanced nor inhibited by government. Our mission stems from the historic commitment of Baptists to protect religious freedom for all.

We oppose this legislation that seeks to limit access to the federal courts for individuals seeking the enforcement of the Establishment Clause. To prohibit the recovery of attorney's fees and limit the remedy available to injunctive and declaratory relief would essentially shut the courthouse door to many who seek to defend our first freedom. Enforcement of the First Amendment is essential for the defense of religious freedom. The protections of the First Amendment, however, are not self-enforcing. If someone is forced to sue the government to enjoy their constitutional rights, justice and fundamental fairness dictate they be able to recover the legal fees expended to do so.

Despite the claims of the bill's sponsor, this legislation does not promote the expression of religion. Instead, the bill undermines fundamental constitutional protections that have provided for a great deal of religious expression in the public square. The Establishment Clause exists to protect the freedom of conscience and to guard against government promotion of religion, leaving religion free to flourish on its own merits. This point was well-stated by former Supreme Court Justice Sandra Day O'Connor in her concurring opinion in McCreary County, Kentucky v. ACLU (2005). She noted, ''Voluntary religious belief and expression may be threatened when government takes the mantle of religion upon itself as when government directly interferes with private religious practices.''

Governmental entities should be encouraged to uphold constitutional values, not invited to ignore them. Yet, passage of H.R. 2679 would encourage elected officials to violate the Establishment Clause whenever they find it politically advantageous to do so. By limiting the remedies for a successful plaintiff, this measure would remove the threat that exists to ensure compliance with the Establishment Clause.

We urge you to oppose H.R. 2679. The bill is an assault on an essential constitutional freedom. If passed, it would greatly harm religious freedom and set a dangerous precedent for other constitutional protections.

Sincerely,

K HOLLYN HOLLMAN,
General Counsel.

Mr. Speaker, before I yield to our next speaker, the gentleman from Georgia in his opening remarks, you know, talked about our veterans in the context of rationalizing a vote in favor of this bill. So let me just talk for a second about our veterans.

One of the things that is particularly frustrating to so many of us on this side is that here we are, about to adjourn on Friday or Saturday, and we have not done what we promised to do for our veterans.

The Democratic leader, NANCY PELOSI, and almost every Democrat has sent a letter to President Bush complaining about his administration's record of underfunding the VA by at least $9 billion over the last 6 years. And the budgets that he has submitted this year reduce veterans funding by $10 billion over the next 5 years.

If we want to honor our veterans, then we should be debating and we should be enacting legislation to fund the VA, to give them the health care benefits and the protections that they are entitled to, to making sure that we have a military construction bill that is adequately funded so the families of our veterans and our soldiers do not have to live in substandard housing.

□ 1100

It is frustrating. I mean, it takes my breath away that you waste the time of the Members of this House on something like this and you turn your back on the fact that we are underfunding programs to benefit our veterans.

You want to talk about veterans. Let us talk about veterans. And, Mr. Speaker, I submit for the RECORD at this point the letter that our Democratic leader and every Democrat has signed to the President complaining about his horrendous record in supporting our veterans.

200 HOUSE DEMOCRATS URGE PRESIDENT BUSH TO PROVIDE NECESSARY FUNDING FOR VETERANS' HEALTH CARE

WASHINGTON, DC.—House Democratic Leader NANCY PELOSI and 199 House Democrats sent the following letter to President Bush today urging him to provide the necessary funding for veterans' health care in his FY2008 budget.

Below is the text of the letter:

SEPTEMBER 25, 2006.

Hon. GEORGE W. BUSH, The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As your administration continues to formulate its FY 2008 budget submission, we write to request that you provide the necessary funding for the Department of Veterans' Affairs (VA) health care system and related benefits programs. Unfortunately, we believe it is necessary to express our serious concern in this matter due to your administration's record of underfunding the VA by at least $9 billion over the last 6 years. We are particularly concerned about veterans funding next year and in the future as your budget submission this year reduced veterans' funding by $10 billion over the next 5 years.

Providing for our military veterans and their families is a continuing cost of war and should be an important component of our national defense policy. Indeed, President George Washington recognized this point, saying, ''[t]he willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation.'' Mr. President, the time is right for your administration to change course and fully fund the VA, cease efforts to shift the costs of health care onto the backs of veterans, and finally recognize and implement the concept of 'shared sacrifice' with respect to the federal budget.

The wars in Iraq and Afghanistan along with the aging of our World War II, Korea and Vietnam War veterans have increased demand for VA services. However, year after year you request inadequate funding for veterans' health care. Each year your budget submission includes proposals to increase veterans' co-payments and fees, essentially taxing certain veterans for their health care. Each year your VA budget fails to request what is needed and relies on accounting gimmicks such as ''management efficiencies'' and inaccurate health care projections. Such efforts are transparent as the true consequences of your administration's budget flaws are being realized by current and future veterans. Indeed, recently VA officials themselves acknowledged that greater funding was needed to care for our servicemembers returning from Iraq and Afghanistan suffering from mental health disorders and traumatic brain injuries.

Mr. President, during your tenure, health care waiting lines have increased, appointments and medical procedures delayed, more than 250,000 veterans have been turned away from entering the VA health care system, and disability and education claims backlogs have grown to unreasonable rates. Moreover, Congress has been forced to add billions of dollars in supplemental VA funding due to embarrassing funding shortfalls.

What we request of you and your administration is simple—provide funding in your FY 2008 budget submission to ensure that our servicemembers returning from Iraq and Afghanistan and the heroes from our previous conflicts receive the care and benefits they have earned and deserve.

Without question, Mr. President, the federal budget is a reflection of national policies and ultimately a reflection of our moral priorities. Please join us in working to provide the necessary resources in the fiscal year 2008 budget to fully fund the VA and to take care of our veterans and their families.

Sincerely,

NANCY PELOSI,
House Democratic Leader.
LANE EVANS,
Ranking Member, Veterans Affairs Committee.
198 HOUSE DEMOCRATS.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman from Texas has been an eloquent, true conservative on the question of the entanglement of religion and government, because he expresses what every religious leader ought to share, the distrust of government if it seeks to intervene in religious matters.

Religion needs no protection from government in this country. Yes, there are times when you may need protection if there are people trying to interfere physically with your right to worship, but in a free society like ours, religion flourishes independently. It does not need the government's stamp of approval. What theology says is that for religion to be freely practiced, the government has to say it is okay, the government has to put forward a symbol.

So my friend from Texas has expressed a true conservative vision, but he did not fully describe how flawed this bill is. I guess he could not fully understand the reasoning. He said that, even if you win to decide attorney's fees. No, only if you win. Let me read from the bill.

''Notwithstanding any other provision of law, a court shall not award reasonable fees and expenses of attorneys to the prevailing party on a claim of injury consisting of the violation of a prohibition against the establishment of religion brought against the United States.''

Now, this is not the most actually honest piece of legislation I have ever seen. They describe some of what they are talking about: a veterans memorial, not a veterans cemetery. By the

way, there is no prohibition anyone has ever thought of the families of any veterans to put any religious symbol he or she wants on that grave, except there was an effort to block a victim who wanted to put the symbol on, but they prevailed as, of course, they have to under this theory not just of this bill but of freedom of religion.

But it says the Boy Scouts, a Federal building containing religious words, but it also says this bill shall include but not be limited to these examples. In other words, the examples are there because they kind of add a little spice to the bill because, understand what this bill would purport to do.

Any violation of the Establishment Clause, any activity by a State or a Federal agency to establish a religion, to favor a particular religion, this is not limited to signs in the cemetery. It says any violation of the Establishment Clause, if you win you do not get your attorney's fees.

Now, the gentleman from Georgia correctly said this bill does not take away rights. I understand that. I also understand that there is a lot of frustration on that side of the aisle that they cannot. They would like to take away the rights. This goes as far as they can diminishing them.

The gentleman says, well, the ACLU will be able to do it. Has he become an agent of the ACLU, Mr. Speaker? Is he interested in giving the ACLU a monopoly on bringing these lawsuits? I am not. Whether or not the ACLU is bringing the lawsuit is not determinative. What about the right of an average citizen who might disagree with the ACLU and who would not be able to pay the attorney's fees? And, again, it only applies if you win.

Now, I know people on the other side have had a phrase that they like in tort law called ''loser pays.'' That may be controversial, but this one is a lulu. This is winner pays. Bring a lawsuit based on a blatant violation of the Establishment Clause, not limited to the examples here. It is what the language says. Bring a lawsuit against a State or a city or a county or the Federal Government that favors a particular religion, that says we are going to teach this particular religion's tenets in the school and win the lawsuit and get no money.

Well, now, obviously that is because they do not trust the courts. They think the courts cannot be given the freedom to do this. The United States Supreme Court consists of nine members, seven of them appointed by Republicans. Six, because I know they do not count Gerald Ford, Mr. Speaker. He is kind of suspiciously liberal by Congress Republican standards. But Ronald Reagan, George Bush and George Bush have appointed six of the nine justices.

Now, what this bills say is if the appointees of George Bush, George Bush and Ronald Reagan decide that there has been a clear-cut violation of the Establishment Clause, the person who brought the lawsuit cannot get legal fees. It is probably right that the ACLU would not be retarded, but, as I said, I agree with the ACLU on many issues. I am not interested in promoting them a monopoly over litigation in the United States.

I want to address this notion, too, well, you have freedom of religion, not freedom from religion. That is a fundamental misunderstanding of the Constitution and history. People who came to this country, some of them were objecting to being forced to profess other religions or support other religions. Religious freedom means that your religious practice, whether it exists or does not exist, is none of the government's business. The notion that your right not to be religious does not exist is appalling to me.

The gentleman from Georgia said you have freedom of religion, not from religion. Agnostics, atheists, people whose religion you may not think worthy, they do not have freedom in this country? What kind of a distortion of the principle of freedom is that?

The notion that you do not have freedom from religion means, literally, I guess, that you can be told, okay, look, you have got to pick a religion, pick one; you cannot have none whatsoever. That is not the American Constitution.

What we have here is not going to pass, we understand that, and I have to say I do not fully agree with my colleagues when they lament the fact that we are wasting time. Because given the penchant of the majority for atrocious legislation, I would rather have them waste their time than use it on something that might become law. Because when they do make laws, they make bad ones. So wasting time is better.

Although I do find it very offensive that in defense of constitutional principles we once again have a closed rule. Democracy to them is a spectator sport. They want to look at it somewhere else, they want to watch it in other countries, but not practice it on the floor of the House. A closed rule on a fundamental matter of constitutional principle is an abomination.

Mr. GINGREY. Mr. Speaker, I yield 8 minutes to the gentleman from Indiana (Mr. HOSTETTLER), the author of the bill.

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

Mr. HOSTETTLER. Mr. Speaker, I was not intending to speak on the rule. I will be speaking a little later on the bill itself, as I am the original sponsor of the bill and have been since the 105th Congress, but I felt it necessary to clarify the discussion somewhat in that, as I have heard the discussion, it has focused on some issues that the bill does not cover, as well as does not discuss some of the issues that the bill is attempting to remedy.

First of all, the words from the gentleman from Texas suggested that this bill had to do with the first 16 words of the first amendment. That is not true. The first 16 words to the first amendment say the following: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

It has been concluded that there are essentially two clauses to that portion of the first amendment. First is the so-called Establishment Clause and the second is the Free Exercise Clause. This bill addresses the issue of the Establishment Clause and the attorney's fees awarded as a result of cases brought regarding Establishment Clauses. It has nothing whatsoever to do with the Free Exercise Clause, the last portion of the gentleman from Texas' 16 words to the first amendment.

So with regard to free exercise cases, the Attorney's Fees Award Act of 1976 will still apply, and attorneys's fees will still be awarded with no alteration of the laws as a result of passage of this bill.

Secondly, the suggestion was that somehow Mr. Madison left the Constitution sterile with regard to the discussion of religion. Mr. Madison, who many claim to be the chief architect of the Constitution, I believe probably even including my friends from Texas and Massachusetts, included in the signatory clause two dates of reference for the United States Constitution's approval by the constitutional convention. When he said, ''Done in convention by unanimous consent of the States present the 17th day of September in the year of our Lord, one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the 12th.''

So James Madison, chief architect of the Constitution, as well as the rest of the delegates who signed the Constitution, gave two dates of reference that every schoolchild should know, every public schoolchild, private schoolchild, home schoolchild should know, with regard to the discussion of the approval of the Constitution of the United States.

The delegates thought it was so important that these two dates be referenced that they ensconced them in the very wording of the Constitution. The first primary, most important, date of reference would be the 17th day of September, in the year of our Lord, one thousand seven hundred and eighty-seven. So the first date, the primary date of reference for the delegates of the constitutional convention as placed in the Constitution itself, was the birth of Jesus Christ.

The second important day, the secondary important day for the ratification of the United States Constitution was the day that was placed secondarily in the signatory clause, and that is the independence of the United States of America, the 12th. It had been since July 4, 1776, a little over 11 years since that celebration, and so

they were in the 12th year of the independence of the United States, the Declaration of Independence being effectively the birth certificate of the United States of America.

So there would be those on the other side, first of all, that would suggest that this bill has something to do with the free exercise of religion. It has nothing to do with the free exercise of religion. And some that would suggest that the Framers of the Constitution and the Founders of this country would somehow sterilize government from the very mention of religion.

Now, if someone today in the State of Virginia where Mr. Madison come from and Jefferson would suggest erecting a monument to the individual whose birth is the primary date of reference for the delegates for the approval of the United States Constitution to be later sent to the States for ratification would raise a life-size monument to that one individual, they would be sued by the ACLU. They would be sued by the ACLU, and the ACLU would come to those people and say, we are going to sue you, just like they did educators in the State of Indiana. And they would say, we are going to sue you and we are going to win, and when we win you will not only have to pay your attorney's fees but you will have to pay our attorney's fees, too, as a result of the Attorney's Fees Award Act of 1976 by erecting a monument to the individual's whose birth is celebrated in the United States Constitution.

Now, that case could go to court, but it probably would not. Because those county officials, those officials would have this sword of Damocles hanging over their head, meaning we are going to take you to court, and when we win, you will have to pay our attorney's fees as well.

The Public Expression of Religion Act would simply say let that case go to court, do not allow that sword of Damocles, that notion of intimidation to continue and let the case go to court.

The gentleman from Massachusetts says that we cannot trust the courts as conservatives. We do trust the courts, which is exactly what the Public Expression of Religion Act allows. It allows these cases to go to court. Whereas in many cases they do not go to court, and the gentleman from Georgia and others have given examples. They will go to court and will allow the cases to go to court, but that is exactly what the other side does not want to have happen because let us give recent experience.

In 2005, the United States Supreme Court came down with two decisions, the same day, on the first amendment to the Constitution, the Establishment Clause, and in those two decisions, they said that the Ten Commandments posted on public property, public property paid for and maintained with government dollars, was constitutional in the State of Texas. Then they said, on the same day, in a different case, they said the public display of the Ten Commandments on government-funded, government-maintained property in Kentucky was unconstitutional. Constitutional in Texas, unconstitutional in Kentucky. I think the Ten Commandments were pretty well the same. They are pretty well the same wherever you read them, but in Texas it was constitutional, and in Kentucky it was unconstitutional.

What the other side does not want to have happen is for these cases to actually go to court. Because if they go to court, it is likely with the new makeup of the United States Supreme Court that had those two cases come out of that Supreme Court, the Texas case would have probably been a 6–3 majority in favor of maintaining the Ten Commandments in Texas and a 5–4 majority in maintaining the Ten Commandments in the State of Kentucky.

This is an issue of allowing the cases to go to court and not to have the threat or intimidation by the ACLU and their minions to hang over all of these heads.

□ 1115

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOSTETTLER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Well, I would ask the gentleman, he says he is not for keeping these things from going to court. Am I incorrect, I had thought that the gentleman from Indiana, when we were on the committee together, before I took leave and on the floor, had supported legislation in the area of church and state taking jurisdiction away from the courts.

Would the gentleman reconcile for me his support of legislation that would remove jurisdiction from the Federal courts, in many cases, with his support for letting the cases go to court?

Mr. HOSTETTLER. Taking back my time, because in both cases the United States Constitution grants Congress the exclusive explicit authority to do those things, and that is why I am saying this is the exclusive authority of the United States Congress. We have that authority. We do not have to be in one particular area allowing the court to consider cases. In other cases, we can allow the cases to go to court. That is what the legislative process is about.

And the gentleman has heralded the idea of democracy and the legislative process. Today, we continue to exercise that.

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from Massachusetts (Mr. FRANK) 3 minutes.

Mr. FRANK of Massachusetts. Well, Mr. Speaker, the gentleman from Indiana did not reconcile the position. He said, we are Congress, and if we want to take these cases away, we can. I understand that, but that is not consistent with saying they ought to go to court.

Secondly, there are two parts to this bill. One says you should not have monetary damages. That is relevant to his argument about intimidation. But the other section says if you bring a claim based on a violation of the establishment clause, no matter how blatant, if a county or city or any other government entity formally prefers one religion over others, one denomination over others, and provides funding for that, if you bring a lawsuit challenging that and you win, you don't get attorneys fees.

And the answer again is, well, the ACLU can do it. Again, I am not letting only the ACLU be involved here. And that has nothing to do with intimidation of the county. The question is, and, again, it is only if you win. Let me read what it says: ''No court shall not award reasonable fees and expenses to the prevailing party on the claim of injury consisting of the violation of a prohibition of the establishment clause.''

Mr. HOSTETTLER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. And I can understand that concern, but let me remind you that the awards act came in 1976. In 1962, the United States Supreme Court struck down the notion of school prayer without the attorneys fees award act. In 1963, the Supreme Court struck down Bible reading in public schools, without the attorneys fees award act. This bill will simply allow the cases to actually continue to go to court.

Mr. FRANK of Massachusetts. That is just nonsense, Mr. Speaker. Absolute nonsense.

There is nothing that keeps the county or the city from defending because the other side will get attorneys fees. The gentleman is trying to collapse a couple of things. The threat of monetary damages arguably would keep you from going to court, but a denial of attorneys fees to an individual plaintiff who does not happen to have an organization, that is not the fact that the other side may get attorneys fees if they win.

And, remember, the gentleman suggested that people were being deterred from bringing lawsuits that they could win, or defending lawsuits they could win by the threat of what would be the expense. But in this case, you only get the fees if you win. This only denies successful plaintiffs the fees.

So that is what this bill does. It has nothing to do with keeping it from going to court. It is trying to discourage things from going to court. I guess what they say is, you can't bring such a lawsuit unless you get the ACLU. If you are an individual that has a different theory about this, and you don't have the money for an attorney, you can't go to court. And the gentleman said, well, that is whatever happened before the 1976 act. Singling out one class of cases for the denial of attorneys fees when every other one gets them does seem to me an odd way to

run a constitution. This right and that right.

And, by the way, no one should think that if this ever became law, which, of course, no one thinks it will, that it would stop here. There would be other unfavored rights where a minority would be at risk, where you would be denied legal fees. So let's not collapse two issues. This has no deterrent effect, the part about attorneys fees. It is an effort on the other side to keep people out of court in case they might win.

Mr. GINGREY. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Indiana for the purpose of clarification and response to the gentleman from Massachusetts.

Mr. HOSTETTLER. The gentleman from Massachusetts concluded his remarks by saying this is going to keep people out of the courts. In fact, the precedent is just the opposite. In 1962, in Engel v. Vitale, the United States Supreme Court said, 14 years before the attorneys fees award act was put into place, that the state sanctioning of prayer in public schools was unconstitutional. In 1963, 13 years before the attorneys fees award acts came into play, the United States Supreme Court held it was unconstitutional to have Bible reading in public schools.

This will not change anything from what happened before this law was created that we are amending today. The same things will happen. And this bill, most importantly, does not remove injunctive relief. If it is the desire of the plaintiff to stop an activity or to remove a monument or remove a display, this bill does nothing to stop that from taking place. The injunctive relief available in all of these cases continues to be available in establishment clause cases.

And, in fact, the court can say, remove the monument, stop the practice. This bill does not change that, and I want to make that clarification.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOSTETTLER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Well, I appreciate this eloquent defense of his bill that it doesn't do very much, but I do question that. And I understand your concern about monetary damages; but if the restriction on attorneys fees only for the party that wins in a case doesn't do anything, what is it in here for?

Mr. HOSTETTLER. And that is perfect, so the gentleman can support my bill. I appreciate that, which is why it does something very important, which is why the gentleman and his cohorts are opposing the bill, because they understand that by removing the chilling effect on these closed-door sessions with county commissioners, with schoolteachers, with mayors and the like, without that ability for the ACLU and others to go into these closed-door sessions and say, Mayor, we are going to sue you, we are going to win, and you are going to have to pay our attorneys fees, that without that chilling effect, these cases will go to court.

Mr. McGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I feel like I am in Dickens, the artful dodger is apparently about to leave.

I repeat the question: If banning attorneys fees from people who win a lawsuit based on a blatant violation of the establishment clause, which this bill does, doesn't do anything, what is it in there for? Is it just an expression of dislike for people who happen to enforce a part of the Constitution that people on the other side don't like? What is it in there for?

Mr. HOSTETTLER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. From the gentleman's perspective, because of the benign nature and virtual nonutilitarian nature of the bill, please support it.

Mr. FRANK of Massachusetts. Would the gentleman please answer the question? He asked me to yield. Why are you banning attorneys fees from people who win a lawsuit based on a blatant violation of the establishment clause? Why are you doing that?

Mr. HOSTETTLER. Because a blatant violation is determined by a court of law.

Mr. FRANK of Massachusetts. But the gentleman is for letting it go to court, I thought.

Mr. HOSTETTLER. We are letting them go to court. That is exactly right, we are going to let them go to court. A blatant violation is determined by a court of law and not by ACLU attorneys behind closed doors.

Mr. FRANK of Massachusetts. And only under this bill, if you bring a lawsuit and you win, and the court decides that you are correct and there was a blatant violation of the establishment clause, you don't get your attorneys fees, and I still don't understand why.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, let us be clear, there is nothing benign about this bill. This bill makes it more difficult to enforce the first amendment to the Constitution and the very words thereof designed to protect religious freedom of every measurement.

I want to thank my colleague from Indiana, who is leaving at the moment, for clarifying the point that this bill now is only intended to make it more difficult to enforce the first 10 words of the Bill of Rights rather than make it more difficult to enforce the first 16 words of the Bill of Rights.

But let me express a very heartfelt difference of opinion. When the gentleman said this bill has nothing to do with the free exercise of religion, nothing could be further from the truth. That is why Mr. Jefferson and Mr. Madison and our Founding Fathers built in, embedded, into the foundation of the Constitution the principle that we want to keep government out of our houses of worship and out of our personal faith.

The greatest single threat to the free exercise of religion is government. And if the gentleman doesn't believe that, then I would suggest he denies history.

Mr. HOSTETTLER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I will be glad to yield to the gentleman if he can name me one nation anywhere in the world today that has more religious freedom than the United States of America because it allows government intervention into houses of worship and peoples private religious affairs. Can the gentleman name one nation?

Mr. HOSTETTLER. I cannot name one. Will the gentleman yield for a discussion?

Mr. EDWARDS. I didn't think you could.

Mr. HOSTETTLER. First of all, Mr. Jefferson was in France during the approval process of the Bill of Rights.

Mr. EDWARDS. Let me take back my time, because that is misleading. Mr. Jefferson and Mr. Madison debated for 10 years in the Virginia legislature the principle of church-state separation, and it was absolutely the core idea behind the 16 words of the Bill of Rights. So while he was in France, to suggest that Mr. Jefferson didn't endorse this principle is wholly wrong, evidence of which is Mr. Jefferson's letter to the Danbury Baptists in 1802 where he didn't just endorse this principle, he said he considers it with ''sovereign reverence.''

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Historically, I know the gentleman from Indiana previously had a location issue on Mr. Jefferson, but he was in France during the debate on the Constitution. You said he was in France during the debate on the Bill of Rights. I don't think that is accurate. I know there were slow boats then, but I think he had gotten back by that time.

Mr. HOSTETTLER. He was not in France during the ratification by the States of the Bill of Rights, but he was in France during the approval by the Congress of the Bill of Rights, which took place 2 years prior.

Mr. EDWARDS. Taking back my time, if the gentleman is trying to suggest that Thomas Jefferson didn't endorse the principle of church-state separation, I would remind my colleague it was Thomas Jefferson who was the first American to use the term ''wall of separation between church and state.''

I would reiterate my key points.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. History gets misused and used as a tool, but I think one

thing is very clear. The people who are pushing this, had they been contemporaries of Thomas Jefferson wouldn't have been great fans of his.

Mr. MCGOVERN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Massachusetts has 1½ minutes remaining.

Mr. MCGOVERN. I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I think it does disservice to the importance of this issue of religious freedom that out of 435 Members of the House, we are debating it in 1 hour, something Mr. Madison and Mr. Jefferson spent 10 years debating in the Virginia legislature. We are debating this in 1 hour, with 4 or 5 Members of the House on this floor. I think that, frankly, in my book, is a sacrilege.

There is no greater principle in American democracy than religious freedom. It is the first freedom upon which all other freedoms are built. If one thinks government involvement in religion protects religious freedom, then I would suggest you vote for this ill-advised and dangerous piece of legislation. If one agrees with our Founding Fathers, with the Bill of Rights, the first 16 words thereof, with Mr. Madison and Mr. Jefferson, that the greatest threat to religious freedom in this world is government intrusion into religion, I would suggest you vote ''no'' on this legislation.

This legislation is a direct effort to make it more difficult to enforce the Bill of Rights, and that is wrong. That is why we should vote ''no.''

Mr. GINGREY. Mr. Speaker, I have no other requests for time, and I reserve my time for the purpose of closing.

Mr. MCGOVERN. Mr. Speaker, let me thank the gentleman from Massachusetts and the gentleman from Texas for making clear what this bill is trying to do, which is to undermine the Constitution. It is frightening to see what could potentially happen should the other side gain seats in the next election.

I also think it is frustrating and I think it is offensive that we all know this bill is going nowhere and that we are taking our time up debating this when we should be debating ways to improve the quality of life for our veterans and raising the minimum wage and a whole bunch of other things.

One final thing. We have heard the word democracy mentioned several times over there. All the rules in this Congress that have been reported out by the Rules Committee, with the exception of appropriations bills, have been closed, with the exception of one bill. It is about time we had a little democracy in this House of Representatives.

If you respect the Constitution and you respect this institution, we need to have a different process.

Mr. GINGREY. Mr. Speaker, in closing, I want to once again thank Mr. HOSTETTLER for sponsoring the Public Expression of Religion Act and Chairman SENSENBRENNER for bringing this legislation to the floor.

Mr. Speaker, the principles of life, liberty, and property make up the foundation of our constitutional Republic. Under liberty, we are guaranteed the freedom to worship as we please, a freedom that should be protected and not taken for granted. The freedom of religion is one of the positive social institutions in our country, and we should encourage this constitutional protection throughout the world.

□ 1130

Almost every State in the Union has chosen to acknowledge God within its State constitutions. However, too often today, overzealous courts have infringed upon an individual's right to worship. Courts have attempted to ban holiday decorations reflecting religious traditions such as Christmas carols or Hanukkah songs from school events. Federal courts have demanded the removal of the Ten Commandments from courthouses across our country, sought to remove the words ''in God we trust'' from our currency, as well as remove emblems from State seals, flags and logos.

As I stated earlier, these attacks on our religious heritage are frivolous and unwarranted. For every decision a court makes, there are countless out-of-court settlements and even more pending lawsuits aimed at removing anything that acknowledges a divine authority.

The debate over religious freedom is old and contentious, but it should be fair. When organizations like the ACLU are rewarded, rewarded, for filing lawsuits, it is not a fair debate. Congress needs to close that loophole, to restore impartiality to our system of justice, and it needs to act on preventing frivolous lawsuits. H.R. 2679, the Public Expression of Religion Act, will help protect the freedom of religion, restore impartiality and reduce lawsuits.

So, Mr. Speaker, I ask my colleagues to support this rule and support the underlying legislation.

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

The previous question was ordered.

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

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

Mr. MCGOVERN. 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 S. 403, CHILD CUSTODY PROTECTION ACT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1039 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1039

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 (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions. 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) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to commit with or without instructions.

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

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

Mr. Speaker, H. Res. 1039 is a closed rule which allows one hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides that the amendment in the nature of a substitute printed in the Rules Committee report shall be considered as adopted. Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, before we begin debate on the rule for S. 403, the Child Custody Protection Act, I want to refresh the memories of some of my colleagues and offer historical context to Members who were not here in early 2005.

Last year, on April 27, I sponsored and managed a rule to consider H.R. 748, the Child Interstate Abortion Notification Act. This rule passed by a vote of 234–192, including the support of eight Democrats. Two Democratic amendments were considered and failed by a recorded vote. No Republican amendments were considered to H.R. 748, and the legislation passed by a vote of 270–157, which included the support of 54 Democrats.

Mr. Speaker, I once again rise in support of the Child Interstate Abortion Notification Act. However, this time we will consider the legislation passed by our colleagues in the Senate. S. 403 passed the Senate by a vote of 65–34 two months ago, and it is a very close facsimile to H.R. 748. Indeed, it is almost identical to the House bill.

So, as I begin my remarks, I would like to recognize and thank Representative ILEANA ROS-LEHTINEN for her dedication and leadership not only on

the House version of this legislation but also on the overall issue of protecting children.

Likewise, I would like to offer a special thank you to Senator JOHN ENSIGN of Nevada for sponsoring today's legislation and both the Senate and House leadership for their willingness to address this vital issue.

Mr. Speaker, like the debate we had in April of 2005, I anticipate that the opponents of this bill will demagogue it as an assault on a woman's so-called right to choose. Despite this allegation, S. 403 has nothing to do with Supreme Court imposed rights but simply ensures that no minor is deprived of protection by her parents under the laws of her State.

S. 403 is a common sense bill that will prohibit the transportation of a minor under age 18 across a State line to obtain an abortion when the child's home State requires parental consent. This bill makes an exception in those rare cases in which the abortion is medically necessary to save the life of the minor.

In addition, the Child Custody Protection Act affirms the responsibility of a physician prior to performing an abortion on a minor from another State to make sure that they are acting in accordance with the law. In other words, this bill not only ensures the protection of minors, but it also clarifies the responsibility of the physician to make sure that he or she is not inappropriately performing an abortion on a minor without the legally mandated consent of her parent from her home State.

The Child Custody Protection Act also affirms the principles of Federalism and it prevents the circumvention and violation of laws passed by State legislatures. Thirty-four States, let me repeat, 34 States have passed parental notification laws. In fact, in my home State of Georgia, the legislature passed a new abortion notification law just last year in overwhelming and, I might add, bipartisan fashion. Now this legislative body has the responsibility to defend that Federalism and the integrity of State laws on interstate matters.

Mr. Speaker, I can address this issue wearing three different hats. As an OB/GYN physician who has delivered many babies over the course of a 31-year medical career; as a Member of Congress; and, most importantly, as a proud father.

I have four children, three of whom are grown women and two of them with children of their own. As a father, I have an obligation to defend my children and grandchildren against danger. As a Member of this body, of Congress, I have the same obligation to the children and grandchildren of every parent in this country. As a physician, I have the obligation under the Hippocratic Oath to, in the first place, do no harm.

The Child Custody Protection Act recognizes this fundamental bond between parents and a child, and it reaffirms the obligation of a parent to be involved and help make important decisions affecting both the life and health of a minor child.

In a society where children cannot be given aspirin at school without their parents' permission, I cannot comprehend how anyone could possibly believe that having an abortion is less traumatic than taking an aspirin. However, I understand that this is exactly what the opponents of this bill are saying through their opposition to S. 403.

During this debate I want to encourage my colleagues to remain focused on the matter at hand and remember that this legislation seeks to uphold the legislatively guaranteed rights of parents and their minor children.

I ask my colleagues, please support this rule and pass this much-needed underlying legislation.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes.

Mr. Speaker, this rule will allow the House to consider an amendment in the nature of a substitute to S. 403, the Child Custody Protection Act. It provides for only one hour of debate and, as usual, it is closed to any amendments.

I would appeal to my colleagues on both sides of the aisle as a matter of principle to vote against this rule. There is an addiction with this leadership to close processes, and it has to stop. This is not good for our democracy, this is not what this House of Representatives is about, and unless people on both sides of the aisle start coming together to vote no on these closed rules, you are going to see more and more closed rules. So let me begin by again urging all my colleagues to vote against this closed rule.

Mr. Speaker, the other side of the aisle would like us to believe that their bill only has in mind the needs of desperate and troubled teens. If that were genuinely the case, if they were indeed truly interested in children's welfare, then this House would have already passed legislation to provide America's young men and women with comprehensive pregnancy prevention and education.

As a father, I would like to think that we live in a world where incest, rape and unintended pregnancies did not occur. Sadly, Mr. Speaker, that is simply not the case. All too often, young women find themselves in difficult situations with few, if any, sympathetic people to turn to for advice.

Like all my House colleagues, I would hope that the first person to come to mind would be a parent. But, Mr. Speaker, every single Member of this Chamber knows that that is not always the case. Research shows that at least 60 percent of minors considering an abortion freely turn to and involve their parents. Those who do not, however, are often victims of violence and have multiple reasons for not doing so. Currently, 23 States have some type of parental involvement laws, including my own State of Massachusetts. Twenty-seven do not.

This bill pretends to open the lines of communication between parents and teens, but daily we are shown examples of parents who not only may not know what is best for their child but who may themselves be part of the problem.

I am reminded of Katherine Hancock Ragsdale, a Episcopal priest from Massachusetts who spoke before the Senate Judiciary Committee in 2004. She recounted a story of a young girl who became pregnant as a result of date rape. Afraid to tell her father, the girl went to her school nurse. The nurse agreed that it was in the girl's best interests not to tell her father for fear of the girl's safety.

While driving an hour into Boston, Reverend Hancock Ragsdale chatted with the girl, who divulged that she felt very guilty about becoming pregnant. Compassionate about these feelings of guilt, the Reverend spoke with the girl about the incident. She told the priest about ''a really cute boy'' from her school she had met and who had asked her out. He asked her to have sex and she refused. He asked her again and again. Then he pushed her down and forced himself on her. Since he did not threaten her with a weapon or cause any bodily harm, she did not know to call it rape. She blamed herself for not knowing he wasn't a nice guy and she blamed herself for getting pregnant.

Reverend Hancock Ragsdale offered solace and advice. In her most desperate hours, this girl was able find the comfort she so desperately needed. In addition to providing emotional support, the Reverend was able to help this girl fill out the mountains of paperwork and fill the necessary prescriptions. The advice and guidance a child would hope to receive from a parent was administered in this case by a trusted spiritual leader.

□ 1145

Mr. Speaker, the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, the American College of Physicians all, all agree that mandatory parental consent notification can be highly detrimental to young women.

Shouldn't we be inviting the experts in health care to help us in drafting and making these recommendations and protocol? Instead, we come to the House floor under a closed rule, stand on our soapboxes, and declare that we know what is best for every single child under every single circumstance in America.

Mr. Speaker, my friends on the other side of the aisle will claim that this

bill makes improvements to the Senate bill, that this bill provides protections for victims of incest, that this bill is somehow good policy. The truth is this bill weakens an already bad Senate bill.

While it is true that the Sensenbrenner amendment would preclude an incestuous parent from suing a person who accompanies a minor to a doctor out of State for abortion care, this bill still makes it a Federal crime for anyone other than a parent to accompany a teenaged incest survivor for abortion care out of State. In other words, grandma can go to jail for years just for taking her granddaughter across State lines to abort a pregnancy caused by the young girl's father, but the father can't sue the grandmother in court.

Who in this Chamber believes that a child should be forced to go forward with a pregnancy caused by her father or brother or her uncle or her stepfather? I wish I never had to think about such scenarios, but they occur all too frequently. And it would be foolish for us to compound the horror of this child by joining all the other adults who turned a blind eye to her desperate situation.

Yes, we should reduce the number of children having sex. Yes, we should reduce the number of unintended pregnancies. Yes, we should all work together to reduce the number of abortions. But this bill does not address these issues.

Mr. Speaker, there is a reason we are considering this bill one week before the House adjourns for the midterm elections: Politics. It is the political season, and anything that gets the juices flowing on the so-called hot button issues is fair game. But that is not the way we should be legislating. This isn't the first time the sensitive issue of abortion will be used for political purposes, and it won't be the last, and I urge my colleagues to reject politics as usual and defeat this closed rule.

Even if there are individuals in this House who are sympathetic in terms of supporting this bill, again, reject this rule. This habit of closing everything down, of basically locking out democracy has to end, and Members of both sides need to have the guts to stand up and vote ''no'' on these rules.

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

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. I thank the gentleman for the opportunity to speak on behalf of the rule, supporting the rule, that would move this legislation to the floor.

We have been debating this issue for a number of years, since certainly before I came to Congress in 2001, and it is a very important issue. It is an issue of respect.

My colleagues and I, many of us, served in State legislatures before we came here; and we had the opportunity to move forward legislation that would require parental notification, parental consent before a minor girl could be subjected to the procedure called abortion.

Unfortunately, there are still some States that do not have such laws, though they are in the minority. My State of Pennsylvania is one that does have one of these laws, and the people in the Commonwealth are overwhelmingly supportive of it. Unfortunately, some neighboring States don't have these laws, and we have heard terrible stories in recent years of young girls as young as 12 brought across the border by often the perpetrator of a rape to be given an abortion, to hide the crime, to hide the relationship and, unfortunately, further providing further damage to that young girl.

What this bill would do is prevent this from happening. If a State has the requirement for parental notification or consent before a minor girl can have an abortion, then other States must respect the home State's law.

It only makes sense, Mr. Speaker, for government to respect the relationship between the parent and the child. It is most important for us to respect that relationship, because that is the relationship that will guide that girl into responsible adulthood. Currently, unfortunately, we allow many States to interject and interrupt and really disrespect that relationship.

This bill will remedy the problem. This remedy will make it a criminal offense to transport a child across the State lines for the purpose of having an abortion. In many of these cases, it has been an adult male who has exploited the teenager who then becomes pregnant and is, of course, pressuring her to get an abortion and sometimes is the one to transport her across the State lines.

The idea of doing so defies all logic. Critics argue that these young girls are in the worst possible situation, like rape or incest should be exempted from this law, that this is especially cruel to them. But these girls are in the worst situation of all, and it is certainly most important for us to protect these girls, because rape and incest could be hidden if we don't pass this bill.

Mr. Speaker, I rise today in support of the rule and in support of the bill, and I am sure my colleagues will do the same, especially now that the Senate has agreed to it.

Mr. McGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York, the ranking member on the House Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding.

I have been standing on the floor of this House for years talking about this very issue. And thinking about what I have just heard: If a young girl 10 or 12 years old, as I understand it, was victimized by rape or incest, we should not help her to do something not to carry a child but to support her. I wish I had time to elaborate on that further. What kind of support do you give a 10-year-old pregnant girl? What do we do for her?

But I rise today in strong opposition to this bill, because, once again, we are playing politics with women's lives. We could be spending this week before adjournment working to help Americans in real ways by raising the minimum wage, for example, or making higher education more accessible, or reducing the national debt. But, instead of doing that, this Congress could think of nothing better to do than to meddle with one of the most private decisions that women have to make in their lives.

The Child Custody Protection Act is almost exactly the same as the bill we voted on earlier in the year, and I guess it was found to be such a crowd pleaser we would like an encore. That bill, like this one, was an invasion into the private lives of American families as well as an attack on the legal rights afforded to all women in this country. We do have legal rights as women.

Not only will this bill fail to enhance the health of young women in America, it will fail to reduce the number of abortions that take place each year. It will force vulnerable young women to seek out illegal and unsafe venues for terminating pregnancies, and most of us in my generation know women who had to do that.

Now, if we really wanted to reduce unwanted pregnancies, in Congress, we could pass the Prevention First Act which is just lying around in limbo here. It would reduce the abortions by expanding teen education about preventing pregnancy and approve their access to contraception.

And this bill is not going to do anything to promote healthy families. It will criminalize grandparents. Imagine sending Granny to jail. Other caregivers are also subject to great penalties, while letting the people who committed the real crime, the rapists, the person who committed incest, they go scot free, and they can even sue the girl.

In all the years that I have spent working on behalf of women's health, I have never seen a single drop of evidence that supports this supposed epidemic we are going to talk about here today. There is no evidence that young women are being transported in great numbers across State lines for abortions.

So why are we here? Why are we here? Because this is a crowd pleaser, as I said before. It is not about protecting young women. It is gaining political points. We have a duty in this body to maximize the freedom, the quality, and the rights of our citizens, the strands that form the fabric of our society. But to toss these fundamental rights away simply to score a few points at the polls is indefensible. We can do better. I urge all the Members to oppose this bill.

Mr. GINGREY. Mr. Speaker, at this time I am proud to yield 3 minutes to

the author of the legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of the rule on Senate bill 403, the Child Custody Protection Act. I would like to commend Chairman SENSENBRENNER for his continued leadership on this bill throughout the years, as well as Majority Mr. Leader BOEHNER for his help in bringing this crucial legislation to the floor this morning.

Abortion is perhaps one of the most life-altering, obviously, and life-threatening of procedures. It leaves lasting medical, emotional, and psychological consequences, especially for young girls.

The Child Custody Protection Act makes it a Federal offense to transport a minor girl across State lines in order to circumvent that State's abortion parental notification or consent laws.

This legislation has passed the House of Representatives once, twice, three times; and it passed the Senate this Congress by a bipartisan vote of 65–34.

In April of 2005, this Chamber overwhelmingly passed my bill, the Child Interstate Abortion Notification Act, CIANA. CIANA incorporates all of the provisions that were previously contained in the Child Custody Protection Act and requires that, in a State without a parental notification requirement, that abortion providers notify a parent. This important provision will be included in this legislation, and I urge my colleagues to support this provision and ensure that we pass a more comprehensive bill.

There are many rules and regulations in our society that work to ensure the safety of our Nation's youth through parental support, parental guidance. In most schools, an under-aged child is prohibited from attending a school field trip without first obtaining a signed permission slip from a parent or a legal guardian. I have signed many for my daughters. But the decision of whether or not to obtain an abortion, a life-changing, potentially fatal and serious medical procedure, that seems to be an exception to these rules.

As a mother of two young ladies, I want to know what is going on with my girls on something as significant and as medically life-altering as an abortion. This legislation closes a loophole that allows adults to help minors break State laws by obtaining an abortion without parental consent. It is amazing, Mr. Speaker, that such a bill would even be necessary, because transporting a minor across State lines without parental permission for any other reason but to have an abortion is already a crime.

Therefore, I ask my colleagues to join me once again in supporting this commonsense legislation and the substitute amendment to strengthen the bill to ensure that our precious children are protected and that the right of our parents are upheld.

Mr. MCGOVERN. Mr. Speaker, I just would like to respond by making a couple of points.

I have heard a number of people get up here and say they strongly support a rule. How can you strongly support a closed process? How can you not be in favor of allowing Members of this House, who have various concerns about this bill and different opinions about this bill and different opinions about how we can best deal with some of these very delicate issues, how can you be proud and strongly in support of a process that says that nobody has any right to come here and make any suggestions and offer any amendments? I find that appalling. I find it appalling.

And the fact of the matter is this bill amends the Senate bill. The Senate bill was a bad bill. This makes it even worse. And somehow to claim that what we are doing is trying to make the lives of troubled teenaged girls easier in dealing with horrible circumstances, I mean, does anybody believe that a young girl who is a victim of incest or a young girl who has been raped by her stepfather or her brother is going to feel that she can go to her mother? Maybe. But, in many cases, I don't believe that is what will happen. So you are taking a tragic situation and adding more tragedy to it.

So I find that puzzling, that we have people coming to the floor telling us how this is the right thing to do and that we should somehow praise this process that closes off any amendments and any real debate. This is a bad bill, and it is a bad process under which it is coming to the floor. I don't care what you believe on the issue of choice. The fact of the matter is this notion that these bills should come to the floor under closed rules I think is just wrong.

I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I want to let the gentleman from Massachusetts know I have no other requests for time, and I will reserve for the purpose of closing.

Mr. MCGOVERN. Mr. Speaker, let me close by once again urging all Members of this House, Democrats and Republicans, to vote ''no'' on this rule. Vote ''no'' on this rule regardless of what you believe about the underlying bill, because we have a broken process in this House of Representatives.

It is wrong for a bill like this or even the previous bill, bills that are controversial, to come to this floor under a closed process. It is wrong.

□ 1200

That has become a pattern in this House of Representatives. In this Congress, with the exception of appropriation bills, every bill that has come to this floor has been under a restricted process with the exception of one open rule.

What a horrendous record. That is not good for this democracy. That does not result in good legislation. It is an insult to all of the Members of this House, Democrat and Republican, who have good ideas who want to be able to legislate. That is what we are sent here for. If we want this to end, Members of both sides of the aisle need to stand up and have the guts to vote ''no'' on some of these closed rules.

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

Mr. GINGREY. Madam Speaker, as I close this debate, I want to respond to some of the points that my good friends on the other side of the aisle have stated. They stated their concern about situations where a minor has been raped or a minor has been abused by her own parent, indeed, a case of incest and what do you want to do about that. I want to make sure that our colleagues on the other side of the aisle, indeed, on both sides of the aisle understand that there are clear exceptions in this bill. And they are important. They are very important exceptions, and I don't argue with that point that is made.

Let me, Madam Speaker, enumerate a couple of those exceptions. It allows an out-of-state abortion to be performed without parental notification if it is done to save the life of the minor. And it allows an out-of-state abortion, and this is most important to that point, an out-of-state abortion to be performed where a physician is given documentation showing that the court in the minor's home State has waived parental notification requirements which certainly would be waived in those situations.

Madam Speaker, in closing, let me reemphasize the importance of Senate bill S. 403, the Child Custody Protection Act, as a safeguard of parental rights and protection for our minors. Almost 80 percent of Americans favor parental notification laws according to a poll conducted by the New York Times, yet current State laws can be circumvented and violated through the interstate transportation of minors. Allowing our children to be carted across State lines by nonguardians to get an abortion is absolutely immoral and fundamentally wrong.

I would challenge my colleagues on the other side of the aisle, and we can talk about process all day long, you have a right, but to vote against this rule and this bill is just beyond my imagination.

With over 30 States already requiring some type of parental notification, Congress cannot turn a blind eye to those who would violate the law and endanger our children.

Madam Speaker, this Congress has an obligation and a moral duty to children and to their parents to make sure State laws are upheld to prevent nonguardians from making medical decisions for our children.

Frankly, Madam Speaker, our Nation's parents and children deserve better, and this bill will ensure that they get the care and consideration that they need. Again, I would like to thank

the sponsors of this legislation, Ms. ROS-LEHTINEN in the House and Mr. ENSIGN in the Senate; and I want to thank all of my colleagues who support efforts to preserve the authority of parents to oversee the well-being of their own children.

Madam Speaker, I encourage my colleagues to vote ''yes'' on this rule and ''yes'' on the underlying bill.

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: adoption of House Resolution 1038, by the yeas and nays; adoption of House Resolution 1039, by the yeas and nays; motion to suspend on H.R. 5092, by the yeas and nays; motion to suspend on H.R. 4772, 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.

PROVIDING FOR CONSIDERATION OF H.R. 2679, VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1038, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 229, nays 177, not voting 26, as follows:

[Roll No. 474]

YEAS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
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
Cramer
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis (TN)
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
Gordon
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
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
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
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 (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—177

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
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
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
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
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—26

Beauprez
Brown (OH)
Castle
Culberson
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Green (WI)
Hinojosa
Istook
Jefferson
Kirk
Lewis (GA)
Meehan
Millender-McDonald
Moran (VA)
Myrick
Neal (MA)
Ney
Oxley
Platts
Strickland
Weldon (PA)

□ 1237

Messrs. KILDEE, RANGEL, BUTTERFIELD and SPRATT changed their vote from ''yea'' to ''nay.''

Messrs. SULLIVAN, CRAMER, BOREN and MCINTYRE changed their vote from ''nay'' to ''yea.''

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.

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 474, I was delayed in traffic. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF S. 403, CHILD CUSTODY PROTECTION ACT

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1039, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 157, not voting 26, as follows:

[Roll No. 475]

YEAS—249

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny

Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
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
Gordon
Granger
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—157

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

NOT VOTING—26

Beauprez
Blunt
Brown (OH)
Castle
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Green (WI)
Hall
Hinojosa
Istook
Jefferson
Kirk
Lewis (GA)
Meehan
Millender-McDonald
Myrick
Neal (MA)
Ney
Oxley
Platts
Strickland
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

□ 1248

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

Mr. RAHALL and Ms. KAPTUR changed their vote from ''nay'' to ''yea.''

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.

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, on rollcall Nos. 474 and 475, I was unavoidably detained. Had I been present, I would have voted ''yea.''

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (BATFE) MODERNIZATION AND REFORM ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5092, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5092, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 131, not voting 24, as follows:

[Roll No. 476]

YEAS—277

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—131

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Ferguson
Filner
Fossella
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—24

Beauprez
Bonner
Brown (OH)
Castle
Cuellar
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Green (WI)
Hinojosa
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Myrick
Neal (MA)
Ney
Oxley
Strickland
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1257

Mr. MEEK of Florida changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

Stated for:

Mr. CUELLAR. Madam Speaker, on rollcall No. 476, had I been present, I would have voted "yea."

Mr. BONNER. Mr. Speaker, on Tuesday, September 26, 2006, I was absent for a vote. Had I been present, I would have voted ''yea'' on rollcall No. 476.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4772, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4772, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 172, not voting 26, as follows:

[Roll No. 477]

YEAS—234

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Filner
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Ferguson
Fitzpatrick (PA)
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Price (NC)
Rahall
Rangel
Regula
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—26

Beauprez
Brown (OH)
Castle
Cleaver
Davis (FL)
Davis (IL)
DeGette
Dicks
Evans
Fattah
Ford
Green (WI)
Hinojosa
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Myrick
Neal (MA)
Ney
Oxley
Shays
Strickland
Thomas
Weldon (PA)

□ 1306

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

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHAYS. Madam Speaker, on rollcall No. 477, I would have voted "no," like I did in the 106th Congress, but I was unavoidably detained.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote No. 474, on agreeing to the resolution H. Res. 1038—Providing for consid-

eration of the bill 2679, to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees, I would have voted "aye."

Rollcall vote No. 475, on agreeing to the resolution H. Res. 1039—Providing for consideration of the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, I would have voted "aye."

Rollcall vote No. 476, on Motion to suspend the rules and pass H.R. 5092—The Bureau of Alcohol, Tobacco, firearms, and Explosives (BATFE) Modernization and Reform Act of 2006, I would have voted "aye."

Rollcall vote No. 477, on Motion to suspend the rules and pass H.R. 4772—The Private Property Rights Implementation Act of 2006, I would have voted "aye."

PRIVILEGED MOTION TO RESOLVE THE HOUSE INTO SECRET SESSION

Ms. PELOSI. Madam Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion calling for a secret session on the reported intelligence assessment that the war in Iraq is hindering our global efforts against terrorism.

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

The Clerk read as follows:

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

The SPEAKER pro tempore. The question is on the nondebatable motion offered by the gentlewoman from California (Ms. PELOSI).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 171, nays 217, not voting 44, as follows:

[Roll No. 478]

YEAS—171

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
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
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
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
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NAYS—217

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
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
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
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)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
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
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
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—44

Abercrombie
Aderholt
Beauprez
Berman
Brady (TX)
Brown (OH)
Case
Castle
Cleaver
Costa
Crowley
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Fortenberry
Gonzalez
Green (WI)
Harris
Hinojosa
Hooley
Istook
Jefferson
Lewis (GA)
Linder
McCollum (MN)
McKinney
Meehan
Melancon
Millender-McDonald
Moore (KS)
Moran (VA)
Neal (MA)
Ney
Oxley
Rangel
Stark
Strickland
Thomas
Weldon (PA)
Wu
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1335

Mrs. JOHNSON of Connecticut, Messrs. PEARCE, MCHENRY, PETRI, FRELINGHUYSEN, and MARSHALL changed their vote from "yea" to "nay."

Mr. DICKS changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FORTENBERRY. Madam Speaker, on Tuesday, September 26, 2006, I was unavoidably detained and thus I missed rollcall vote No. 478. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. WELDON of Pennsylvania. Madam Speaker, I was unable to record my votes during the last series of votes.

On rollcall vote No. 474, had I been present, I would have voted "yea."

On rollcall vote No. 475, had I been present, I would have voted "yea."

On rollcall vote No. 476, had I been present, I would have voted "yea."

On rollcall vote No. 477, had I been present, I would have voted "nay."

On rollcall vote No. 478, had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Madam Speaker, I was absent from Washington on Tuesday, September 26, 2006. As a result, I was not recorded for rollcall vote Nos. 474, 475, 476, 477 and 478. Had I been present, I would

have voted "aye" on rollcall Nos. 474, 475, 476, and 477. I would have voted "no" on rollcall No. 478.

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.

OPEN SPACE AND FARMLAND PRESERVATION ACT

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5313) to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes.

The Clerk read as follows:

H.R. 5313

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 ''Open Space and Farmland Preservation Act''.

SEC. 2. ADDITIONAL TITLE-HOLDING OPTION UNDER FARMLAND PROTECTION PROGRAM.

(a) ADDITIONAL TITLE-HOLDING OPTION; RESERVATION OF FUNDS.—Section 1238I of the Farm Security Act of 1985 (16 U.S.C. 3838i) is amended by adding at the end the following new subsection:

''(d) OPTION FOR TITLE TO BE HELD BY ELIGIBLE ENTITY.—

''(1) RESERVATION OF FUNDS; PURPOSE.—Of the funds made available under section 1241(a)(4) for a fiscal year to carry out this section, the Secretary shall reserve not less than 15 percent to make grants to support cooperative efforts by an eligible State agency, a county, and one or more other eligible entities to purchase conservation easements and other interests in eligible land under subsection (a), the title to which will be held by an eligible entity rather than the United States.

''(2) COST SHARING.—Notwithstanding subsection (c)(1), the share of the cost of purchasing a conservation easement or other interest in eligible land borne by the United States under this subsection shall not exceed 25 percent. The State agency involved in the purchase shall contribute 25 percent of the purchase price, the county involved in the purchase shall contribute 25 percent of the purchase price, and the other eligible entities involved in the purchase shall contribute 25 percent of the purchase price.

''(3) PROHIBITION ON USE OF GRANT FUNDS.—Federal funds made available under this subsection may not be used by grant recipients for administrative purposes.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006.

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

The Chair recognizes the gentleman from Virginia.

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

Madam Speaker, urban sprawl continues to threaten the Nation's farmland. Social and economic changes over the past three decades have influenced the rate at which land is converted to nonagricultural uses. Population growth, demographic changes, preferences for larger lots, expansion of transportation systems, and economic prosperity have contributed to increases in agricultural land conversion rates.

The amount of farmland lost to development is not the only significant concern. Another cause for concern is the quality and pattern of farmland being converted. In most States, prime farmland is being converted at two to four times the rate of other, less-productive agricultural land.

There continues to be an important national interest in the protection of farmland. Land use devoted to agriculture provides an important contribution to meeting the Nation's food and fiber needs, environmental quality, protection of the Nation's historical and archeological resources and scenic beauty.

The farmland protection program is administered by NRCS and provides funds to State, tribal, and local governments and nongovernmental organizations to help them purchase conservation easements from willing sellers to limit conversion of farmland to nonagricultural uses.

The farmland protection program has received funding applications for 300 percent more dollars than the program was appropriated. The result in fiscal year 2005 was $262 million in unfunded projects. There simply weren't enough Federal dollars to match the number of applications to preserve farmland.

H.R. 5313, the Open Space and Farmland Preservation Challenge Grant Act, was introduced to aid in reducing the number of unfunded projects. Currently, the farmland protection program provides up to a 50 percent Federal match on these easement projects. By lowering the Federal match on a small portion of farmland protection program funding, we believe that less Federal funds can be used to protect more land.

The bill before us today, H.R. 5313, amends the Farm Security Act of 1985 to set aside 15 percent of farmland protection funds for cost-share grants, 25 percent maximum Federal share, to support eligible State agencies, county, and one or more eligible entities, local government or private entities, to purchase conservation easements.

This bill allows Federal dollars to go further by lowering the Federal match fund to a maximum of 25 percent and allowing other entities to make up the other 75 percent. States where the State, county, and local grassroots effort is strong can make better use of increasingly limited dollars. For example, Pennsylvania, which has great grassroots efforts to protect farmland, had the most unfunded easement applications, 65 for fiscal year 2005, which accounted for 6,200 acres not being able to be put into this program. By being able to use these reserved funds, more acres, with help from more groups, can be protected.

There is no new spending authorized in this bill. It simply creates a set-aside out of existing Federal farmland protection dollars. Any funds not used will go back into the general disbursement of farmland protection funds.

Madam Speaker, obviously, it is in this country's best interests to protect some of its great farmland. This program is immensely popular in many States, proven by the numbers of applications for the program each year. States like Connecticut, with $14 million in projects that could not be funded; Maryland had $17 million; Michigan, $22 million; New Hampshire, $15 million; Ohio, $12 million; and Pennsylvania, $20 million. This bill gives States that have tremendous grassroots organizations the ability to protect more farmland with less Federal money.

I would like to thank the ranking member of the committee, Congressman PETERSON, for working with us on this matter, as well as Congressman GERLACH, who introduced the measure, and Congressman TIM HOLDEN, a member of the committee, from Pennsylvania, who has legislation addressing this issue.

Madam Speaker, I reserve the balance of my time

Mr. PETERSON of Minnesota. Madam Speaker, the farmland protection program is an important program that helps farmers preserve their land for the future and to combat urban sprawl.

The program works with State and local groups to purchase conservation easements to ensure farmland is kept continually in agricultural use for future generations.

I want to thank the chairman for recognizing the importance of preserving open space and hope that we can continue to work together to strengthen the Federal program in the next farm bill.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. GERLACH) 3 minutes.

Mr. GERLACH. Madam Speaker, I rise in support of H.R. 5313, the Open Space and Farmland Preservation Act, a bill I introduced to strengthen the Federal Farm and Ranch Lands Protection Program.

Under the bill, 15 percent of the funds made available for the program would be reserved in order to make challenge

grants available to preserve the most threatened farmland, farmland in States, counties, municipalities, or private entities all agree are vital to preserve.

Simply put, if a State contributes 25 percent, a county contributes 25 percent, and a municipality or private entity contributes 25 percent towards the preservation of eligible farmland, the effort would then be eligible for a 25 percent Federal match.

I know that every, State, county, and municipality's commitment to farmland preservation is different, but it is my hope that creating this challenge grant will encourage more efforts at these levels of government.

States like Pennsylvania and Pennsylvania's counties and municipalities have invested heavily in preserving farmland. The challenge grant created through H.R. 5313 would only help to encourage other States in more local municipalities to follow this example and compete for Federal dollars available through the challenge grant.

I also believe that this challenge grant will steer Federal resources towards those projects already getting wide support from counties, States, and municipalities, or private organizations. This ensures that the increasingly limited Federal resources are being used to preserve the most threatened farmland.

This is an important measure that will help preserve farmland and open space in suburban and exurban communities. For residents of these areas like my constituents in Pennsylvania's Sixth Congressional District, preservation of open space and farmland is a quality of life issue that can not be overlooked.

I want to thank Chairman GOODLATTE and his staff for their efforts in bringing this bill to the floor today, as well as the efforts of Ranking Member PETERSON. I would also like to thank my colleague, Congressman MARK KIRK of Illinois, for his foresight and leadership in the creation of the Suburban Agenda Caucus. His efforts and the efforts of the leaders of the Caucus have helped shed light on the issues that those of us in the suburban communities care deeply about.

Madam Speaker, I urge my colleagues to support H.R. 5313, the Open Space and Farmland Preservation Act.

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

Mr. GOODLATTE. Madam Speaker, at this time, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I want to thank Congressman JIM GERLACH for his leadership for the entire Nation in protecting suburban green and open space.

Now, we all support the National Park System, and I believe the next President should set a goal of doubling the National Park System. But we also need to take action to protect more green and open space near home.

□ 1345

Without this bill, more green and open space would disappear in an unending series of strip malls. In my own district, we just set aside 77 acres of Lake Michigan shoreline as part of a new park to preserve habitat for all time. But we need to do more.

Under Congressman GERLACH's leadership, this bill became part of our bipartisan suburban agenda to meet the education, health care, conservation and economic needs of suburban families. This bill advances those needs by making sure that we preserve more green and open space in the suburbs.

In my own State of Illinois, we are losing over 41,000 acres of farmland to development, 71 percent in suburban areas. The rate of farmland loss in our State has increased over 130 percent in the 1990s. This bill directly meets that need, and I want to thank Chairman GOODLATTE for moving this legislation that makes sure that suburban families have more green and open space near home.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5313.

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

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

There was no objection.

PROVIDING FOR CONVEYANCE OF FORMER KONNAROCK LUTHERAN GIRLS SCHOOL IN SMYTH COUNTY, VIRGINIA

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5103) to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5103

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

SECTION 1. LAND CONVEYANCE, FORMER KONNAROCK LUTHERAN GIRLS SCHOOL, JEFFERSON NATIONAL FOREST, SMYTH COUNTY, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the Evangelical Lutheran Coalition for Mission in Appalachia (in this section referred to as the ''recipient'') all right, title, and interest of the United States in and to a parcel of real property in the Mount Rogers National Recreation Area, Smyth County, Virginia, located in the vicinity of the junction of Virginia Routes 600 and 603, consisting of not more than six acres, and containing the former Konnarock Lutheran Girls School and its outbuildings, as depicted on the map entitled ''Proposed Area for New Legislation or Sale–Konnarock School–Being a Portion of USA Tract J–935''.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the recipient accept the real property described in such subsection in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(c) DESCRIPTION OF PROPERTY.—Subject to the acreage limitation specified in subsection (a), the exact acreage and legal description of the real property to be conveyed under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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

The Chair recognizes the gentleman from Virginia.

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

Madam Speaker, I rise in support of H.R. 5103, a bill to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia. The Konnarock property is located in Representative RICK BOUCHER's congressional district, just south of my district in the southwestern part of Virginia. The land and buildings were acquired by the Forest Service in 1967. The facility, at that time, was not in use. It was last used as a school in 1959.

The Forest Service used the buildings to house fire crews and summer trail crews, as well as the job corps operations. By the early 1980s, continued deterioration rendered the facility unusable. There has been considerable continued deterioration since that time. The facility is now in severe disrepair.

Prior to Forest Service acquisition, the facility was owned by the local Lutheran Church. This legislation would convey the land to the Evangelical Lutheran Coalition for the mission in Appalachia, which plans to restore/preserve the historic structures; develop a retreat center; partner with area colleges to use the property as an environmental learning center; and develop, archive, and exhibit the history of the school and the community.

This bill was passed by the House Committee on Agriculture favorably last week with the recommendation

that it does pass. Today's bill takes the bare minimum necessary to convey this property to an owner who will have an opportunity to invest in the buildings and restore them to their historical significance.

Prior to the committee's consideration of the bill, we were advised by the Congressional Budget Office that the small area conveyed and the deterioration of the buildings ensures that the bill will not have a significant impact on spending.

I thank my colleague, the gentleman from Virginia (Mr. BOUCHER), for introducing this good measure and the gentleman from Minnesota (Mr. PETERSON), the ranking member, for helping us get it to the floor. I urge my colleagues to adopt this bill.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 5103. Mr. BOUCHER's bill will convey about 6 acres of land within Jefferson National Forest back to the Lutheran Church to allow them to restore and preserve the historic Konnarock Lutheran Girls School in Smyth County, Virginia.

The Lutheran Evangelical Coalition for Missions in the Appalachias has developed a thoughtful plan for the site that includes the restoration and preservation of the building, a retreat center, and an environmental learning center that will work in conjunction with local schools.

This is a worthwhile use of Federal forest land and an excellent project which deserves congressional support.

Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BOUCHER), the author of the bill.

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

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding me this time, and I want to express my appreciation to the gentleman from Virginia (Mr. GOODLATTE), chairman of the House Agriculture Committee, and the gentleman from Minnesota (Mr. PETERSON) for moving this measure through the committee and bringing the bill to the House floor today.

The Lutheran Girls School building in Konnarock, Virginia, is a historic structure; and it is presently listed on the National Register of Historic Places. It was constructed of wood and stone, hewed from the mountains where the building is located during the 1920s, and has graceful architecture that is typical of the rustic buildings constructed during that era.

It was constructed by the Women's Missionary Society of the Lutheran Church in America and was operated by the Lutheran Church as a girls school from the middle 1920s until 1959. At that time the school was closed and the building at that point entered a very long period of disuse.

In 1967 the Forest Service acquired that building as part of a much larger acquisition of 680 acres, all of which bordered the national forest. Today, the building has fallen into a severe state of disrepair and is in danger of collapse unless substantial remedial work is performed in the very near future.

The bill before us would convey the building and up to 6 acres of lands, the exact amount to be determined by conducting a survey, from the Federal Government and to the Evangelical Lutheran Coalition for Mission in Appalachia. That is an organization that is affiliated with the Lutheran Church.

The Lutheran Coalition intends to restore and renovate the property in a manner consistent with its historic status. Its future use will be as a retreat center for the Lutheran Coalition, and it will be available for use as a retreat center and by other nonprofit entities and faith-based organizations.

The coalition also plans to partner with area colleges to establish exhibits and a learning center for matters relating to the unique mountain environment in which this building is located.

Through this conveyance, we can assure that the restoration and future maintenance of this historic structure will occur. I thank Chairman GOODLATTE and Mr. PETERSON for their work in bringing this bill to the floor. I join with them in urging its approval by the House

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

Mr. GOODLATTE. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5103, 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. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

PROVIDING FOR CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LAND TO LAONA AND WABENO, WISCONSIN

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4559) to provide for the conveyance of National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade Counties, Wisconsin, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4559

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

SECTION 1. CONVEYANCE OF CHEQUAMEGON-NICOLET NATIONAL FOREST LAND TO TOWNS OF LAONA AND WABENO, WISCONSIN.

(a) CONVEYANCE TO TOWN OF LAONA.—

(1) CONVEYANCE.—At the request of the town of Laona, Wisconsin (referred to in this subsection as the ''town''), the Secretary of Agriculture shall convey to the town all right, title, and interest of the United States in and to the parcel of National Forest System land in Forest County, Wisconsin, consisting of approximately 176 acres, as further described in paragraph (2), for the purpose of permitting the town to use the parcel as a site for an industrial park and for other purposes.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) consists of the N½SW¼, SW¼NW¼, S½SE¼NW¼, and that part of the W½NE¼ lying south of the Rat River, excluding Lot #1 of Forest County Certified Survey Map #157861 and a 100-foot wide former rail road right-of-way running through the W½NE¼, all in section 6, township 35 north, range 15 east, Laona Township, Forest County, Wisconsin.

(3) CONSIDERATION.—As consideration for the conveyance under this subsection, the town shall pay to the Secretary an amount equal to $300,000, which is the appraised fair market value of the parcel of National Forest System land to be conveyed.

(b) CONVEYANCE TO TOWN OF WABENO.—

(1) CONVEYANCE.—At the request of the town of Wabeno, Wisconsin (referred to in this subsection as the ''town''), the Secretary of Agriculture shall convey to the town all right, title, and interest of the United States in and to the parcel of National Forest System land in Forest County, Wisconsin, consisting of approximately 173 acres, as further described in paragraph (2), for the purpose of permitting the town to use the parcel as a site for an industrial park and for other purposes.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) consists of the S½NW¼, E½SW¼, and east 17.30 acres of the NW¼SW¼, excluding a 100-foot wide former rail road right-of-way running through the NE¼SW¼ and SE¼NW¼ and a 0.02 acre parcel in the SW¼NW¼, a 0.93 acre parcel in the SE¼SW¼, and a 2.36 acre parcel in the E½SW¼ reserved for highway purposes, as described in volume 7, 276-277, Forest County Records, and all in section 7, township 34 north, range 15 east, Wabeno Township, Forest County, Wisconsin.

(3) CONSIDERATION.—As consideration for the conveyance under this subsection, the town shall pay to the Secretary an amount equal to $320,000, which is the appraised fair market value of the parcel of National Forest System land to be conveyed.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of a survey shall be borne by the recipient of the land.

(d) DEPOSIT AND USE OF PROCEEDS.—

(1) DEPOSIT.—The Secretary shall deposit the proceeds from the conveyance of land under this section in the fund established

under Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) USE.—Funds deposited pursuant to paragraph (1) shall be available to the Secretary, without further appropriation and until expended—

(A) to acquire land and interests in land for inclusion in the Chequamegon-Nicolet National Forest in Wisconsin; and

(B) to reimburse costs incurred by the Secretary in carrying out the conveyances under this section, including the payment of any real estate broker commissions.

(3) ADMINISTRATION.—The lands acquired under paragraph (2)(A) shall be included in the Chequamegon-Nicolet National Forest and administered in accordance with the laws applicable to that National Forest.

(e) WITHDRAWAL.—Subject to valid existing rights, the land to be conveyed under this section is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws, including geothermal leasing laws.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

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

The Chair recognizes the gentleman from Virginia.

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

Madam Speaker, I rise in support of H.R. 4559. This bill simply provides the Forest Service with the required legislative authority to sell two tracts in Wisconsin to neighboring towns for a set price which the Forest Service and the towns agree represents fair market value.

The intent of the land sale is to spur economic development by providing the towns room to grow and allow the Forest Service to acquire more sensitive lands that have higher natural resource value. The proceeds of these sales will be used by the Forest Service to acquire other higher priority lands in the Chequamegon-Nicolet National Forest.

I thank the gentleman from Wisconsin (Mr. GREEN) for introducing this legislation, and I thank Mr. PETERSON for working with us on the committee to move this legislation forward. I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 4559. Mr. GREEN's bill would allow the towns of Laona and Wabeno in Wisconsin to purchase two parcels of marginal Forest Service land for development. Those towns, as was noted, suffer from low timber prices and a limited tax base, and this bill is an effort to provide economic development in these communities.

This bill allows the Forest Service to use the proceeds of the sale to buy land with greater environmental value which will improve the forest. This project is a sensible transfer of Federal forest land, and it deserves congressional support.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4559, 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 provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

□ 1400

CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the House amendments to the Senate bill (S. 3525) to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

The Clerk read as follows:

Senate amendments to House amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child and Family Services Improvement Act of 2006''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) For Federal fiscal year 2004, child protective services (CPS) staff nationwide reported investigating or assessing an estimated 3,000,000 allegations of child maltreatment, and determined that 872,000 children had been abused or neglected by their parents or other caregivers.

(2) Combined, the Child Welfare Services (CWS) and Promoting Safe and Stable Families (PSSF) programs provide States about $700,000,000 per year, the largest source of targeted Federal funding in the child protection system for services to ensure that children are not abused or neglected and, whenever possible, help children remain safely with their families.

(3) A 2003 report by the Government Accountability Office (GAO) reported that little research is available on the effectiveness of activities supported by CWS funds—evaluations of services supported by PSSF funds have generally shown little or no effect.

(4) Further, the Department of Health and Human Services recently completed initial Child and Family Service Reviews (CFSRs) in each State. No State was in full compliance with all measures of the CFSRs. The CFSRs also revealed that States need to work to prevent repeat abuse and neglect of children, improve services provided to families to reduce the risk of future harm (including by better monitoring the participation of families in services), and strengthen upfront services provided to families to prevent unnecessary family break-up and protect children who remain at home.

(5) Federal policy should encourage States to invest their CWS and PSSF funds in services that promote and protect the welfare of children, support strong, healthy families, and reduce the reliance on out-of-home care, which will help ensure all children are raised in safe, loving families.

(6) CFSRs also found a strong correlation between frequent caseworker visits with children and positive outcomes for these children, such as timely achievement of permanency and other indicators of child well-being.

(7) However, a December 2005 report by the Department of Health and Human Services Office of Inspector General found that only 20 States were able to produce reports to show whether caseworkers actually visited children in foster care on at least a monthly basis, despite the fact that nearly all States had written standards suggesting monthly visits were State policy.

(8) A 2003 GAO report found that the average tenure for a child welfare caseworker is less than 2 years and this level of turnover negatively affects safety and permanency for children.

(9) Targeting CWS and PSSF funds to ensure children in foster care are visited on at least a monthly basis will promote better outcomes for vulnerable children, including by preventing further abuse and neglect.

(10) According to the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration, the annual number of new uses of Methamphetamine, also known as ''meth,'' has increased 72 percent over the past decade. According to a study conducted by the National Association of Counties which surveyed 500 county law enforcement agencies in 45 states, 88 percent of the agencies surveyed reported increases in meth related arrests starting 5 years ago.

(11) According to the 2004 National Survey on Drug Use and Health, nearly 12,000,000 Americans have tried methamphetamine. Meth making operations have been uncovered in all 50 states, but the most wide-spread abuse has been concentrated in the western, southwestern, and Midwestern United States.

(12) Methamphetamine abuse is on the increase, particularly among women of child-bearing age. This is having an impact on child welfare systems in many States. According to a survey administered by the National Association of Counties (''The Impact of Meth on Children''), conducted in 300 counties in 13 states, meth is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements because of meth in 2005.

(13) It is appropriate also to target PSSF funds to address this issue because of the unique strain the meth epidemic puts on child welfare agencies. Outcomes for children affected by meth are enhanced when services provided by law enforcement, child welfare and substance abuse agencies are integrated.

SEC. 3. REAUTHORIZATION OF THE PROMOTING SAFE AND STABLE FAMILIES PROGRAM.

(a) FUNDING OF MANDATORY GRANTS AT $345 MILLION PER FISCAL YEAR.—Effective October 1, 2006, section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking ''fiscal year 2006.'' and all that follows and inserting ''each of fiscal years 2007 through 2011''.

(b) FUNDING OF DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—

(1) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $40,000,000 for fiscal year 2006 to carry out section 436 of the Social Security Act, in addition to any amount otherwise made available for fiscal year 2006 to carry out such section.

(2) AVAILABILITY OF FUNDS.—Notwithstanding sections 434(b)(2) and 436(b)(3) of such Act, the amount appropriated under paragraph (1) of this subsection—

(A) shall remain available for expenditure through fiscal year 2009 solely for the purpose described in section 436(b)(4)(B)(i) of such Act;

(B) shall not be used to supplant any Federal funds paid under part E of title IV of such Act that could be used for that purpose; and

(C) shall not be made available to any Indian tribe or tribal consortium.

(d) ELIMINATION OF FINDINGS.—Section 430 of such Act (42 U.S.C. 629) is amended by striking all through ''(b) PURPOSE.—The purpose'' and inserting the following:

''SEC. 430. PURPOSE.

''The purpose''.

(e) ANNUAL BUDGET REQUESTS, SUMMARIES, AND EXPENDITURE REPORTS.—

(1) IN GENERAL.—Section 432(a)(8) of such Act (42 U.S.C. 629b(a)(8)) is amended—

(A) by inserting ''(A)'' after ''(8)''; and

(B) by adding at the end the following:

''(B) provides that, not later than June 30 of each year, the State will submit to the Secretary—

''(i) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

''(ii) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that provide, with respect to the programs authorized under this subpart and subpart 1 and, at State option, other programs included on such forms, for the most recent preceding fiscal year for which reporting of actual expenditures is complete—

''(I) the numbers of families and of children served by the State agency;

''(II) the population served by the State agency;

''(III) the geographic areas served by the State agency; and

''(IV) the actual expenditures of funds provided to the State agency; and''.

(2) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—Section 432 of such Act (42 U.S.C. 629b) is amended by adding at the end the following:

''(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.''.

(3) EFFECTIVE DATE; INITIAL DEADLINES FOR SUBMISSIONS.—The amendments made by this subsection take effect on the date of enactment of this Act. Each State with an approved plan under subpart 1 or 2 of part B of title IV of the Social Security Act shall make its initial submission of the forms required under section 432(a)(8)(B) of the Social Security Act to the Secretary of Health and Human Services by June 30, 2007, and the Secretary of Health and Human Services shall submit the first compilation required under section 432(c) of the Social Security Act by September 30, 2007.

(f) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(1) IN GENERAL.—Section 434 of such Act (42 U.S.C. 629d) is amended—

(A) in subsection (a), by inserting '', subject to subsection (d),'' after ''shall''; and

(B) by adding at the end the following:

''(d) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—The Secretary shall not make a payment to a State under this section with respect to expenditures for administrative costs during a fiscal year, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year under the State plan approved under section 432.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to expenditures made on or after October 1, 2007.

SEC. 4. TARGETING OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM RESOURCES.

(a) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

(1) RESERVATION AND USE OF FUNDS.—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended by adding at the end the following:

''(4) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

''(A) RESERVATION.—The Secretary shall reserve for allotment in accordance with section 433(e)—

''(i) $5,000,000 for fiscal year 2008;

''(ii) $10,000,000 for fiscal year 2009; and

''(iii) $20,000,000 for each of fiscal years 2010 and 2011.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—A State to which an amount is paid from amounts reserved under subparagraph (A) shall use the amount to support monthly caseworker visits with children who are in foster care under the responsibility of the State, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

''(ii) NONSUPPLANTATION.—A State to which an amount is paid from amounts reserved pursuant to subparagraph (A) shall not use the amount to supplant any Federal funds paid to the State under part E that could be used as described in clause (i).''.

(2) ALLOTMENT OF FUNDS.—Section 433 of such Act (42 U.S.C. 629c) is amended—

(A) in subsection (d), by inserting ''subsection (a), (b), or (c) of'' before ''this section'' the 1st and 2nd places it appears; and

(B) by adding at the end the following:

''(e) ALLOTMENT OF FUNDS RESERVED TO SUPPORT MONTHLY CASEWORKER VISITS.—

''(1) TERRITORIES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year, the Secretary shall allot to each jurisdiction specified in subsection (b) of this section, that has provided to the Secretary such documentation as may be necessary to verify that the jurisdiction has complied with section 436(b)(4)(B)(ii) during the fiscal year, an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 423 (without regard to the initial allotment of $70,000 to each State).

''(2) OTHER STATES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year that remains after applying paragraph (1) of this subsection for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) not specified in subsection (b) of this section, that has provided to the Secretary such documentation as may be necessary to verify that the State has complied with section 436(b)(4)(B)(ii) during the fiscal year, an amount equal to such remaining amount multiplied by the food stamp percentage of the State (as defined in subsection (c)(2) of this section) for the fiscal year, except that in applying subsection (c)(2)(A) of this section, 'subsection (e)(2)' shall be substituted for 'such paragraph (1)'.''.

(3) PAYMENTS TO STATES.—Section 434(a) of such Act (42 U.S.C. 629d(a)), as amended by section 3(f)(1) of this Act, is amended by striking ''the lesser of—'' and all that follows and inserting the following: ''the sum of—

''(1) the lesser of—

''(A) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

''(B) the allotment of the State under subsection (a), (b), or (c) of section 433, whichever is applicable, for the fiscal year; and

''(2) the lesser of—

''(A) 75 percent of the total expenditures by the State in accordance with section 436(b)(4)(B) during the fiscal year or the immediately succeeding fiscal year; or

''(B) the allotment of the State under section 433(e) for the fiscal year.''.

(b) SUPPORT FOR TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

(1) RESERVATION OF FUNDS.—Section 436(b) of such Act (42 U.S.C. 629f(b)), as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

''(5) REGIONAL PARTNERSHIP GRANTS.—The Secretary shall reserve for awarding grants under section 437(f)—

''(A) $40,000,000 for fiscal year 2007;

''(B) $35,000,000 for fiscal year 2008;

''(C) $30,000,000 for fiscal year 2009; and

''(D) $20,000,000 for each of fiscal years 2010 and 2011.''.

(2) TARGETED GRANTS.—

(A) IN GENERAL.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

''(f) TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

''(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary to make competitive grants to regional partnerships to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's methamphetamine or other substance abuse.

''(2) REGIONAL PARTNERSHIP DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate or intrastate basis) entered into by at least 2 of the following:

''(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

''(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

''(iii) An Indian tribe or tribal consortium.

''(iv) Nonprofit child welfare service providers.

''(v) For-profit child welfare service providers.

''(vi) Community health service providers.

''(vii) Community mental health providers.

''(viii) Local law enforcement agencies.

''(ix) Judges and court personnel.

''(x) Juvenile justice officials.

''(xi) School personnel.

''(xii) Tribal child welfare agencies (or a consortia of such agencies).

''(xiii) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under this subpart.

''(B) REQUIREMENTS.—

''(i) STATE CHILD WELFARE AGENCY PARTNER.—Subject to clause (ii)(I), a regional partnership entered into for purposes of this subsection shall include the State child welfare agency that is responsible for the administration of the State plan under this part and part E as 1 of the partners.

''(ii) REGIONAL PARTNERSHIPS ENTERED INTO BY INDIAN TRIBES OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

''(I) may (but is not required to) include such State child welfare agency as a partner in the collaborative agreement; and

''(II) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of such agencies).

''(iii) NO STATE AGENCY ONLY PARTNERSHIPS.—If a State agency described in clause (i) or (ii) of subparagraph (A) enters into a regional partnership for purposes of this subsection, the State agency may not enter into a collaborative agreement only with the other State agency described in such clause (i) or (ii).

''(3) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—In addition to amounts authorized to be appropriated to carry out this section, the Secretary shall award grants under this subsection, from the amounts reserved for each of fiscal years 2007 through 2011 under section 436(b)(5), to regional partnerships that satisfy the requirements of this subsection, in amounts that are not less than $500,000 and not more than $1,000,000 per grant per fiscal year.

''(B) REQUIRED MINIMUM PERIOD OF APPROVAL.—A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years.

''(4) APPLICATION REQUIREMENTS.—To be eligible for a grant under this subsection, a regional partnership shall submit to the Secretary a written application containing the following:

''(A) Recent evidence demonstrating that methamphetamine or other substance abuse has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

''(B) A description of the goals and outcomes to be achieved during the funding period for the grant that will—

''(i) enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant;

''(ii) lead to safety and permanence for such children; and

''(iii) decrease the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.

''(C) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the funding period for the grant.

''(D) A description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child's family.

''(E) A description of the strategies for—

''(i) collaborating with the State child welfare agency described in paragraph (2)(A)(i) (unless that agency is the lead applicant for the regional partnership); and

''(ii) consulting, as appropriate, with—

''(I) the State agency described in paragraph (2)(A)(ii); and

''(II) the State law enforcement and judicial agencies.

To the extent the Secretary determines that the requirement of this subparagraph would be inappropriate to apply to a regional partnership that includes an Indian tribe, tribal consortium, or a tribal child welfare agency or a consortium of such agencies, the Secretary may exempt the regional partnership from the requirement.

''(F) Such other information as the Secretary may require.

''(5) USE OF FUNDS.—Funds made available under a grant made under this subsection shall only be used for services or activities that are consistent with the purpose of this subsection and may include the following:

''(A) Family-based comprehensive long-term substance abuse treatment services.

''(B) Early intervention and preventative services.

''(C) Children and family counseling.

''(D) Mental health services.

''(E) Parenting skills training.

''(F) Replication of successful models for providing family-based comprehensive long-term substance abuse treatment services.

''(6) MATCHING REQUIREMENT.—

''(A) FEDERAL SHARE.—A grant awarded under this subsection shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—

''(i) 85 percent for the first and second fiscal years for which the grant is awarded to a recipient;

''(ii) 80 percent for the third and fourth such fiscal years; and

''(iii) 75 percent for the fifth such fiscal year.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of services provided or activities conducted under a grant awarded under this subsection may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''(7) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this subsection, the Secretary shall—

''(A) take into consideration the extent to which applicant regional partnerships—

''(i) demonstrate that methamphetamine or other substance abuse by parents or caretakers has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region;

''(ii) have limited resources for addressing the needs of children affected by such abuse;

''(iii) have a lack of capacity for, or access to, comprehensive family treatment services; and

''(iv) demonstrate a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period; and

''(B) after taking such factors into consideration, give greater weight to awarding grants to regional partnerships that propose to address methamphetamine abuse and addiction in the partnership region (alone or in combination with other drug abuse and addiction) and which demonstrate that methamphetamine abuse and addiction (alone or in combination with other drug abuse and addiction) is adversely affecting child welfare in the partnership region.

''(8) PERFORMANCE INDICATORS.—

''(A) IN GENERAL.—Not later than 9 months after the date of enactment of this subsection, the Secretary shall establish indicators that will be used to assess periodically the performance of the grant recipients under this subsection in using funds made available under such grants to achieve the purpose of this subsection.

''(B) CONSULTATION REQUIRED.—In establishing the performance indicators required by subparagraph (A), the Secretary shall consult with the following:

''(i) The Assistant Secretary for the Administration for Children and Families.

''(ii) The Administrator of the Substance Abuse and Mental Health Services Administration.

''(iii) Representatives of States in which a State agency described in clause (i) or (ii) of paragraph (2)(A) is a member of a regional partnership that is a grant recipient under this subsection.

''(iv) Representatives of Indian tribes, tribal consortia, or tribal child welfare agencies that are members of a regional partnership that is a grant recipient under this subsection.

''(9) REPORTS.—

''(A) GRANTEE REPORTS.—

''(i) ANNUAL REPORT.—Not later than September 30 of the first fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and annually thereafter until September 30 of the last fiscal year in which the recipient is paid funds under the grant, the recipient shall submit to the Secretary a report on the services provided or activities carried out during that fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the services provided or activities conducted with such funds.

''(ii) INCORPORATION OF INFORMATION RELATED TO PERFORMANCE INDICATORS.—Each recipient of a grant under this subsection shall incorporate into the first annual report required by clause (i) that is submitted after the establishment of performance indicators under paragraph (8), information required in relation to such indicators.

''(B) REPORTS TO CONGRESS.—On the basis of the reports submitted under subparagraph (A), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

''(i) the services provided and activities conducted with funds provided under grants awarded under this subsection;

''(ii) the performance indicators established under paragraph (8); and

''(iii) the progress that has been made in addressing the needs of families with methamphetamine or other substance abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.''.

(B) CONFORMING AMENDMENTS.—Section 437 of such Act (42 U.S.C. 629g) is amended—

(i) in the section heading, by inserting ''**AND TARGETED**'' after ''**DISCRETIONARY**''; and

(ii) in subsection (e), by striking ''this section'' and inserting ''subsection (a)''.

(c) EVALUATION, RESEARCH, AND TECHNICAL ASSISTANCE WITH RESPECT TO TARGETED PROGRAM RESOURCES.—Section 435(c) of such Act (42 U.S.C. 629e(c)) is amended to read as follows:

''(c) EVALUATION, RESEARCH, AND TECHNICAL ASSISTANCE WITH RESPECT TO TARGETED PROGRAM RESOURCES.—Of the amount reserved under section 436(b)(1) for a fiscal year, the Secretary shall use not less than—

''(1) $1,000,000 for evaluations, research, and providing technical assistance with respect to supporting monthly caseworker visits with children who are in foster care under the responsibility of the State, in accordance with section 436(b)(4)(B)(i); and

''(2) $1,000,000 for evaluations, research, and providing technical assistance with respect to grants under section 437(f).''.

SEC. 5. ALLOTMENTS AND GRANTS TO INDIAN TRIBES.

(a) INCREASE IN SET-ASIDES FOR INDIAN TRIBES.—

(1) MANDATORY GRANTS.—Section 436(b)(3) of the Social Security Act (42 U.S.C. 629f(b)(3)) is amended by striking ''1'' and inserting ''3''.

(2) DISCRETIONARY GRANTS.—Section 437(b)(3) of such Act (42 U.S.C. 629g(b)(3)) is amended by striking ''2'' and inserting ''3''.

(3) EFFECT OF RESERVATION OF FUNDS FOR TARGETED PROGRAM RESOURCES ON AMOUNTS RESERVED FOR INDIAN TRIBES.—Section 436(b)(3) of such Act (42 U.S.C. 629b(b)(3)) is amended by striking ''The'' and inserting ''After applying paragraphs (4) and (5) (but before applying paragraphs (1) or (2)), the''.

(b) AUTHORITY FOR TRIBAL CONSORTIA TO RECEIVE ALLOTMENTS.—

(1) ALLOTMENT OF MANDATORY FUNDS.—

(A) IN GENERAL.—Section 433(a) of such Act (42 U.S.C. 629c(a)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(B) CONFORMING AMENDMENT.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)) is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''.

(2) ALLOTMENT OF ANY DISCRETIONARY FUNDS.—Section 437 of such Act (42 U.S.C. 629g) is amended—

(A) in subsection (b)(3)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''; and

(B) in subsection (c)(1)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes applies and is approved for a grant under this section, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PLANS OF INDIAN TRIBES.—Section 432(b)(2) of such Act (42 U.S.C. 629b(b)(2)) is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES'';

(ii) in subparagraph (A), by inserting ''or tribal consortium'' after ''Indian tribe'' each place it appears; and

(iii) in subparagraph (B)—

(I) by inserting ''or tribal consortium'' after ''Indian tribe''; and

(II) by inserting ''and tribal consortia'' after ''Indian tribes''.

(B) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS.—Section 434(c) of such Act (42 U.S.C. 629d(c)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortium'' after ''Indian tribe'' the first place it appears; and

(iii) by inserting ''or in the case of a payment to a tribal consortium, such tribal organizations of, or entity established by, the Indian tribes that are part of the consortium as the consortium shall designate'' before the period.

(C) EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.—Section 435(d) of such Act (42 U.S.C. 629e(d)) is amended in the matter preceding paragraph (1), by inserting ''or tribal consortia'' after ''Indian tribes''.

(c) COLLECTION OF DATA ON TRIBAL PROMOTING SAFE AND STABLE FAMILIES PLANS.—Section 432(b)(2)(A) of such Act (42 U.S.C. 629b(b)(2)(A)), as amended by subsection (b)(3)(A)(ii) of this section, is amended by striking ''any requirement of this section that the Secretary determines'' and inserting ''the requirements of subsection (a)(4) of this section to the extent that the Secretary determines those requirements''.

SEC. 6. IMPROVEMENTS TO THE CHILD WELFARE SERVICES PROGRAM.

(a) FUNDING.—Subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620–628b) is amended by striking sections 420 and 425 and inserting after section 424 the following:

''LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS

''SEC. 425. To carry out this subpart, there are authorized to be appropriated to the Secretary not more than $325,000,000 for each of fiscal years 2007 through 2011.''.

(b) PURPOSE OF PROGRAM.—Such subpart is further amended—

(1) by striking section 424;

(2) by redesignating sections 421 and 423 as sections 423 and 424, respectively, and by transferring section 423 (as so redesignated) so that it appears after section 422; and

(3) by inserting after the subpart heading the following:

''PURPOSE

''SEC. 421. The purpose of this subpart is to promote State flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families, by—

''(1) protecting and promoting the welfare of all children;

''(2) preventing the neglect, abuse, or exploitation of children;

''(3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner;

''(4) promoting the safety, permanence, and well-being of children in foster care and adoptive families; and

''(5) providing training, professional development and support to ensure a well-qualified child welfare workforce.''.

(c) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 422 of such Act (42 U.S.C. 622) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (3) through (5) and inserting the following:

''(3) include a description of the services and activities which the State will fund under the State program carried out pursuant to this subpart, and how the services and activities will achieve the purpose of this subpart;'';

(B) by striking paragraph (6) and inserting after paragraph (3) (as added by subparagraph (A) of this paragraph) the following:

''(4) contain a description of—

''(A) the steps the State will take to provide child welfare services statewide and to expand and strengthen the range of existing services and develop and implement services to improve child outcomes; and

''(B) the child welfare services staff development and training plans of the State;'';

(C) by redesignating paragraphs (7) through (9) as paragraphs (5) through (7), respectively;

(D) in paragraph (10)—

(i) by striking subparagraph (A);

(ii) in subparagraph (B)(iii)(II), by inserting '', which may include a residential educational program'' after ''in some other planned, permanent living arrangement'';

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by striking subparagraph (C) and inserting after subparagraph (A) the following:

''(B) has in effect policies and administrative and judicial procedures for children abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) which enable permanent decisions to be made expeditiously with respect to the placement of the children;'';

(E) in paragraph (14), by striking ''and'' at the end;

(F) in paragraph (15), by striking the period and inserting a semicolon;

(G) by redesignating paragraphs (10) through (15) as paragraphs (8) through (13), respectively; and

(H) by adding at the end the following:

''(14) not later than October 1, 2007, include assurances that not more than 10 percent of the expenditures of the State with respect to activities funded from amounts provided under this subpart will be for administrative costs;

''(15) describe how the State actively consults with and involves physicians or other appropriate medical professionals in—

''(A) assessing the health and well-being of children in foster care under the responsibility of the State; and

''(B) determining appropriate medical treatment for the children; and

''(16) provide that, not later than 1 year after the date of the enactment of this paragraph, the State shall have in place procedures providing for how the State programs assisted under this subpart, subpart 2 of this part, or part E would respond to a disaster, in accordance with criteria established by the Secretary which should include how a State would—

''(A) identify, locate, and continue availability of services for children under State care or supervision who are displaced or adversely affected by a disaster;

''(B) respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;

''(C) remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;

''(D) preserve essential program records; and

''(E) coordinate services and share information with other States.''; and

(2) by adding at the end the following:

''(c) DEFINITIONS.—In this subpart:

''(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' means costs for the following, but only to the extent incurred in administering the State plan developed pursuant to this subpart: procurement, payroll management, personnel functions (other than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by caseworkers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by caseworkers or the oversight of programs funded under this subpart).

''(2) OTHER TERMS.—For definitions of other terms used in this part, see section 475.''.

(d) PROVISIONS RELATING TO STATE ALLOTMENTS.—Section 423 of such Act, as so redesignated by subsection (b)(2) of this section, is amended—

(1) in subsection (a)—

(A) by inserting ''IN GENERAL.—'' after ''(a)''; and

(B) by striking ''420'' and inserting ''425''; and

(2) in subsection (b), by inserting ''DETERMINATION OF STATE ALLOTMENT PERCENTAGES.—'' after ''(b)'';

(3) in subsection (c), by inserting ''PROMULGATION OF STATE ALLOTMENT PERCENTAGES.—'' after ''(c)'';

(4) in subsection (d)—

(A) by inserting ''UNITED STATES DEFINED.—'' after ''(d)''; and

(B) by striking ''fifty'' and inserting ''50''; and

(5) by adding at the end the following:

''(e) REALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—The amount of any allotment to a State for a fiscal year under the preceding provisions of this section which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in section 422 shall be available for reallotment from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

''(A) need sums in excess of the amounts allotted to such other States under the preceding provisions of this section, in carrying out their State plans so developed; and

''(B) will be able to so use such excess sums during the fiscal year.

''(2) CONSIDERATIONS.—The Secretary shall make the reallotments on the basis of the State plans so developed, after taking into consideration—

''(A) the population under 21 years of age;

''(B) the per capita income of each of such other States as compared with the population under 21 years of age; and

''(C) the per capita income of all such other States with respect to which such a determination by the Secretary has been made.

''(3) AMOUNTS REALLOTTED TO A STATE DEEMED PART OF STATE ALLOTMENT.—Any amount so reallotted to a State is deemed part of the allotment of the State under this section.''.

(e) PAYMENTS TO STATES; LIMITATIONS ON USE OF FUNDS.—

(1) LIMITATIONS RELATED TO STATE EXPENDITURES FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, AND ADOPTION ASSISTANCE PAYMENTS.—Section 424 of such Act, as so redesignated by subsection (b)(2) of this section, is amended by striking subsections (c) and (d) and inserting the following:

''(c) LIMITATION ON USE OF FEDERAL FUNDS FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, OR ADOPTION ASSISTANCE PAYMENTS.—The total amount of Federal payments under this subpart for a fiscal year beginning after September 30, 2007, that may be used by a State for expenditures for child care, foster care maintenance payments, or adoption assistance payments shall not exceed the total amount of such payments for fiscal year 2005 that were so used by the State.

''(d) LIMITATION ON USE BY STATES OF NON-FEDERAL FUNDS FOR FOSTER CARE MAINTENANCE PAYMENTS TO MATCH FEDERAL FUNDS.—For any fiscal year beginning after September 30, 2007, State expenditures of non-Federal funds for foster care maintenance payments shall not be considered to be expenditures under the State plan developed under this subpart for the fiscal year to the extent that the total of such expenditures for the fiscal year exceeds the total of such expenditures under the State plan developed under this subpart for fiscal year 2005.''.

(2) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(A) IN GENERAL.—Section 424 of such Act (42 U.S.C. 623), as so redesignated by subsection (b)(2) of this section, is amended by adding at the end the following:

''(e) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—A payment may not be made to a State under this section with respect to expenditures during a fiscal year for administrative costs, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year for activities funded from amounts provided under this subpart.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to expenditures made on or after October 1, 2007.

(f) CONFORMING AMENDMENTS.—

(1) Section 428(b) of such Act (42 U.S.C. 628(b)) is amended by striking ''421'' and inserting ''423''.

(2) Section 429 of such Act (42 U.S.C. 628a) is amended—

(A)(i) by striking the following:

''CHILD WELFARE TRAINEESHIPS

''SEC. 429. The Secretary''; and

(ii) inserting the following:

''(c) CHILD WELFARE TRAINEESHIPS.—The Secretary''; and

(B) by transferring the provision to the end of section 426 (as amended by section 11(b) of this Act).

(3) Section 429A of such Act (42 U.S.C. 628b) is redesignated as section 429.

(4) Section 433(b) of such Act (42 U.S.C. 629c(b)) is amended by striking ''421'' and inserting ''423''.

(5) Section 437(c)(2) of such Act (42 U.S.C. 629g(c)(2)) is amended by striking ''421'' and inserting ''423''.

(6) Section 472(d) of such Act (42 U.S.C. 672(d)) is amended by striking ''422(b)(10)'' and inserting ''422(b)(8)''.

(7) Section 473A(f) of such Act (42 U.S.C. 673b(f)) is amended by striking ''423'' and inserting ''424''.

(8) Section 1130(b)(1) of such Act (42 U.S.C. 1320a–9(b)(1)) is amended to read as follows:.

''(1) any provision of section 422(b)(8), or section 479; or''.

(9) Section 104(b)(3) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914(b)(3)) is amended by striking ''422(b)(14) of the Social Security Act, as amended by section 205 of this Act'' and inserting ''422(b)(12) of the Social Security Act''.

SEC. 7. MONTHLY CASEWORKER STANDARD.

(a) STATE PLAN REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)), as amended by section 6(c) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting ''; and''; and

(3) by adding at the end the following:

''(17) not later than October 1, 2007, describe the State standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the State, which, at a minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children.''.

(b) ENFORCEMENT.—Section 424 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act, is amended by adding at the end the following:

''(e)(1) The Secretary may not make a payment to a State under this subpart for a period in fiscal year 2008, unless the State has provided to the Secretary data which shows, for fiscal year 2007—

''(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

''(B) the percentage of the visits that occurred in the residence of the child.

''(2)(A) Based on the data provided by a State pursuant to paragraph (1), the Secretary, in consultation with the State, shall establish, not later than June 30, 2008, an outline of the steps to be taken to ensure, by October 1, 2011, that at least 90 percent of the children in foster care under the responsibility of the State are visited by their caseworkers on a monthly basis, and that the majority of the visits occur in the residence of the child. The outline shall include target percentages to be reached each fiscal year, and should include a description of how the steps will be implemented. The steps may include activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

''(B) Beginning October 1, 2008, if the Secretary determines that a State has not made the requisite progress in meeting the goal described in subparagraph (A) of this paragraph, then the percentage that shall apply for purposes of subsection (a) of this section for the period involved shall be the percentage set forth in such subsection (a) reduced by—

''(i) 1, if the number of full percentage points by which the State fell short of the target percentage established for the State for the period pursuant to such subparagraph is less than 10;

''(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or

''(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.''.

(c) REPORTS.—

(1) PROGRESS REPORT.—Not later than March 31, 2010, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that outlines the progress made by the States in meeting the standards referred to in section 422(b)(17) of the Social Security Act, and offers recommendations developed in consultation with State officials responsible for administering child welfare programs and members of the State legislature to assist States in their efforts to ensure that foster children are visited on a monthly basis.

(2) INCLUSION OF INFORMATION ON CASEWORKER VISITS IN ANNUAL CHILD WELL-BEING OUTCOME REPORTS.—Section 479A of such Act (42 U.S.C. 679b) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) include in the report submitted pursuant to paragraph (5) for fiscal year 2007 or any succeeding fiscal year, State-by-State data on—

''(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

''(B) the percentage of the visits that occurred in the residence of the child.''.

SEC. 8. REAUTHORIZATION OF PROGRAM FOR MENTORING CHILDREN OF PRISONERS.

(a) IN GENERAL.—Section 439 of the Social Security Act (42 U.S.C. 629i) is amended—

(1) in subsection (c), by striking ''2002 through 2006'' and inserting ''2007 through 2011''; and

(2) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:

''(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary such sums as may be necessary for fiscal years 2007 through 2011.''; and

(B) in paragraph (2), by striking ''2.5'' and inserting ''4''.

(b) SERVICE DELIVERY DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section, is amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following:

''(g) SERVICE DELIVERY DEMONSTRATION PROJECT.—

''(1) PURPOSE; AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with an eligible entity that meets the requirements of paragraph (2) for the purpose of requiring the entity to conduct a demonstration project consistent with this subsection under which the entity shall—

''(A) identify children of prisoners in need of mentoring services who have not been matched with a mentor by an applicant awarded a grant under this section, with a priority for identifying children who—

''(i) reside in an area not served by a recipient of a grant under this section;

''(ii) reside in an area that has a substantial number of children of prisoners;

''(iii) reside in a rural area; or

''(iv) are Indians;

''(B) provide the families of the children so identified with—

''(i) a voucher for mentoring services that meets the requirements of paragraph (5); and

''(ii) a list of the providers of mentoring services in the area in which the family resides that satisfy the requirements of paragraph (6); and

''(C) monitor and oversee the delivery of mentoring services by providers that accept the vouchers.

''(2) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity under this subsection is an organization that the Secretary determines, on a competitive basis—

''(i) has substantial experience—

''(I) in working with organizations that provide mentoring services for children of prisoners; and

''(II) in developing quality standards for the identification and assessment of mentoring programs for children of prisoners; and

''(ii) submits an application that satisfies the requirements of paragraph (3).

''(B) LIMITATION.—An organization that provides mentoring services may not be an eligible entity for purposes of being awarded a cooperative agreement under this subsection.

''(3) APPLICATION REQUIREMENTS.—To be eligible to be awarded a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

''(A) QUALIFICATIONS.—Evidence that the entity—

''(i) meets the experience requirements of paragraph (2)(A)(i); and

''(ii) is able to carry out—

''(I) the purposes of this subsection identified in paragraph (1); and

''(II) the requirements of the cooperative agreement specified in paragraph (4).

''(B) SERVICE DELIVERY PLAN.—

''(i) DISTRIBUTION REQUIREMENTS.—Subject to clause (iii), a description of the plan of the entity to ensure the distribution of not less than—

''(I) 3,000 vouchers for mentoring services in the first year in which the cooperative agreement is in effect with that entity;

''(II) 8,000 vouchers for mentoring services in the second year in which the agreement is in effect with that entity ; and

''(III) 13,000 vouchers for mentoring services in any subsequent year in which the agreement is in effect with that entity.

''(ii) SATISFACTION OF PRIORITIES.—A description of how the plan will ensure the delivery of mentoring services to children identified in accordance with the requirements of paragraph (1)(A).

''(iii) SECRETARIAL AUTHORITY TO MODIFY DISTRIBUTION REQUIREMENT.—The Secretary may modify the number of vouchers specified in subclauses (I) through (III) of clause (i) to take into account the availability of appropriations and the need to ensure that the vouchers distributed by the entity are for amounts that are adequate to ensure the provision of mentoring services for a 12-month period.

''(C) COLLABORATION AND COOPERATION.—A description of how the entity will ensure collaboration and cooperation with other interested parties, including courts and prisons, with respect to the delivery of mentoring services under the demonstration project.

''(D) OTHER.—Any other information that the Secretary may find necessary to demonstrate the capacity of the entity to satisfy the requirements of this subsection.

''(4) COOPERATIVE AGREEMENT REQUIREMENTS.—A cooperative agreement awarded under this subsection shall require the eligible entity to do the following:

''(A) IDENTIFY QUALITY STANDARDS FOR PROVIDERS.—To work with the Secretary to identify the quality standards that a provider of mentoring services must meet in order to participate in the demonstration project and which, at a minimum, shall include criminal records checks for individuals who are prospective mentors and shall prohibit approving any individual to be a mentor if the criminal records check of the individual reveals a conviction which would prevent the individual from being approved as a foster or adoptive parent under section 471(a)(20)(A).

''(B) IDENTIFY ELIGIBLE PROVIDERS.—To identify and compile a list of those providers of mentoring services in any of the 50 States or the District of Columbia that meet the quality standards identified pursuant to subparagraph (A).

''(C) IDENTIFY ELIGIBLE CHILDREN.—To identify children of prisoners who require mentoring services, consistent with the priorities specified in paragraph (1)(A).

''(D) MONITOR AND OVERSEE DELIVERY OF MENTORING SERVICES.—To satisfy specific requirements of the Secretary for monitoring and overseeing the delivery of mentoring services under the demonstration project, which shall include a requirement to ensure that providers of mentoring services under the project report data on the children served and the types of mentoring services provided.

''(E) RECORDS, REPORTS, AND AUDITS.—To maintain any records, make any reports, and cooperate with any reviews and audits that the Secretary determines are necessary to oversee the activities of the entity in carrying out the demonstration project under this subsection.

''(F) EVALUATIONS.—To cooperate fully with any evaluations of the demonstration project, including collecting and monitoring data and providing the Secretary or the Secretary's designee with access to records and staff related to the conduct of the project.

''(G) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—To ensure that administrative expenditures incurred by the entity in conducting the demonstration project with respect to a fiscal year do not exceed the amount equal to 10 percent of the amount awarded to carry out the project for that year.

''(5) VOUCHER REQUIREMENTS.—A voucher for mentoring services provided to the family of a child identified in accordance with paragraph (1)(A) shall meet the following requirements:

''(A) TOTAL PAYMENT AMOUNT; 12-MONTH SERVICE PERIOD.—The voucher shall specify the total amount to be paid a provider of mentoring services for providing the child on whose behalf the voucher is issued with mentoring services for a 12-month period.

''(B) PERIODIC PAYMENTS AS SERVICES PROVIDED.—

''(i) IN GENERAL.—The voucher shall specify that it may be redeemed with the eligible entity by the provider accepting the voucher in return for agreeing to provide mentoring services for the child on whose behalf the voucher is issued.

''(ii) DEMONSTRATION OF THE PROVISION OF SERVICES.—A provider that redeems a voucher issued by the eligible entity shall receive periodic payments from the eligible entity during the 12-month period that the voucher is in effect upon demonstration of the provision of significant services and activities related to the provision of mentoring services to the child on whose behalf the voucher is issued.

''(6) PROVIDER REQUIREMENTS.—In order to participate in the demonstration project, a provider of mentoring services shall—

''(A) meet the quality standards identified by the eligible entity in accordance with paragraph (1);

''(B) agree to accept a voucher meeting the requirements of paragraph (5) as payment for the provision of mentoring services to a child on whose behalf the voucher is issued;

''(C) demonstrate that the provider has the capacity, and has or will have nonfederal resources, to continue supporting the provision of mentoring services to the child on whose behalf the voucher is issued, as appropriate, after the conclusion of the 12-month period during which the voucher is in effect; and

''(D) if the provider is a recipient of a grant under this section, demonstrate that the provider has exhausted its capacity for providing mentoring services under the grant.

''(7) 3-YEAR PERIOD; OPTION FOR RENEWAL.—

''(A) IN GENERAL.—A cooperative agreement awarded under this subsection shall be effective for a 3-year period.

''(B) RENEWAL.—The cooperative agreement may be renewed for an additional period, not to exceed 2 years and subject to any conditions that the Secretary may specify that are not inconsistent with the requirements of this subsection or subsection (i)(2)(B), if the Secretary determines that the entity has satisfied the requirements of the agreement and evaluations of the service delivery demonstration project demonstrate that the voucher service delivery method is effective in providing mentoring services to children of prisoners.

''(8) INDEPENDENT EVALUATION AND REPORT.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an independent, private organization to evaluate and prepare a report on the first 2 fiscal years in which the demonstration project is conducted under this subsection.

''(B) DEADLINE FOR REPORT.—Not later than 90 days after the end of the second fiscal year in which the demonstration project is conducted under this subsection, the Secretary shall submit the report required under subparagraph (A) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report shall include—

''(i) the number of children as of the end of such second fiscal year who received vouchers for mentoring services; and

''(ii) any conclusions regarding the use of vouchers for the delivery of mentoring services for children of prisoners.

''(9) NO EFFECT ON ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—A voucher provided to a family under the demonstration project conducted under this subsection shall be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or federally-supported assistance for the family.''.

(2) CONFORMING AMENDMENTS.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section and paragraph (1) of this subsection, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''PURPOSE'' and inserting ''PURPOSES''; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''PURPOSE'' and inserting ''PURPOSES'';

(II) by striking ''The purpose of this section is to authorize the Secretary to make competitive'' and inserting ''The purposes of this section are to authorize the Secretary—

''(A) to make competitive'';

(iii) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) to enter into on a competitive basis a cooperative agreement to conduct a service delivery demonstration project in accordance with the requirements of subsection (g).'';

(B) in subsection (c)—

(i) by striking ''(h)'' and inserting ''(i)''; and

(ii) by striking ''(h)(2)'' and inserting ''(i)(2)'';

(C) by amending subsection (h) (as so redesignated by paragraph (1)(A) of this subsection) to read as follows:

''(h) INDEPENDENT EVALUATION; REPORTS.—

''(1) INDEPENDENT EVALUATION.—The Secretary shall conduct by grant, contract, or cooperative agreement an independent evaluation of the programs authorized under this section, including the service delivery demonstration project authorized under subsection (g).

''(2) REPORTS.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall submit a report to the Congress that includes the following:

''(A) The characteristics of the mentoring programs funded under this section.

''(B) The plan for implementation of the service delivery demonstration project authorized under subsection (g).

''(C) A description of the outcome-based evaluation of the programs authorized under this

section that the Secretary is conducting as of that date of enactment and how the evaluation has been expanded to include an evaluation of the demonstration project authorized under subsection (g).

''(D) The date on which the Secretary shall submit a final report on the evaluation to the Congress.''; and

(D) in subsection (i) (as so redesignated)—

(i) in the subsection heading, by striking ''RESERVATION'' and inserting ''RESERVATIONS''; and

(ii) in paragraph (2)—

(I) by amending the paragraph heading to read as follows: ''RESERVATIONS'';

(II) by striking ''The'' and inserting the following:

''(A) RESEARCH, TECHNICAL ASSISTANCE, AND EVALUATION.—The''; and

(III) by adding at the end the following:

''(B) SERVICE DELIVERY DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of awarding a cooperative agreement to conduct the service delivery demonstration project authorized under subsection (g), the Secretary shall reserve not more than—

''(I) $5,000,000 of the amount appropriated under paragraph (1) for the first fiscal year in which funds are to be awarded for the agreement;

''(II) $10,000,000 of the amount appropriated under paragraph (1) for the second fiscal year in which funds are to be awarded for the agreement; and

''(III) $15,000,000 of the amount appropriated under paragraph (1) for the third fiscal year in which funds are to be awarded for the agreement.

''(ii) ASSURANCE OF FUNDING FOR GENERAL PROGRAM GRANTS.—With respect to any fiscal year, no funds may be awarded for a cooperative agreement under subsection (g), unless at least $25,000,000 of the amount appropriated under paragraph (1) for that fiscal year is used by the Secretary for making grants under this section for that fiscal year.''.

SEC. 9. REAUTHORIZATION OF THE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended in each of subsections (c)(1)(A) and (d) by striking ''2006'' and inserting ''2011''.

SEC. 10. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ''(i)'' after ''with respect to each such child,'';

(2) by striking ''and procedural safeguards shall also'' and inserting ''(ii) procedural safeguards shall''; and

(3) by inserting ''and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;'' after ''parents;''.

SEC. 11. TECHNICAL AMENDMENTS.

(a) UPDATING OF ARCHAIC LANGUAGE.—

(1) Section 423 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act—

(A) is amended by striking ''per centum'' and inserting ''percent''; and

(B) by striking ''He'' and inserting ''The Secretary''.

(2) Section 424(a) of such Act, as so redesignated by section 6(b)(2) of this Act, is amended by striking ''per centum'' and inserting ''percent''.

(b) ELIMINATION OF OBSOLETE PROVISION.—Section 426 of such Act (42 U.S.C. 626) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(c) TECHNICAL CORRECTION.—Section 431(a)(6) of such Act (42 U.S.C. 629a(a)(6)) is amended by striking ''1986'' and inserting ''1996''.

SEC. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to subpart 1 of part B, or a State plan approved under subpart 2 of part B or part E, of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—Section 3(c) shall take effect on the date of the enactment of this Act.

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Act, insert the following: ''An Act to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, and for other purposes.''.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of S. 3525, the Child and Family Services Improvement Act of 2006. I would like to thank the gentleman from Washington (Mr. MCDERMOTT) and many other Members for their support of this bipartisan legislation.

This legislation reauthorizes and improves oversight and accountability of numerous child protection programs that will provide about $4 billion during the next 5 years to help keep children safe.

In recent years, the subcommittee I chair has held a dozen hearings on our Nation's child protection system. Every witness testified about the need to reform this broken system, which too often has lost track of children or placed them in homes where they suffered continued abuse and neglect.

The legislation before us today includes a number of provisions designed to improve the monitoring of children in foster care and to hold States more accountable for the care they provide. This legislation will require States to ensure that at least 90 percent of children in foster care are visited on a monthly basis in response to research highlighting the importance of frequent visits in promoting child safety.

This legislation also makes substantial improvements to the Child Welfare Services program. For example, this program now is permanently authorized. As a result, there has been little oversight and monitoring of the Child Welfare Services program in recent decades. This legislation will authorize this program through fiscal year 2011, ensuring that future Congresses examine this program, as improved in this bill, to make sure that it is operating properly.

This legislation also stresses preventing abuse and neglect from occurring, not just managing its effects. Among other measures, it targets new funds to a key cause of child abuse and neglect: parental drug abuse, including by parents who abuse methamphetamine, which is a major concern in my own northern California congressional district. A total of $145 million in program funds will be available to community groups working with child welfare officials to help keep parents off drugs.

Mr. Speaker, I have highlighted just a few of the many improvements this legislation will make to our Nation's child protection system, but there is still much more work to do. Children still linger in foster care waiting for permanent families. Every year, almost 24,000 of these youths age out of foster care without a family of their own. We will continue to work to ensure this system protects these children and promotes a brighter future. We also will continue our efforts to ensure that Federal taxpayer dollars are being spent properly within these programs. Today marks one step forward towards those goals.

This legislation has the support of numerous organizations including the Children's Defense Fund, the Child Welfare League of America, and the National Indian Child Welfare Association.

I thank all the Members and staff who have worked to bring this legislation to the floor today. The Child and Family Services Improvement Act is good legislation, and I urge all my colleagues to support it.

Mr. Speaker, I rise today in strong support of S. 3525, the Child and Family Services Improvement Act of 2006. I'm pleased to be here today with the gentleman from Washington who is a cosponsor of this bipartisan legislation. I'd like to thank the many Members from both sides of the aisle for their support. This has been a truly bipartisan effort at all stages and I'm pleased we are here today to move

this legislation forward to the President for his signature.

This legislation reauthorizes and improves numerous child protection programs that combined will provide about $4 billion during the next 5 years to keep children safe. These programs are the Promoting Safe and Stable Families program, the Child Welfare Services program, the Court Improvement program, and the Mentoring Children of Prisoners program.

S. 3525 takes an important step forward in our efforts to prevent child abuse and neglect by keeping families together and preventing, whenever possible, the unnecessary separation of children from their families. Over the past 6 years, the subcommittee that I chair has held 12 hearings to explore our Nation's child protection system. Every witness has testified to improvements and reforms that are necessary to fix this broken system. The legislation before us today includes a number of provisions that address these issues we have heard so much about.

First, time and time again we have seen stories of children lost by caseworkers, children who have gone missing in the foster care system, or even worse, children who have suffered abuse in homes in which they are placed. No one who sat through these hearings will soon forget the images of four boys in New Jersey who were starved by their adopted parents and were discovered by a neighbor rummaging for food in the trash. There is little doubt that States need to increase oversight and monitoring of these children and the legislation before us today will ensure that happens.

S. 3525 will require all States to ensure at least 90 percent of children in foster care are visited on a monthly basis by their caseworker, and to ensure that the majority of these visits occur in the child's residence. States will work with the Department of Health and Human Services to establish targets to reach this goal by fiscal year 2012. In any year in which a State fails to reach its target, we will continue to make the State's full Federal allotment available to them but the State will need to increase their own spending in order to access those funds. Further, to help States achieve this standard, the legislation directs $95 million to be spent on activities that help ensure children are visited on a monthly basis and that these visits are well-planned and focused on assessing the child's safety and well-being.

Second, we have heard repeatedly how Federal funds for child welfare disproportionately assist kids after they have been removed from their homes, instead of preventing' the abuse or neglect that results in the need for their removal in the first place. This legislation will encourage States to invest more dollars in activities that keep families together when appropriate by limiting the amount that can fund basic administrative costs as well as by targeting these dollars for prevention and family support services. Also, States will be required to submit actual spending data for these programs, which will enhance our oversight of State activity on behalf of these children.

And third, substance abuse by parents and caretakers, particularly abuse of methamphetamine, is having a substantial impact on the child welfare system in some areas. This legislation will direct $145 million for grants to law enforcement personnel, court personnel, and others involved with the child welfare system to partner with the State child welfare agency to devise solutions to this problem.

I'm pleased this legislation continues the Mentoring Children of Prisoners program and provides for a voucher pilot program to expand the availability of mentoring services for children. There are approximately 4,000 mentoring organizations nationwide, and these vouchers will enable families to select an organization from which children can receive these important services. Few dispute the tremendous impact a mentor can have in the life of a troubled child. I'm very pleased we have reached an agreement to include this program, a priority of the Bush administration, in this legislation.

Mr. Speaker, I've highlighted just a few of the many improvements this legislation will make to our Nation's child protection system. But there is still much more work to do. Children linger in foster care waiting for permanent families. Every year almost 20,000 of these youths age out of foster care without a family of their own. We will continue to work to ensure this system protects these children and promotes a brighter future for them. Today is a major step forward towards that goal.

I thank all the Members and staff who have worked to bring this legislation to the floor today. This legislation has the support of numerous child welfare organizations, including the Children's Defense Fund, Catholic Charities USA, Mentor, and the National Indian Child Welfare Association.

This is an excellent bill and I urge all my colleagues to support it. Attached below is a summary of the legislation.

REPORT ACCOMPANYING S. 3525, THE CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006, AS AMENDED

PREPARED BY THE STAFF OF THE U.S. HOUSE COMMITTEE ON WAYS AND MEANS AND THE U.S. SENATE COMMITTEE ON FINANCE—SEPTEMBER 26, 2006

Section 1—Short title

''The Child and Family Services Improvement Act of 2006''

Section 2—Findings

The legislation makes a number of findings regarding the provision of services under two child welfare programs authorized under Title IV–B of the Social Security Act, the Child Welfare Services (CWS) program and the Promoting Safe and Stable Families (PSSF) program. The findings note the importance of monthly caseworker visits in improving outcomes for children. They also outline the relationship between the entry of children into the child welfare system and their parent's abuse of methamphetamine and other substances.

Section 3—Reauthorization of the Promoting Safe and Stable Families Program

Current Law

For fiscal year (FY) 2006, authorizes mandatory funding of $345 million for the Promoting Safe and Stable Families (PSSF) program (Title IV–B, Subpart 2 of the Social Security Act) and discretionary funding of $200 million for each of FYs 2002 through 2006.

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The legislation extends the mandatory PSSF funding authorization of $345 million for five years (FYs 2007 through 2011) and extends the discretionary funding authorization of $200 million for each of those same five years. The legislation expands the reporting requirement to include both proposed spending and actual spending under the CWS and PSSF programs, and at State option, other programs that support child abuse prevention activities and child welfare services. The legislation also prohibits HHS from making any payment of PSSF funds to a State for administrative costs that exceed 10 percent of total program expenditures (Federal and non-Federal) of a State.

Reason for Change

The PSSF program supports four categories of services provided to children and families: family preservation services, community-based family support services, time-limited reunification services, and adoption promotion and support services. The legislation recognizes the importance of encouraging States to invest in these activities. Thus the legislation provides for the $200 million increase in mandatory PSSF funds over the next five years included in the Deficit Reduction Act of 2005 (P.L. 109–171). In total $345 million in mandatory funds (the recent $305 million allotment of annual mandatory funds, plus a $40 million annual increase provided under the Deficit Reduction Act of 2005) will be provided in each of FYs 2007 through 2011.

The legislation also will ensure better oversight and accountability of spending under the CWS and PSSF programs by requiring States to report on projected and actual spending under these two programs. Specifically, data on actual spending will help track State investments for the four priorities of the PSSF program.

Section 4—Targeting of Promoting Safe and Stable Families Program resources

Current Law

Current law requires States to include assurances in their PSSF plan that they will spend significant portions of their PSSF funds in each of four priority areas: (1) family preservation services; (2) community-based family support services; (3) time-limited family reunification services; and (4) adoption promotion and support services.

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The legislation retains the four priorities of PSSF while targeting the additional $40 million per year provided under the Deficit Reduction Act of 2005 (P.L. 109–171) to two new priorities: (1) support for monthly caseworker visits; and (2) competitive grants to promote the well-being of children in or at risk of placement in the child welfare system as a result of their parent's abuse of methamphetamine or other substances.

The legislation provides a total of $95 million to States to support monthly caseworker visits of children in foster care under the responsibility of the State, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology. States will receive $40 million from FY 2006 PSSF funds (with these funds available through FY 2009), $5 million in FY 2008, $10 million in FY 2009, and $20 million in each of FYs 2010 and 2011 to support monthly caseworker visits. States cannot use these funds to supplant any Federal funds already paid to the State under the Title IV–E program that could be used for the purposes outlined above.

To promote the well-being of children affected by their parent's abuse of methamphetamine or other substances, the legislation provides a total of $145 million to the Secretary of the Department of Health and Human Services (HHS) to award competitive grants to regional partnerships to pursue innovative approaches to help children and families. Funding will be $40 million in FY 2007, $35 million in FY 2008, $30 million in FY 2009, and $20 million in each of FYs 2010 and 2011. Partnerships must include the State

child welfare agency or an Indian tribe and at least one other eligible partner, including: child welfare service providers (non-profit and for-profit), community providers of health or mental health services, local law enforcement agencies, judges and court personnel, juvenile justice officials, school personnel, the State agency responsible for administering the substance abuse prevention and treatment block grant (authorized under Title XIX–B, Subpart II of the Public Health Services Act), and any other providers, agencies, personnel, officials or entities related to the provision of child and family services. Grants of between $500,000 and $1 million per year will be awarded for 2 to 5 year periods.

A priority will be given to grant applications that propose to combat methamphetamine abuse, given its substantial affect on child welfare in some areas. Funding for the grants must be used to support the purposes of this program, which may include family-based comprehensive long-term substance abuse treatment services, early intervention and prevention services, mental health services, parent skills training, and replication of successful models for providing family-based comprehensive long-term substance abuse treatment services. Grantees must provide a 15 percent match in the first and second year, a 20 percent match in the third and fourth year, and a 25 percent match in the fifth year. In-kind contributions can qualify towards the match requirement. The Secretary of HHS must consult with State leaders to develop performance indicators and reporting is required of all grant recipients.

The legislation also redirects current PSSF research funding to support evaluation, research, and technical assistance related to the above two PSSF funding priorities. In each of FYs 2007 through 2011, at least $1 million must be spent for research and technical assistance activities that support monthly caseworker visits and at least $1 million must be spent for research and technical assistance activities with respect to the competitive grant program to promote the well-being of children in or at risk of placement in the child welfare system due to a parent's abuse of methamphetamine or other substances.

Reason for Change

The targeting of funds to support monthly visits of foster children is in response to research highlighting how monthly visits lead to better outcomes for children. The Child and Family Service Reviews (CFSRs) completed in each State found a strong correlation between frequent caseworker visits with children and positive outcomes for children, such as timely achievement of permanency and other indicators of child well-being. However, despite the fact that nearly all States had written standards suggesting monthly visits were State policy, a December 2005 report completed by the HHS Office of the Inspector General found that only 20 States were able to produce reports showing whether caseworkers actually visited children in foster care on at least a monthly basis. States are encouraged to invest these resources in those activities with proven effectiveness in supporting monthly caseworker visits of foster children and should be cognizant that these funds may not supplant what States already spend from their Title IV–E programs for these activities. These resources are intended to increase State investment in these important areas.

Parental substance abuse is a well-known problem affecting the child welfare system, and the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration reported that the number of new uses of methamphetamines (meth) has increased 72 percent in the past decade. A study by the National Association of Counties which surveyed 300 counties in 13 States reported that meth abuse is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements due to meth abuse in 2005.

Section 5—Allotments and Grants to Indian Tribes

Current Law

Requires that 1 percent of all mandatory PSSF funds, and 2 percent of any discretionary appropriations for the PSSF program, be set aside for tribal programs. (The minimum tribal funding provided is $3.45 million and the maximum annual tribal funding possible is $7.45 million.)

Out of the tribal funds reserved, Indian tribes or tribal organizations with an approved plan must be allotted PSSF funds (based on the relative share of tribal persons under age 21 but only among tribes or tribal organizations with approved plans). The Secretary of HHS may exempt a tribe from any plan requirement that it determines would be inappropriate for that tribe (taking into account the resources, needs, and other circumstances of that tribe). However, no tribe or tribal organization may have an approved plan (or receive funds) unless its allotment is equal to at least $10,000. Funds allotted are paid directly to the tribal organization of the Indian tribe to which the money is allotted.

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The legislation increases the set-aside for tribal programs to 3 percent of any discretionary funds appropriated. It also increases the set-side for tribal programs to 3 percent of the mandatory funds authorized and which remain after the separate reservation of funds is made for (1) monthly caseworker visits, and (2) competitive grants to combat methamphetamine and other substance abuse. Therefore, the minimum funding available per year for tribal programs would be $9.15 million and the maximum funding would be $15.15 million. The legislation eliminates the ability of the Secretary of HHS to exempt tribes from the PSSF plan requirements related to nonsupplantation, data reporting, and monitoring. However, the Secretary retains the ability to waive for Indian tribes the PSSF requirement to invest significant amounts of program funds in each of the four PSSF activities and to spend no more than 10 percent of PSSF funds on administrative costs.

The legislation also permits tribal consortia to have access to an allotment of PSSF funds (and related technical assistance) on the same basis as such funds are currently available to Indian tribes. A tribal consortium's allotment is to be determined based on the number of tribal persons under age 21 in each tribe that is a part of the tribal consortium. If tribes choose to apply collectively as a consortium, the population of tribal persons under age 21 for each tribe would be combined in order to determine the size of the grant to the consortium, including whether the consortium meets the $10,000 eligibility threshold in the Act. A tribal consortium could select which Indian tribal organization (among the tribes in the consortium) would receive the direct payment of its allotment.

Reason for Change

The legislation recognizes the importance of assisting tribes in their efforts to assist abused and neglected children. The legislation significantly increases the amount of funds provided to tribes and allows tribal consortia to apply for PSSF funds. This step is being taken to encourage the further development of tribal child welfare programs, which largely serve severely disadvantaged communities and families and can do so in a culturally appropriate manner. Permanency outcomes for Indian children can be improved if tribal consortia are able to have access to an allotment of PSSF funding on the same basis as is currently available to Indian tribes. This will facilitate smaller tribes' building their own programs and will allow for administrative efficiencies in tribal program administration.

To collect additional data and ensure proper oversight of these funds, tribes and tribal consortia interested in applying for this substantial increase in PSSF funds will be required to adhere to the same data and monitoring plan requirements as States. This additional data will inform how these funds have helped the tribes better ensure the safety, permanency, and wellbeing of tribal children.

Section 6—Improvements to the Child Welfare Services (CWS) Program

Current Law

Up to $325 million annually is authorized on an indefinite basis for the Child Welfare Services (CWS) program, which provides funds to States to support a wide range of child welfare activities. Federal funding represents 75 percent of total funding for this program, and States are required to contribute 25 percent of total CWS funding from State funds.

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The legislation maintains the annual discretionary authorization level of $325 million per year but limits the funding authorization to FYs 2007 through 2011. The legislation also specifies that the purpose of the CWS program for which funds may be expended is to promote State flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and that ensures all children are raised in safe, loving families, by: (1) protecting and promoting the welfare of all children; (2) preventing the neglect, abuse, or exploitation of children; (3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner; (4) promoting the safety, permanence and well-being of children in foster care and adoptive families; and (5) providing training, professional development and support to ensure a well-qualified child welfare workforce.

The legislation eliminates the plan requirements related to child day care standards and those related to the use of paraprofessionals or volunteers and restates and renumbers the remaining provisions with generally the same intent. It rewrites the provision concerning policies and procedures for children abandoned shortly after birth to assert that a State must have in effect administrative and judicial procedures for children who are abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) to ensure expeditious decisions can be made for their permanent placement. Further, it clarifies that the State may include residential educational programs as a living arrangement for children for whom reunification, adoption, or guardianship have been ruled out as permanency goals. This provision does not undermine current State policies regarding placement of children in adoptive homes and does not eliminate the 25 bed policy.

Beginning October 1, 2007 (i.e. the beginning of FY 2008), the legislation limits administrative funding to 10 percent, but defines administrative funds to exclude caseworker services and supervision of such services. Also beginning in FY 2008, the legislation limits how much each State can expend from Federal CWS funding for foster care maintenance payments, adoption assistance payments, or child day care to what the State can show that it spent for such purposes in FY 2005. Further, beginning with FY 2008, States are not allowed to use State spending on foster care maintenance payments to meet the State matching requirement to receive Federal CWS funds in amounts that exceed what the State spent from such funds in FY 2005.

The legislation also adds new requirements to the CWS plan the State submits to (1) describe how the State consults with and involves physicians and other appropriate medical professionals in the assessment of children in foster care and in determining appropriate medical treatment, and (2) develop a plan on how to respond, track and continue care for children receiving child welfare services in the event of a disaster.

Reason for Change

The legislation will reorganize and update the CWS program and encourage more effective oversight. It also aligns the program to be coterminous with the reauthorization of the PSSF program to allow for better coordination between the two programs. It will encourage States to invest funding in prevention services, but allows each State to maintain in the coming years its FY 2005 level of spending from Federal CWS funds for foster care, adoption assistance and child care purposes. It adds a new State planning requirement to ensure consultation with medical professionals as well as State planning to continue the availability of child welfare services during a disaster.

Section 7—Monthly Caseworker Standard

Current Law

There is no minimum Federal standard for monthly visits of foster children in State custody.

S. 3525

The legislation requires the State to update its CWS State plan by October 1, 2007 to describe its standards for the content and frequency of caseworker visits of foster children in State custody, which at a minimum must ensure that children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, pennanency, and well-being of children.

The legislation also sets a minimum Federal standard requiring each State and territory to achieve by October 1, 2011 monthly caseworker visits for at least 90 percent of foster children in State custody, with the majority of those visits occurring in the child's residence. Each State and territory would be held accountable for its efforts and the legislation prescribes a planning process to achieve this goal. To receive FY 2008 CWS funds, States must submit to HHS data for FY 2007 on the percentage of foster children visited on a monthly basis by their caseworker and the percentage of those visits that occurred in the child's residence. Based on this data, HHS will work with each State to set target levels for the State to meet to achieve a 90 percent monthly visitation standard by FY 2012 and will establish these target levels by June 30, 2008. Then, beginning in FY 2009, States must achieve their annual goal for the percentage of caseworker visits and the percentage of visits that occur in the child's residence, or face an enhanced matching requirement in order to draw down their full allotment of Federal CWS funds. The share of non-Federal spending that is required in a State that does not meet its visitation target level in a year increases by a minimum of 1 percentage point, up to a maximum of 5 percentage points, depending on the degree to which the State has missed its target level; absent the commitment of additional State funds, Federal funds would be reduced to yield the modified State share of overall CWS funding, consistent with the degree of the State's failure to achieve its visitation target for that year.

No later than March 31, 2010, HHS must submit to the House Committee on Ways and Means and the Senate Committee on Finance a report that outlines the progress States have made in meeting their caseworker visitation standards and that offers recommendations, developed in consultation with State administrators of child welfare programs and members of State legislatures, to assist States in meeting this standard.

Reason for Change

Holding States accountable for achieving monthly caseworker visits for at least 90 percent of foster children responds to research highlighting how monthly visits lead to better outcomes for children. HHS shall work with the States to establish a plan to achieve this goal by FY 2012 and States are encouraged to invest the new PSSF resources provided in FY 2006 and later fiscal years in activities that have been shown to be effective in achieving increased caseworker visitation of foster children. The above accountability measure will ensure that, even in the case of a State that fails to fulfill its specified level of caseworker visits, the full Federal CWS allotment to a State will remain available so long as that State increases its State CWS spending modestly, according to the provisions of the legislation.

Section 8—Reauthorization of Program for Mentoring Children of Prisoners

Current Law

The Mentoring Children of Prisoners program is administered by HHS and makes competitive grants to support the establishment or expansion and operation of programs that provide mentoring services to children of prisoners.

S. 3525

The legislation reauthorizes the existing Mentoring Children of Prisoners program through FY 2011 at such sums as may be necessary and increases the HHS set-aside for research, technical assistance, and evaluation from 2.5 percent to 4 percent. It authorizes a new 3-year pilot program to provide vouchers to qualified mentoring groups to offer services to individual children of prisoners, but specifies both annual caps on funding for this purpose and that at least $25 million must be available each year for site-based grants provided under the program. The voucher pilot program will be administered by a national group that will work closely with HHS to manage the program with the goal to distribute at least 3,000 vouchers in the first year, 8,000 vouchers in the second year and 13,000 vouchers in the third year. The legislation specifies that the national group must identify in its voucher distribution plan how the group will prioritize providing vouchers to children in areas which have not been served under the current site-based mentoring program. During the third year of this pilot HHS shall provide a report based on an independent evaluation to the House Committee on Ways and Means and the Senate Committee on Finance on the number of children who received vouchers for mentoring services and any conclusions regarding the voucher pilot program's effectiveness.

Reason for Change

The continuation of the Mentoring Children of Prisoners program will enable public and private organizations to establish or expand projects that provide one-on-one mentoring for children of incarcerated parents and those recently released from prison. At the same time, children have not been able to access mentoring services in some States and rural areas because of the absence of a site-based grant to provide this service. The voucher pilot program will evaluate the effectiveness of using vouchers to expand the delivery of mentoring services to children of prisoners, including to children in rural and underserved areas.

Section 9—Reauthorization of the Court Improvement Program

Current Law

For each of FYs 2002 through 2006, an eligible highest State court (with an approved application) is entitled to a share of funds to assess and make improvements to its handling of child welfare procedures. A set-aside of $10 million from the mandatory funds authorized and 3.3 percent of any discretionary appropriation is provided from the PSSF program to support the Court Improvement Program. To receive its full allotment of these funds the court, in each of FYs 2002 through 2006, is required to provide at least 25 percent of the expenditures for this purpose.

S. 3525

The legislation reauthorizes the funding for the Court Improvement Program for 5 years, through FY 2011.

Reason for Change

The Court Improvement Program has played an important role in assisting State courts in their efforts to expedite judicial proceedings for at-risk children. The legislation will ensure these funds continue to remain available, and is in addition to the $100 million provided over FYs 2006 through 2010 under the Deficit Reduction Act of 2005 (P.L. 109–171) to support training and data collection efforts of State courts.

Section 10—Requirement for foster care proceedings to include, in an age-appropriate manner, consultation with the child that is the subject of the proceeding

Current Law

Current law does not include a standard for consulting with children in court proceedings.

S. 3525

The legislation requires States to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults in an age-appropriate manner with the child regarding the plan being proposed for the child.

Reason for Change

Each child deserves the opportunity to participate and be consulted in any court proceeding affecting his or her future, in an age-appropriate manner.

Section 11—Technical amendments

Section 12—Effective dates

The legislation will become effective on October 1, 2006, except for provisions with other specified effective dates or ifHHS determines that a State legislature must act before the State can comply with the changes.

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

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

I rise in strong support of Senate bill 3525, the Child and Family Services Improvement Act. By passing this legislation, we will better protect our most vulnerable children, the children who are abused and neglected in our society.

This legislation would not have been possible without the leadership and compassion of Mr. WALLY HERGER, the chairman of the Human Resources Subcommittee. I thank him for that, and I recognize the efforts of his staff to collaborate with me and others to write legislation that will make a difference in the lives of vulnerable kids.

For many of these children, we are the last line of defense, separating hope from despair. The Child and Family Services Improvement Act is a lifeline that will save lives. Today, we are first responders to children who need us to rescue them for abuse and neglect.

S. 3525 combines the key features of the legislation we worked together to pass in this House in July, and the bill includes several important provisions authored by the Senate. So it is truly collaborative, both bicameral and bilateral here. This legislation is an example of what is possible when we forget party labels and work together for the common good.

We know the problems confronting our Nation's child welfare system are staggering. We won't solve them all in one day or with one bill. This Improvement Act is not a comprehensive solution. It is, however, a modest but important step in the right direction, a step that can save the lives of abused and neglected children.

This legislation extends for 5 years the Promoting Safe and Stable Families Program. This is the largest source of Federal funding dedicated to preventing child abuse, to safely reuniting troubled families, and promoting adoption when kids can't return home.

The bill also brings the mandatory funding that Indian tribes receive from this program better in line with what the tribes really deserve, and I am proud to say that the measure does more than merely continue current resources.

In this legislation, we fought to recognize the importance of a consistent interaction between caseworkers and foster children. We do this by including meaningful incentives for States to make progress toward ensuring that children in foster care are checked on at least once a month by qualified State caseworkers. Caseworkers are the first responders for children. We recognize that in this legislation, and we support them.

Here is how we do it: To assist the States in assuring that children are visited by first-rate caseworkers, the bill provides States an additional $95 million over the next 5 years to improve their child welfare workforce. These funds will be used to enhance the retention, recruitment, and training of caseworkers, as well as increase their access to useful technology. I personally see this investment as a down payment in the people who are best able to protect vulnerable kids.

The current level of turnover for child welfare caseworkers, that is, tenure on the job, is less than 2 years. That is detrimental to the well-being of foster kids.

Our legislation also makes progress on another issue that threatens the welfare of children. That is substance abuse. Building on a proposal that originated in the Senate, the bill will provide competitive grants for States and community based organizations to launch really a rescue mission for families and children whose health and safety are threatened by their parents' substance abuse problems. We are going to be proactive, and we are going to address this issue and meet the needs head on.

This new grant program would have a special focus on methamphetamine drug use because of the dramatic destabilizing effect it has on families. However, the grants also could be provided to organizations combating other serious drugs, such as heroin and crack cocaine.

I would also like to highlight a provision in this bill that would require the States to have disaster preparedness plans for their child welfare programs. This would require procedures to track displaced foster kids, identify children who may be newly in need of child welfare services because of disaster, preserve essential records, and have a process for communicating and coordinating with other States.

We really don't have to look any further than what happened in this country in Hurricane Katrina to understand why such a requirement is necessary, or to the report I requested the Government Accounting Office conduct, showing that the States are lacking in any kind of plan.

Finally, this bill would extend for 5 years a program that helps our court system track child welfare cases and a program that provides mentoring services for children of prisoners. We will also try a limited demonstration project to test the feasibility and effectiveness of providing services through vouchers.

Today, we have an opportunity to launch a rescue mission for vulnerable kids. I strongly urge Members to support it.

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

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who is an active member of the committee and a former chairman of the committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to support this legislation; and I am very pleased that it is a bipartisan approach to strengthening our Child and Family Services Improvement Act.

We have heard a great deal during our work on the Human Resources Subcommittee about the Federal Government spending a lot of money reimbursing States to remove children from their homes and place them in foster care. If the State does not remove the child under our Federal foster care program, the Federal Government keeps the funds. It is the only Federal program that actually pays States to remove children from their homes. That is why this legislation is so critical and so important.

Unlike the problematic Federal foster care system, the money in Safe and Stable Families goes to States to target at-risk families, helping States treat the child in their homes, prevent abuse and neglect, and adjust the entire family system to place child outcomes and family permanence above family breakups and foster care.

Pediatricians and teachers will tell you they know early on which families will struggle. We need more community based solutions focused on earlier intervention as well as treatment and care management, which is why I am pleased we are reauthorizing this important legislation and adding a number of provisions to it. One will add $40 million annually. Twenty million of this money will go to increase the number of home visits caseworkers make to at-risk families. This will certainly strengthen the preventative and care quality of our family support systems.

But the other $20 million will increase funding for substance abuse treatment, and I am particularly pleased about that $20 million. As the former Chair of a child guidance clinic many years ago, ever since that day right up to the present day, most experts in this field will tell you that where a family is having difficulty, there is substance abuse. Some member of that family is probably having trouble with alcohol or more serious drugs. So I am very pleased that we are putting some additional dollars behind making substance abuse treatment available to members of these families as we also move to a more holistic approach to strengthening families to prevent the outplacement of children in foster care.

I also want to mention the extension of the Court Improvement Program because this has made a very great difference at the local level in our ability to manage these families, to help these families, to put the appropriate services in place to support them, and has also revealed the great lack of community based services to the court in the service of these families. So that is a very important provision that was introduced by my colleague, Congresswoman DEB PRYCE. As a former judge, she understood the great need for us to better educate the judiciary on the options for children and families, to strengthen those families rather than outplace their children.

I also want to commend the chairman and ranking member on their

strengthening of the Mentoring Children of Prisoners Program because this, too, helps prepare the ground for a prisoner to return to an active parenting role and strengthens thereby not only the prisoner but also the children.

□ 1415

Mr. MCDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. STARK).

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

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

I support 3525 and urge my colleagues to support it. I thank Mr. HERGER and Dr. MCDERMOTT for their work in guiding this bill through committee and maintaining funding for case worker improvements and home visits.

The gentlewoman from Connecticut mentioned that she had been on the committee. I have actually been on the committee since the day it was organized in 1975. And the work we are doing here today, led by our chairman, reminds me of much of the bipartisan improvements that have been brought to the support systems for disadvantaged people and children.

There is a lot more to do. There are 800,000 kids who spend time in foster care each year, and the people who provided case work support are understaffed, underpaid, overworked. This bill will go a good ways toward helping them.

In the last report that we had from GAO, we found that in 1999, of the children who aged out, turned 19, out of foster care, that 40 percent of them became dependent on public assistance and Medicaid.

Fifty-one percent were unemployed. Twenty-five percent had spent some time homeless. Twenty-seven percent of the males had been incarcerated at least once.

In the next 15 years we are going to have 300,000 or more foster kids age out, without any transition support. So now I hope that the chairman will join with me and the ranking member as we proceed to see what we can do to make that transition, provide support during those periods of transition so that the foster kids can enter the adult world and become independent and supportive members of society as I know the Chair would like.

I would like to mention one issue, and see if I could indulge the chairman in a brief dialogue on this. There is a practice that just became apparent to us that the Social Security benefits which some of the foster children get, either because they are disabled or their parents have died, they get a Social Security benefit, a small one.

That benefit in almost all States is taken by the States. If the children had a parent alive, that benefit could very well be saved for these children, and when they age out of foster care, could be used for college education, job training, perhaps to buy a car so they could get to their job. And I hope that the Chair would join with me so that we can study the possibility of finding a way to save those Social Security benefits for those children who would not have a parent or would be disabled, so that it will help them in their transition to a responsible adulthood.

I yield to the gentleman from California.

Mr. HERGER. Mr. Speaker, I would like to thank the gentleman from California (Mr. STARK) for your work in this area. I thank you for your support and work on this specific legislation.

I look forward to working with you on the issue that you have just outlined, this issue, and many other issues in this area.

Mr. STARK. I thank the gentleman.

Mr. MCDERMOTT. Mr. Speaker, in closing, I would only point out that this bill has been supported by the Child Welfare League of America, Children's Defense Fund, Catholic Charities, Conferences of State Court Administrators and Chief Justices, the Center For Law and Social Policy, Fight Crime, Invest in Kids, the Mentoring Partnership, the National Indian Child Welfare Association, the National Congress of American Indians, the Association of American Indian Affairs.

Mr. Speaker, I think it is a good bill, and it ought to pass by a voice vote.

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

Mr. HERGER. Mr. Speaker, the Child and Family Services Improvement Act is good legislation that will help ensure the safety of vulnerable children. It will hold States accountable for visiting children in foster care on at least a monthly basis.

It will target existing resources to help States and local communities address the impact of parental substance abuse on child welfare programs. Again, I would like to thank the gentleman from Washington (Mr. MCDERMOTT) and all of my colleagues on both sides of the aisle for their work in crafting this legislation.

Mr. Speaker, I believe it will take an important step towards improving our Nation's child protection system.

Mr. STARK. Mr. Speaker, I rise today to commend my colleagues on both sides of the aisle for working together to produce this important legislation. I would like to especially thank the gentleman from California, Mr. HERGER, Chairman of our Human Resources subcommittee, and the gentleman from Washington, Dr. MCDERMOTT, Ranking Member on our subcommittee, for their work in guiding this bill through and reaching a compromise with our Senate counterparts. This bill is an important, although by no means final, step toward improving our child welfare system and providing hope and a bright future to the 800,000 children that spend time in foster care each year. I urge my colleagues to vote yes.

For far too long many foster children and abused children have suffered because their caseworkers are underpaid, overworked, and turnover frequently. A 2003 GAO report concluded that frontline caseworkers should not handle more than 18 cases at a time. Yet data collected by the American Public Human Services Association (APHSA) showed that caseworkers around the country handle an average of 24–31 cases simultaneously. The GAO also found that the average tenure of caseworkers was less than 2 years.

There is a direct relationship between positive outcomes for foster children and the frequency and quality of their interaction with their caseworkers. The more frequent the visits, the safer children are and the better chance they have of gaining permanency. Improving states' abilities to recruit, train, and retain highly skilled caseworkers is one concrete way to help our most vulnerable children.

This bill includes $95 million in funding over 6 years for workforce improvements with the goal of ensuring that 90 percent of foster children are visited by their caseworker at least once a month. This funding is a great first step and one worthy of applause. Mr. HERGER and Dr. MCDERMOTT showed tremendous leadership in reaching a compromise with the Senate that maintained funding for caseworker improvement. However, we should not expect that such a relatively small amount of money will transform a troubled system overnight. There is more that we must do in this and other areas to bring about positive changes for foster children.

Fixing our child welfare system has repercussions throughout our society. Foster children who age out of the child welfare system without having developed family supports or skills that can lead to employment create a large societal cost. Consider that a 1999 GAO report found that 40 percent of adults who had aged out of foster care were dependent on public assistance or Medicaid. 51 percent were unemployed; 25 percent had experienced homelessness; 27 percent of males had been incarcerated at least once. In the next 15 years 300,000 foster children will age out of care without any transition supports. This body has a moral obligation to do all we can to confront these sad realities.

Even as I celebrate the progress that the bill before us today represents, I call on my colleagues on both sides of the aisle to take the next step and implement changes that will provide support for children transitioning out of foster care. One such change would be to eliminate the scandalous state practice of robbing foster children of their social security benefits. Nearly every state in the nation confiscates foster children's disability and survivor's benefits when those children are under the responsibility of the state. If this practice were prohibited, foster children could use the money that rightly belongs to them for job training, housing, and transportation expenses. These funds would ease foster children's transition to adulthood and provide them with hope for the future.

I urge you to support the bill before us, but please remember that we still have work to do.

Mr. HERGER. 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 California (Mr. HERGER) that the House suspend the rules and concur in the Senate amendments to the House amendments to the Senate bill, S. 3525.

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

A motion to reconsider was laid on the table.

PERMITTING EXPENDITURES FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND

Mr. CHOCOLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6131) to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

The Clerk read as follows:

H.R. 6131

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

SECTION 1. EXPENDITURES PERMITTED FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''section 9003(h)'' and inserting ''sections 9003(h), 9003(i), 9003(j), 9004(f), 9005(c), 9010, 9011, 9012, and 9013'', and

(2) by striking ''Superfund Amendments and Reauthorization Act of 1986'' and inserting ''Public Law 109–168''.

(b) CONFORMING AMENDMENTS.—Section 9014(2) of the Solid Waste Disposal Act is amended by striking ''Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986'' and inserting ''Fund''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CHOCOLA) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CHOCOLA. 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 subject of the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6131, a bill that would permit certain expenditures from the Leaking Underground Storage Trust Fund. I want to thank the Energy and Commerce Committee for their leadership in assisting to move this bill forward, and I urge my colleagues to join me in passing this legislation.

Moneys appropriated from the Leaking Underground Storage Tank Trust Fund, which is often referred to as the LUST trust fund, are used for detection, prevention and clean-up of leaking underground storage tanks in order to reduce water pollution. This bill would codify within the Internal Revenue Code an updated list of permitted expenditures from the fund as sought by the Energy and Commerce Committee and the Environmental Protection Agency within the Energy Policy Act of 2005.

This bill should not be controversial, as it is in everyone's interest to keep our Nation's drinking water from being contaminated. In addition, the bill has no spending or revenue effect.

H.R. 6131 will allow the LUST trust fund to be used for expanding corrective action in response to releases from underground storage tanks, including those containing MTBEs, and will provide additional measures to protect groundwater.

It will expand Federal and State enforcement efforts, improve prevention measures and compliance, and expand inspections of underground storage tanks. Mr. Speaker, we have the opportunity today to join together and continue our efforts to keep our Nation's water supply clean. I urge my colleagues to vote in favor of this legislation.

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

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

Mr. Speaker, the bill before us, H.R. 6131, does some good. It would change the rules regarding the Leaking Underground Storage trust fund and allow these funds to address the MTBE leaks. That is shorthand for gasoline additives in underground tanks at your neighborhood gas station.

MTBE leaks are dangerous and destructive, and this legislation will amend the energy bill in a good way. Unfortunately, these additives get into water and create problems for human beings. The legislation does nothing to address the other dangers and destructive leaks in the President's energy policy, however. It does not amend the bill to repeal the tax giveaways the President's energy bill gives Big Oil.

It does not repeal the $30 billion in corporate welfare Republicans have given to Big Oil and their energy companions. It does not make America less dependent on oil, and it does not make America less vulnerable to nations that have the oil resources that we need.

Oil and gas companies continue to line their pockets with American taxpayer dollars. The Republicans have delivered billions in tax breaks last year. That was after the Republicans handed over billions in 2004. Republicans gave oil companies a sweetheart tax break that climbs in value as the process and profits claim. You pay and pay, while they keep and keep.

That sums up the Republican energy policy. Today, we should act to stop one big leak in the Nation's energy policy. It will take removing Republicans in the midterm election to begin to plug the other big leaks in the Republican energy policy.

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

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

Mr. MCDERMOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise today to discuss H.R. 6131, legislation to make technical corrections to the Energy Policy Act of 2005. We are here today to make these technical corrections because of the hastily drafted Energy Policy Act of 2005.

As ranking Democrat of the Environment and Hazardous Materials Subcommittee, which has authorization over the leaking underground storage tank program, I will support the policy to fix this piece of legislation.

However, the bill should not mask the failure of the Bush administration and the Republican-led Congress to adequately fund this Federal program. The Leaking Underground Storage Tank program is responsible for protecting groundwater and local drinking water supplies by preventing and cleaning up MTBE and petroleum contamination from leaking underground storage tanks in our communities.

More than a year ago, Congress dramatically increased the funding authorization for the EPA Leaking Underground Storage Tank program to $605 million annually. This increase was necessary to support additional clean-ups of leaky tanks to ensure States have funding to carry out new inspections, operator training, delivery prohibition, and secondary containment requirements.

However, President Bush proposed a reduction in funding to clean up MTBE and petroleum from the tens of thousands of leaking tanks throughout the country in his fiscal year 2007 budget. The budget which has been approved by the rubber-stamp Congress, in my opinion, is outrageous.

During this time of high gas prices, Americans are being taxed one-tenth of 1 cent for every gallon of gasoline they purchase with the expectation this money will be contributed to the Leaking Underground Storage Tank trust fund and released to help to clean up contamination.

The tax on the American public raises $190 million every year; and by the end of fiscal year 2007, the trust fund will have a surplus of more than $2.7 billion.

Yet President Bush only sought $72.8 million for the clean-up and protection of our water supplies, an amount that the Republican-led Congress said was needed. The amount is nearly $120 million less than what taxpayers will be contributing next year.

Rather than use this money to clean up contamination and protect water supplies, the administration and Republican-led Congress are holding onto the money to offset the cost of Republican budget priorities, such as tax cuts to the wealthy.

Congress acted in the Energy Policy Act of 2005 to take steps to prevent leaks before they occurred by adding new requirements for inspections, operating training, delivery prohibition, and secondary containment. And during consideration of EPACT, Congress authorized $155 million annually to carry out these prevention activities.

Again, the President only requested $37.5 million in his fiscal year 2007 budget, only 24 percent of what Congress authorized. This Congress appropriated even less. The rubber-stamp Congress approved only $17.5 million, only 9 percent of what we authorized for this program.

As a result of Congress's failure to adequately fund the program, States are now facing unfunded mandates. Between 2005 and 2007, States have lost $899 million in Federal support. The lack of Federal support is leading States to consider turning back their programs to the Federal Government, including their tank programs.

In a letter dated December 9, 2005, a coalition of State officials, gasoline marketers, convenience store owners, stated: ''If the administration and Congress do not break with tradition and appropriate significantly higher amounts from the fund in the coming years, EPA and the States will be unable to implement those important reforms.''

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It is unacceptable that our States are being saddled with these unfunded mandates. There is absolutely no reason to justify saddling our States with unfunded mandates and failing to appropriately use taxpayer money.

Mr. Speaker, I will insert at this point in the RECORD a letter Ranking Member DINGELL and I sent to the EPA and the EPA's response.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 22, 2006.

Hon. STEPHEN L. JOHNSON,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR JOHNSON: Last summer, the Congress completed the conference on the Energy Policy Act of 2005, and the President signed it into law on August 8, 2005 (P.L. 109–58). Title XV, Subtitle B of the Energy Policy Act of 2005, dramatically increased the authorization for the Environmental Protection Agency Leaking Underground Storage Tank (LUST) program to $605 million annually. This was necessary to support increased cleanups of leaking underground storage tanks and provide funding to States to carry out new inspection, operator training, delivery prohibition, and secondary containment/financial responsibility requirements.

Much of the debate in Congress on this subject over the past few years centered on the escalating costs to cleaning up contamination of drinking water supplies from methyl tertiary butyl ether (MTBE) with the most widely cited estimate being $29 billion. According to the Environmental Protection Agency (EPA) 2006 Annual Performance Plan and Congressional Justification, MTBE contamination can increase cleanup costs from 25 percent to more than 100 percent. This debate led Congress to authorize $400 million per year from the LUST Trust Fund to fund petroleum and MTBE cleanups to minimize the continuing impacts on drinking water supplies and the environment (Section 9014 2(A) & (B) of the Solid Waste Disposal Act).

The President's budget acknowledges that there is a national backlog of over 119,000 confirmed releases in need of cleanup. In addition, the budget documents indicate that new confirmed releases averaged 10,844 annually between FY1999 and FY2005. We also note that completed cleanups nationwide will fall dramatically from 18,518 in FY2003 to the target of 13,000 set forth in the President's FY2007 Budget request.

We also note that the Energy Policy Act of 2005 extended until 2011 the 0.1 cent per gallon tax on motor fuels that all motorists in America pay. According to the budget documents, revenues from this tax were $189 million in FY2005 and are estimated to climb to $194 million in FY2006 and $196 million in FY2007.

The tax revenues are dedicated to the LUST Trust Fund, which will increase from $2.349 billion in FY2005 to an estimated $2.764 billion in FY2007. However, with over $2.7 billion in a dedicated LUST Trust Fund and over $190 million in revenues for FY2007, the President is only requesting $72.8 million—a slight reduction from his FY2006 budget request and less than the enacted level from FY2006. The following table shows the budget requests and enacted levels for the past four Fiscal Years:

LEAKING UNDERGROUND STORAGE TANKS FOR CLEANUP

[Millions]

Budget request		Enacted	
FY2004	$75.5	FY2004	$75.6
FY2005	72.5	FY2005	69.4
FY2006	73.0	FY2006	76.2
FY2007	72.8	FY2007	

The President's budget request for FY2007 ignores the clear Congressional intent, demonstrated by a $400 million annual authorization in the Energy Policy Act of 2005, to increase funding for cleanup of leaking underground storage tanks. Why did the President support and sign into law an additional approximate $1 billion in taxes on U.S. motorists if he is not willing to request that the money be spent for the specific purpose for which it is collected?

On December 9, 2005, a coalition of State officials, gasoline marketers, convenience store owners, and major environmental organizations joined together to request that you and Office of Management and Budget, Director Joshua Bolten change the ''minimal annual budget requests and appropriations levels . . .'' Their letter to you further stated as follows:

''Clearly, the LUST Trust Fund is being used as a Federal deficit reduction device rather than for the important purpose originally envisioned by Congress—protection of the environment. This situation must change. We request your assistance in making this change happen as soon as possible . . .

''The Energy Policy Act of 2005 contained several reforms to the Federal UST [underground storage tank] program that expand the permitted uses of Federal LUST Trust Fund dollars and place substantial new responsibilities on the EPA and State UST agencies. The legislation authorized significant increases in appropriations from the Fund to assure that EPA has the financial resources to implement these reforms, to assure that the new regulatory provisions do not represent an unreasonable burden on the States, and to allow EPA and states to expand their response to UST petroleum releases, including those containing MTBE. If the Administration and Congress do not break with tradition and appropriate significantly higher amounts from the Fund in the coming years, EPA and the States will be unable to implement these important reforms.''

This request from State officials who implement the program, tank owners, and public interest groups appears to have fallen on deaf ears. The question is why—particularly since the source of funding for the LUST Trust Fund is a direct tax on the motoring public. We look forward to your response.

We are also aware that the President's FY2007 budget requests an increase in funding from $11 million to $37.5 million, from the State Tribal Assistance Grant (STAG) account for new inspection, operating training, delivery prohibition, and secondary containment/financial responsibility requirements imposed by the Energy Policy Act of 2005. However, the Energy Policy Act of 2005 authorized $155 million (Section 9014(2)(C) & (D) of the Solid Waste Disposal Act) to carry out these specific prevention activities. The President's budget request is only 24 percent of the authorized amount. By what analysis did you determine that $37.5 million was an adequate amount? How much will each State receive? Please provide any analyses that EPA has conducted concerning the adequacy of the President's budget request to fund these important prevention requirements.

We also note and strongly oppose the President's budget request to cut $35 million from the same STAG account for grants to the States to implement the Clean Air Act, and questions on that requested cut will be the subject of separate correspondence.

Please provide a response by no later than Wednesday, March 8, 2006. If you have any questions concerning this request please have your staff contact Richard A. Frandsen, Senior Minority Counsel to the Committee, at (202) 225–3641.

Sincerely,

JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce.

HILDA L. SOLIS,
Ranking Member, Subcommittee on Environment and Hazardous Materials.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 30, 2006.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DINGELL: Thank you for your February 22, 2006, letter to Administrator Johnson regarding funding for the Environmental Protection Agency's (EPA's) implementation of the underground storage tank (UST) provisions of the Energy Policy Act (EPAct). Implementing these new provisions as well as our ongoing efforts to prevent and clean up leaks from USTs is an important priority for the Agency.

As you noted in your letter, the President's Fiscal Year 2007 budget requested an additional $26 million (for a total of $37.6 million) in state tribal assistance grants (STAG) to support state efforts to implement the UST provisions in EPAct. Most of these provisions help to strengthen prevention aspects of the underground storage tank program (e.g., mandatory inspections, requiring training for UST operators and prohibiting delivery of fuel to ineligible facilities).

EPA believes that the most pressing issue facing states in implementing the UST provisions of EPAct will be completing all of

the required inspections and have therefore focused our requested increase to enable states to accomplish this task. Based on estimates of the full cost per inspector (including training and follow-up enforcement support), and the number of inspections that one inspector can do per year, we estimate that the $26 million increase can fund up to 40,000 additional inspections. We believe that this amount, plus what EPA and states are currently doing, should put states in a position to meet the 3-year inspection cycle required by EPAct.

Although EPAct expanded the allowable uses of the Leaking Underground Storage Tank (LUST) Trust Fund to cover compliance and leak prevention activities, a provision inserted in the Transportation Equity Act of 2005 limited EPA's ability to use LUST Trust Fund monies for the purposes authorized by the EPAct. If EPA were to use LUST Trust Fund monies for purposes other than for carrying out leaking underground storage tank cleanup activities authorized by Section 9003(h) of the Solid Waste Disposal Act in effect at the time of the enactment of Section 205 of the Superfund Amendments and Reauthorization Act of 1986, future tax revenue would not be appropriated into the LUST Trust Fund. Expending LUST Trust Fund appropriations for the compliance and leak prevention activities authorized by the EPAct would trigger this provision. For this reason, the President has requested the additional appropriation from STAG rather than from the LUST Trust Fund to provide financial assistance to states to carry out their compliance and leak prevention responsibilities under the EPAct.

Also included in the President's FY 2007 budget is a request for nearly $73 million in LUST funds to be used by EPA, states, and tribes to clean up releases caused by leaking underground storage tanks. To date, almost 330,000 releases have been cleaned up. In fact, since FY 2000, a period when LUST funding levels have averaged about $72 million a year, more than 80,000 sites have been cleaned up, reducing the cleanup backlog from more than 160,000 sites to less than 120,000 sites. As is the case with every budget, EPA must weigh the needs of all programs and we will continue to re-evaluate the adequacy of resources to address this important priority. However, the agency believes that if Congress appropriates the President's request for FY 2007, EPA, states and tribes will be able to continue to make progress cleaning up releases and reducing the backlog of sites needing cleanup.

Thank you, again, for your continued interest in the underground storage tank program. We look forward to working with you as we implement the UST provisions of the EPAct. If you have any further questions or concerns, please contact me, or your staff may contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564–2095.

Sincerely,

SUSAN PARKER BODINE,
Assistant Administrator.

The President's budget and the actions taken by this rubber-stamp Congress will result in more leaky tanks, more contamination of drinking water supplies, fewer cleanups and very few adverse impacts on the public health and well-being of our communities.

I support, believe it or not, H.R. 6131 and the necessary technical changes it makes, but we must not ignore the real issue at hand, the failure of this President and the administration to prevent contamination of our water supplies and to protect the public health.

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

I would simply say, Mr. Speaker, that I think from the previous speaker and myself you understand that this bill does not do any harm. I think that is why we will support it. It does not do very much about the energy problems in this country, and I really think that is where we ought to be spending our time.

If the Federal Government really was interested in cleaning up the environment, they would spend the money that is there. It is there for that purpose. However, they need it to cover the debts of war and a whole lot of other things which, in my opinion, are not the way this money should have been spent.

So I personally will urge a voice vote and pass the bill.

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

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

Mr. Speaker, I think the bottom line is that the Energy Policy Act of 2005 authorized an additional $400 million annually for inspection, prevention and cleanup of our water supply; and without passage of this legislation, none of that money can be spent, regardless if you agree with the level of appropriations or not.

So I think it is important that we pass this piece of legislation, and I encourage my colleagues to support it.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Indiana (Mr. CHOCOLA) that the House suspend the rules and pass the bill, H.R. 6131.

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.

VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 1038, I call up the bill (H.R. 2679) to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1038, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

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

H.R. 2679

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 ''Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006''.

SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST STATE AND LOCAL OFFICIALS.

(a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended—

(1) by inserting ''(a)'' before the first sentence; and

(2) by adding at the end the following:

''(b) The remedies with respect to a claim under this section are limited to injunctive and declaratory relief where the deprivation consists of a violation of a prohibition in the Constitution against the establishment of religion, including, but not limited to, a violation resulting from—

''(1) a veterans' memorial's containing religious words or imagery;

''(2) a public building's containing religious words or imagery;

''(3) the presence of religious words or imagery in the official seals of the several States and the political subdivisions thereof; or

''(4) the chartering of Boy Scout units by components of States and political subdivisions, and the Boy Scouts' using public buildings of States and political subdivisions.''.

(b) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended by adding at the end the following: ''However, no fees shall be awarded under this subsection with respect to a claim described in subsection (b) of section nineteen hundred and seventy nine.''.

SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE UNITED STATES AND FEDERAL OFFICIALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a court shall not award reasonable fees and expenses of attorneys to the prevailing party on a claim of injury consisting of the violation of a prohibition in the Constitution against the establishment of religion brought against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction over such claim, and the remedies with respect to such a claim shall be limited to injunctive and declaratory relief.

(b) DEFINITION.—As used in this section, the term ''a claim of injury consisting of the violation of a prohibition in the Constitution against the establishment of religion'' includes, but is not limited to, a claim of injury resulting from—

(1) a veterans' memorial's containing religious words or imagery;

(2) a Federal building's containing religious words or imagery;

(3) the presence of religious words or imagery in the official seal of the United States and in its currency and official Pledge; or

(4) the chartering of Boy Scout units by components of the Armed Forces of the United States and by other public entities, and the Boy Scouts' using Department of Defense and other public installations.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date of the enactment of this Act and apply to any case that—

(1) is pending on such date of enactment; or

(2) is commenced on or after such date of enactment.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) and the

gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. 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 materials on H.R. 2679, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 2679, the Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006, which was introduced by our colleague from Indiana (Mr. HOSTETTLER); and I would like to thank him for his leadership on this issue.

Mr. Speaker, this legislation was reported out of the House Judiciary Committee on November 7 by voice vote. Let me describe the unfair situation that this legislation addresses.

Today, under Federal law, attorneys' fees can be demanded in lawsuits against States or localities brought in under the Constitution's Establishment Clause.

These lawsuits could mandate, for example, that veterans' memorials must be torn down because they happen to have religious symbols on them; that the Ten Commandments must be removed from public buildings; and that the Boy Scouts cannot use public property.

The case law under the Establishment clause is so confused that States and localities know defending themselves in such lawsuits is simply unpredictable.

In 2005, for example, the Supreme Court issued two rulings on the same day that contained opposite holdings in cases involving the public display of the Ten Commandments. In one case, the court found a framed copy of the Ten Commandments in a courthouse hallway to be an unconstitutional establishment of religion, but in the other case the court upheld a Ten Commandments monument on the grounds of the Texas State Capitol. Not only were these two rulings different, but different constitutional tests were used in each case.

The threat to States and towns having to pay attorneys' fees in such cases, should they happen to lose at any level, often leads those States and localities to give up whatever rights they might have under the Constitution, even before such cases go to trial.

This bill will prevent the legal extortion that currently makes State and local governments, and the Federal Government, accede to demands for the removal of religious imagery when such removal is not even constitutionally compelled by the Constitution.

The Supreme Court has stated that ''the State may not establish a religion of secularism in the sense of affirmatively opposing or showing hostility to religion, thus preferring those who believe in no religion over those who do believe.''

Contrary to that principle, current litigation rules are hostile to religion because they allow some groups to coerce States and localities into removing any reference to religion in public places.

This unfair result is made possible because 42 United States Code, section 1983, and 42 United States Code, section 1988, allow advocacy organizations to put the following choice to localities: either do what we want and remove religious words and imagery from the public square, or risk a single adverse judgment by a single judge that requires you to pay tens or hundreds of thousands of dollars in legal fees in a case you cannot afford to litigate.

Consequently, local governments are being forced to accede to the demands of those seeking to remove religious words or tear down symbols, and ban religious people from using the public square, even when allowing those uses might, in fact, be constitutional.

H.R. 2679 amends 42 U.S.C. so that attorneys' fees could not be awarded to prevailing parties in Establishment Clause cases. It amends 42 U.S.C. to make clear that while Establishment Clause cases can continue to be brought against State and local governments, they can be brought only for injunctive or declaratory relief.

This means that a court can still order that a State official or local government stop doing whatever was an alleged violation of the Establishment Clause.

One example of the unfairness this legislation would prevent is a recent case in which the County of Los Angeles was forced to remove a tiny cross from its official county seal that symbolized the founding of that city by missionaries. This tiny cross was on the seal for 47 years. This is costing the county $1 million, as it entailed changing the seal on some 90,000 uniforms, 6,000 buildings, and 12,000 county vehicles.

In Redlands, California, the city council reluctantly gave in to demands and agreed to change their official seal. But Redlands did not have the municipal funds to replace the seal. As reported by the Sacramento Bee, ''rather than face the likelihood of costly litigation,'' Redlands residents now ''see blue tape covering the cross on city trucks, while some firefighters have taken electric drills to 'obliterate it' from their badges.''

Mr. Speaker, this is just the kind of injustice this bill seeks to correct.

Finally, Mr. Speaker, H.R. 2679 is clearly constitutional. It has a secular legislative purpose, namely that of preventing the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits their constitutional actions. In doing so, this bill restores the original purpose of 42 U.S.C., which was to protect individual rights, not Establishment Clause claims.

H.R. 2679 also does not have the primary effect of either promoting or inhibiting religion. Rather, it simply removes the burdensome effects of the current legal rules.

So, again, Mr. Speaker, this bill is constitutional and does not prevent lawsuits from being filed.

I urge my colleagues to join me in supporting this legislation and protect the religious rights of all citizens.

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

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

Mr. Speaker, the gentleman from Texas has a complaint, but his complaint is not against the American Civil Liberties Union, nor is it against section 1983 of the Code. His complaint is against the first amendment of the United States Constitution.

The authors of this bill do not like the protection the courts have given to plaintiffs who allege that their constitutional rights against the establishment of religion in the first amendment have been violated. So he says let us be punitive for winning.

The law says that anyone who brings a lawsuit against the government, Federal, State or local government, and alleges that that government, under color of law, is violating their constitutional rights, if that plaintiff wins, if the court says, and it is not just one judge because it is appealable up to the Supreme Court, but if the court says, yes, Mr. Plaintiff, that government official, mayor so and so, police commissioner so and so, or whatever violated your constitutional rights, you can get damages if you have, in fact, been damaged, monetary damages as you can in any civil lawsuit. You can get an injunction, stop, do not keep doing it, do not keep violating constitutional rights. And you can apply for attorneys' fees.

That is a very important provision. Because these lawsuits can be expensive, and if you cannot get attorneys' fees, it is very difficult to sue, even if you have a very well-established violation of your constitutional rights, and these attorneys' fees are only if you win the lawsuit.

So what does his bill come along and say? Only for establishment cases. We do not like establishment cases. We do not like the Establishment Clause of the Constitution. Only for Establishment Clause violations, you cannot get damages if you prove the government has violated your rights. Only for Establishment Clause cases, you cannot get attorneys' fees if you prove the government has violated your rights.

For any other deprivation of rights under law, violation of the free exercise clause of religion, violation of

freedom of speech, freedom of press, whatever, you can get damages; you can get attorneys' fees.

This puts at a disadvantage in enforcing the law one class of people, religious minorities, basically, people who will sue the government for violating their rights under the Establishment Clause.

In more than a century, nothing like this has ever been done. We have always expanded rights under section 1983, our Nation's oldest and most durable civil rights laws. We have never curtailed them.

Just to be sure, I checked with the Congressional Research Service; and I place their memorandum to that effect in the RECORD at this point.

CONGRESSIONAL RESEARCH SERVICE,
July 25, 2006.

To: House Judiciary Committee.
From: Kenneth R. Thomas, Legislative Attorney, American Law Division.
Subject: Scope of the Proposed Public Expression of Religion Act of 2005.

The memorandum is in response to your request to examine the scope of H.R. 2679, the Public Expression of Religion Act of 2005, which would limit the relief available and the payment of attorney's fees for cases brought under 42 U.S.C. §1983 when the underlying case involves the Establishment Clause of the First Amendment of the Constitution. Specifically, you requested an analysis of whether Congress had previously limited the types of damages available under 1983 as regards particular constitutional provisions. Second, you requested an analysis as to whether the bill would be limited to the public expression of religious faith in a governmental context, or whether this bill would also affect other Establishment Clause issues.

42 U.S.C. §1983 addresses a broad array of rights and privileges protected by the United States Constitution. It provides that:

''Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.''

The proposed Public Expression of Religion Act of 2005 would appear to limit certain litigants from receiving either damages or attorneys fees. Specifically, the proposed Act provides that ''[t]he remedies with respect to a claim under [42 U.S.C. §1983] where the deprivation consists of a violation of a prohibition in the Constitution against the establishment of religion shall be limited to injunctive relief.'' The bill also amends 42 U.S.C. 1988(b) to provide that no attorney's fees shall be awarded with respect to a claim under 42 U.S.C. §1983 regarding the Establishment Clause.

42 U.S.C. §1983 was first passed in 1871. Although it has been recodified and relatively recently amended, it has not been substantially altered since 1871. It does not appear that it has been amended so as to limit the type of damages available to litigants who choose to utilize its provisions regarding particular constitutional issues. Whether such a limitation is constitutional is beyond the scope of this memorandum.

The provisions of the proposed Public Expression of Religion Act of 2005, despite its title, would appear to include both the public expression of religion under governmental auspices and a variety of other issues. The types of cases which the bill would cover would appear to include, among other things, cases involving financial assistance to church-related institutions, governmental encouragement of religion in public schools (prayers, bible reading), access of religious groups to public property, tax exemptions of religious property, exemption of religious organizations from generally applicable laws, Sunday closing laws, conscientious objectors, regulation of religious solicitation, religion in governmental observances, and religious displays on government property.

It is especially ironic because my friends who today are supporting this bill only yesterday brought forward a bill that would expand the rights of real estate developers, garbage dumps and adult bookstores under section 1983. So the rights they would give to adult bookstores, we would take away from people whose religious freedom rights are violated. That is, I guess, what has become of the party of Lincoln. That is their civil rights agenda in 2001.

This bill is aimed at people who have proved in court that the government has violated their religious liberty protected by the first amendment. By denying them their normal relief for monetary damages and the bill to petition for attorneys' fees, we will deny them not just their day in court, we would also be telling government officials everywhere that Congress thinks it is okay for them to violate people's religious liberty with impunity.

It is especially galling after everyone here, well, almost everyone, has taken a victory lap for reauthorizing the Voting Rights Act, in which we actually enhanced the attorneys' fees provisions by adding a right to be awarded the cost of expert witnesses in addition to the right to be awarded the cost of lawyers.

As the Judiciary Committee stated in its report on the Voting Rights Act, ''The committee received substantial testimony indicating that much of the burden associated with either proving or defending a section 2 vote dilution claim is established by information that only an expert can prepare. In harmonizing the Voting Rights Act of 1965 with other Federal civil rights laws, the committee also seeks to ensure that those minority voters who have been victimized by continued acts of discrimination are made whole.''

But here we want to say that people with minority religious views who are victimized by government breaking of the Establishment Clause, they shall not be made whole because we do not like them.

□ 1445

I would warn my colleagues that starting down this path will only lead to depriving other unpopular groups of their civil rights remedies. It wasn't so long ago that attacks on unelected judges and ACLU lawyers, as we heard a few moments ago, stirring up trouble, was the common language of the militant segregationists. It is distressing, and sadly ironic, that today that language is being used to gut the Nation's oldest and most durable civil rights law.

It is all chillingly reminiscent of the infamous 1963 inauguration speech of Alabama's Governor George Wallace who said, ''From this day, from this hour, from this minute we give the word of a race of honor that we will tolerate their boot in our face no longer, and let those certain judges put that in their opium pipes of power and smoke it for what it is worth.'' I think the Governor would feel right at home in this House today.

Or consider the notorious ''Southern Manifesto'' signed by Members of both houses in defiance of the Supreme Court's school desegregation decision several decades ago:

''We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.''

Does any of this sound familiar? I would observe that abuses of judicial power are in the eyes of the beholder.

This is not to suggest that any Members of this House are segregationists. Far from it. I only recall the overheated rhetoric of a half century ago to urge Members to take care with their words. Unpopular minorities and decisions defending the rights of unpopular minorities against the will of the majority have always inflamed passions. People have always questioned our system of checks and balances, and especially the role of the independent judiciary.

Recourse to an independent judiciary is a bulwark of our liberties. We recognize this by allowing people to go to court and sue the government and force the government to respect their rights. We recognize this by allowing people victimized by the government to receive damage awards when the government has done damage. We recognize this by ensuring, just as we have done with the Voting Rights Act, that people who can prove their rights have been violated can get attorneys fees paid so that people with valid claims will be able to afford to go to court to vindicate those claims.

I would remind my friends that this legislation is not limited to religious symbols in public places. This legislation applies to any violation of the establishment clause. This would include forced prayer. If government forcing your child to say a prayer of another faith is not the establishment of religion, then the phrase has no meaning. If government at some locality decided

that that locality was Hindu or Muslim or Wicca, or whatever, pick another unpopular or less popular religion, and all children in school must start the day by saying the profession of faith for that religion, you could go to court. It is a violation of the establishment clause. But under this, you couldn't get damages. You couldn't get attorneys fees. You would have to bear the burden of that lawsuit by yourself.

I want to lay to rest right now the red herring, the lie, that was put into this bill when its title was changed from the Public Expression of Religion Act to the Veterans' Memorials, Boy Scouts, Public Seals, and other Public Expressions of Religion Protection Act of 2006. I know that many sincere people have been misled into believing the ACLU, for example, wants to use section 1983 to force the removal of religious symbols from the individual gravestones of thousands of veterans across the Nation and around the world, hence the new title, hence the citation of these specific instances in this bill.

We received testimony from the American Legion to this effect and Members have received a great deal of mail on the subject because people are spreading misinformation. This assertion is a myth. If you are voting for this bill because you are concerned about national cemeteries, don't bother. Neither the ACLU nor anyone else has ever brought such a lawsuit.

As a matter of fact, I have a letter here from the ACLU taking the opposite position: that individual veterans have a first amendment right to have a religious symbol of their or their family's choice on their gravestones.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, July 25, 2006.

Re the Public Expression of Religion Act (H.R. 2679).

HOUSE OF REPRESENTATIVES,
Committee on the Judiciary,
Washington, DC.

DEAR REPRESENTATIVE, On behalf of the American Civil Liberties Union (ACLU), and its hundreds of thousands of members, activists, and fifty-three affiliates nationwide, we urge you to oppose H.R. 2679, the ''Public Expression of Religion Act of 2005.'' This bill would bar damages and awards of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. H.R. 2679 would limit the longstanding remedies available in cases brought under the Establishment Clause under 42 U.S.C. 1988, which provides for attorneys' fees and costs in all successful cases involving constitutional and civil rights violations.

H.R. 2679 SHUTS THE COURTHOUSE DOORS

If this bill were to become law, Congress would, for the first time, single out one area protected by the Bill of Rights and prevent its full enforcement. The only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive relief. This prohibition would apply even to cases involving illegal religious coercion of public school students or blatant discrimination against particular religions.

Congress has determined that attorneys' fee awards in civil rights and constitutional cases, including Establishment Clause cases, are necessary to help prevailing parties vindicate their civil rights, and to enable vigorous enforcement of these protections. The Senate Judiciary Committee has found these fees to be ''an integral part of the remedies necessary to obtain . . . compliance.'' The Senate emphasized that ''[i]f the cost of private enforcement actions becomes too great, there will be no private enforcement. If our civil rights laws are not to become mere hollow pronouncements which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.

Unfortunately, H.R. 2679 would turn the Establishment Clause into a hollow pronouncement. Indeed, the very purpose of this bill is to make it more difficult for citizens to challenge violations of the Establishment Clause. It would require plaintiffs who have successfully proven that the government has violated their constitutional rights to pay their legal fees—often totaling tens, if not hundreds, of thousands of dollars. Few citizens can afford to do so, but more importantly, citizens should not be required to do so where there is a finding that our government has engaged in unconstitutional behavior.

The elimination of attorneys' fees for Establishment Clause cases would deter attorneys from taking cases in which the government has violated the Constitution; thereby leaving injured parties without representation and insulating serious constitutional violations from judicial review. This effectively leaves religious minorities unable to obtain counsel in pursuit of their First Amendment rights under the Establishment Clause.

H.R. 2679 DENIES JUST COMPENSATION

Despite proponents' assertions to the contrary, attorneys' fees are not awarded in Establishment Clause cases as a punitive measure. Rather, as in any case where the government violates its citizens' civil or constitutional rights, the award of attorneys' fees is reasonable compensation for the expenses of litigation awarded at the discretion of the court. After intensive fact-finding, Congress determined that these fees ''are adequate to attract competent counsel, but . . . do not produce windfalls to attorneys.'' H.R. 2679 is contrary to good public policy—it reduces enforcement of constitutional rights; it has a chilling effect on those who have been harmed by the government; and it prevents attorneys from acting in the public's good.

The award of fees in Establishment Clause cases is not a means for attorneys to receive unjust windfalls—it is designed to assist those whose government has failed them.

H.R. 2679 FAVORS ENFORCEMENT OF THE FREE EXERCISE CLAUSE OVER THE ESTABLISHMENT CLAUSE

Among the greatest religious protections granted to American citizens are the Establishment Clause and the Free Exercise Clause. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. Religious liberty can only truly flourish when a government protects the Free Exercise of religion while prohibiting government-sponsored endorsement, coercion and funding of religion. H.R. 2679 creates an arbitrary congressional policy in favor of the enforcement of the Free Exercise Clause, while simultaneously impeding individuals wronged by the government under the Establishment Clause.

Through the denial of attorneys' fee awards under H.R. 2679, plaintiffs will be able to afford the expense of litigation only when they are seeking to protect certain constitutional rights but not others. This bad congressional policy serves to create a dangerous double standard by favoring cases brought under the Free Exercise Clause, but severely restricting cases under the Establishment clause.

Proponents of this bill have been spreading the urban myth that religious symbols on gravestones at military cemeteries will be threatened without passage of H.R. 2679. The supposedly ''threatened'' religious markers on gravestones has become a red-herring—indeed it is an urban myth—that has been invoked as a reason for the denial of attorneys' fees in Establishment Clause cases. It should be noted—in light of the wildly inaccurate statements that have repeatedly been made—that religious symbols on soldiers' grave markers in military cemeteries (including Arlington National Cemetery) are entirely constitutional.

Religious symbols on personal gravestones are vastly different from government-sponsored religious symbols or sectarian religious symbols on government-owned property. Gravestones and the symbols placed upon them are the choice of individual service members and their families. The ACLU would in fact vigorously defend the first amendment rights of all veteran Americans and service members to display the religious symbol of their choosing on their gravestone.

If the Constitution is to be meaningful, every American should have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorneys' fees in successful cases is an essential component of the enforcement of these rights, as Congress has long recognized. The bill is a direct attack on the religious freedoms of individuals, as it effectively shuts the door for redress for all suits involving the Establishment Clause. We urge members of Congress to oppose H.R. 2679.

If you have any questions, please contact Terri Schroeder, Senior Lobbyist.

Sincerely,

CAROLINE FREDRICKSON,
Director.
TERRI ANN SCHROEDER
Senior Lobbyist.

Mr. Speaker, it is an election year, and the months leading up to elections have long been known as the ''silly season.'' We all understand that. But get an earmark for a bridge to nowhere or something, and leave the first amendment and our civil rights out of it.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Indiana (Mr. HOSTETTLER), who is the author of this legislation.

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

Mr. HOSTETTLER. I thank the gentleman from Texas for yielding.

Mr. Speaker, I rise in support of H.R. 2679, the Public Expression of Religion Act. This legislation would allow establishment clause cases to go to court unfettered by fear or coercion on the part of the defendant. And as an aside, I want to thank the gentleman from New York for clarifying a position earlier made by that side of the aisle when it was suggested by the gentleman from Texas and the gentleman from Massachusetts that somehow this bill would actually affect free exercise cases. But as the gentleman from New

York pointed out, this bill does not address free exercise cases.

The Public Expression of Religion Act would amend 42 U.S.C. sections 1983 and 1988 to prevent the mere threats of the legal system to intimidate communities, States, and groups like the American Legion into relenting without ever darkening the doorsteps of a Federal courthouse.

I first introduced the Public Expression of Religion Act in the 105th Congress after I realized that the mention of attorneys fees in these kinds of cases were jeopardizing our constituents' constitutional rights. An example of this was in 1993, when the Indiana Civil Liberties Union, which is affiliated with the American Civil Liberties Union, mailed a letter to all the public educators in the State of Indiana. In this letter, the ICLU informs the educators that should they support a prayer at graduation, the ICLU will sue both the school and any individuals who approve the graduation prayer. The letter plainly states the ICLU will win and that whoever is sued will have to pay not only their attorneys fees but the ICLU fees as well.

These threats to teachers, who are highly unlikely to be able to pay their own attorneys fees let alone the exorbitant attorneys fees of the ICLU, make it very likely educators would capitulate to the ICLU before even checking to make sure the ICLU has their facts right.

What makes this even more difficult for States and localities is that the jurisprudence in establishment clause cases is about as clear as mud. Different districts and even the Supreme Court itself flipflops on issues. For instance, last year, the Supreme Court handed down two Ten Commandments case decisions on the same day with a different decision in each.

In the Van Orden case, the court applied the Marsh test of historical perspective to determine the Ten Commandments in a public venue was constitutional in Texas; while the McCreary case used the Lemon test to determine the Ten Commandments in a public venue in Kentucky was unconstitutional. Clear as mud.

Our constituents who are being threatened with those lawsuits know even if they are right they will still have to pay their own attorneys fees to take the gamble the court will muddle through the jurisprudential mess of the establishment clause and come out on their side. If the court chooses to use the Marsh test, they might win. If the court chooses to use the Lemon test, they might lose. It is a toss-up.

Unfortunately, many of our constituents do not have the means by which to set aside a small fortune each year to defend their constitutional rights against intimidating liberal organizations. Nor do they look kindly on the fact that their constitutional rights have become subject to the whims of unelected judges; but, Mr. Speaker, that issue is for another legislative day. Regardless, many do not wish to roll the dice to have their day in court, so they capitulate to these organizations and their often questionable pronouncement of what is or is not constitutional.

A majority of the cases the ACLU and its affiliates represent are facilitated by staff attorneys or through pro bono work, so any attorneys fees awarded to them is icing on the cake. It is a win-win situation for them right now. On the other hand, States and localities have limited resources with which to fight court battles, thus another reason they are capitulating before they even go to court.

This was the case recently with the Los Angeles County seal. The ACLU threatened to sue L.A. County if they did not remove the tiny cross from the county seal. The cross symbolized Los Angeles' birth as a Spanish mission town. The county was forced to choose between paying to change the seal or paying to go to court and possibly pay exorbitant attorneys fees to the ACLU.

In the end, the L.A. county supervisors, in a 3–2 vote, decided to ignore the will of the people of Los Angeles County and pay to change the seal instead of paying to go to court. They had been advised by their attorneys that if they lost in court they would not only have to change the seal but they would additionally have to pay attorneys fees of the ACLU.

Mr. Speaker, I believe it is time to bring this extortion to an end. The Public Expression of Religion Act would make sure these cases are tried on their merits and are not merely used to extort behavior via settlements outside our judicial system.

As the ICLU said at the end of their letter: ''The ICLU does not enjoy litigation. We, and you, have better things to do with our time.'' I for one would like to make sure the ICLU has to think long and hard before litigating, and this would be the case if they knew they would actually have to convince a court of their twisted view of the Constitution. I urge my colleagues to support the legislation.

Mr. NADLER. Mr. Speaker, I now yield 4 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague from New York. This bill, which is presented to the Congress under the banner of a so-called American values agenda, turns American values on their head. It is an example of false advertising at its very worst, and it forgets the lessons of American history.

This great country of ours was founded largely on the principle of religious liberty. Many of our earlier settlers to this country came to our shores to escape religious persecution from their mother countries. They didn't want the Church of England or any other government telling them how they should worship God, and they sought to escape a state-imposed religion, to escape the establishment of a state-sponsored religion. They wanted to practice religion according to the dictates of their own conscience, not the dictates of the state. And that is why the first amendment to the United States Constitution gives each individual the right of religious liberty and why it bars the state from imposing and establishing a state religion.

If this Congress and this government now seeks to impose certain religious faiths upon an individual, that individual can invoke the protections of the United States Constitution. Now, I would think all of us, all of us in this body, would agree that an individual should not have to pay to enjoy the protections of the United States Constitution. Those rights are given to each of us as American citizens under the Constitution, and we shouldn't have to pay when the state, whether it is a local government, a State government, or the Federal Government, violates those rights under the establishment clause or anything else. Yet that is exactly what this bill does.

Under current law, if the court finds a statute is violating your constitutional rights under the establishment clause, the State has to pay the cost that you incurred in protecting your rights against the State. If your government deprives you of your constitutionally guaranteed rights and liberties, the government should pay, not you, the individual citizen. This is a question of the force and muscle of the government and the States against an individual in trying to deprive an individual of his or her constitutionally protected right.

I would ask, since when is it an American value that you have to pay to enjoy the protections of our constitution? Since when is an American value that the government can trample on your religious liberty, deprive you of your rights, and then, when a court of law, whether the Supreme Court, a Federal Court, or any other court, has found indeed that the government did deprive you of your constitutional rights and you were right as an individual and the government was wrong, that you have to pay and not the government?

That is simply a way, when you think about it, that the government can discourage individual citizens from enforcing their constitutional rights. They have to take on the government. They have to take on people with lots of resources. Yet, at the end of the day, even when they win, and the court agrees that their constitutional rights have been violated, it is the citizen that has to pay to enjoy those protections, not the government.

This debate is about American values, and if you want to protect those American values and you want to protect the Constitution of the United States, you should vote ''no'' on this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman

from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise today in very strong support of H.R. 2679, the Public Expression of Religion Protection Act. With this bill, we will close a loophole that has allowed liberal groups like the ACLU to prey on taxpayers for far too long.

Originally, Congress sought to protect underprivileged civil rights applicants by allowing them to collect attorneys fees if they won their suit.

□ 1500

Today, groups like ACLU scour the country looking to sue cities and States with any kind of religious display, regardless of how popular those religious displays are in those communities. If they sue and win, States and localities not only have to remove or remodel the historic items, but they also must pay the group's attorneys fees. In this backdoor way, the ACLU can collect taxpayer money to fuel even more lawsuits.

Tragically, citizens' precious symbols and monuments are being eroded with their own tax dollars. State seals in existence for hundreds of years have had to be redrawn. Many cities will not even fight in court for fear of paying costly attorneys fees, and some of them just capitulate at the first sign of a lawsuit.

We should not allow these liberal groups to fuel their agendas by exploiting hardworking Americans. The bill before us today removes that attorney fee provision from cases involving establishment of religion. This bill will stop the current taxpayer extortion once and for all.

I urge my colleagues to support this bill.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, any time you name a bill using the words ''veterans memorials'' and ''religious protection,'' you can assume that we are just about to cut veterans health care.

Now, if we are going to deal with veterans issues, I would hope that we would fully fund the veterans health care VA expenditures rather than cut them. We ought to do more for veterans pensions, we ought to do more for veterans disability, rather than naming a bill which undermines the freedoms they actually fought for.

Thirty years ago, Mr. Speaker, Congress recognized the importance of passing a law to ensure that those who suffer violations of their constitutional rights or unconstitutional discrimination will be able to obtain legal representation to vindicate their civil rights; but only in cases where they actually win the case will they be able to get help with their attorneys fees.

This bill would rescind the ability of victims whose rights under part of the first amendment have been found to have been violated from receiving reimbursement for attorneys fees and costs. This means that only the most fortunate in our society will be able to enforce their civil rights and seek redress when those rights are violated. It means that the less fortunate can only get those rights if they can raise enough money to enforce them. When the cost of enforcement becomes too great, there will not be any private enforcement and then our constitutional rights will be reduced to hollow pronouncements for the average citizens because only the wealthy will be able to seek enforcement.

But this bill goes actually further, because the bill will specifically deprive victims whose rights have been found to be violated by a court and those whose rights continue to be violated after the court has ordered, from being able to seek remedies other than those provided in the bill, namely injunctive or declaratory relief.

Now, if a school system were to decide to ignore the Constitution and require school children to recite a state-sponsored Protestant prayer in some areas, or a Mormon prayer in others, what would happen? Or if a State or locality were to just declare itself to have a particular established religion, what would happen under the bill? Nothing. Nothing would happen, until such time as you have a wealthy individual willing to fund a lawsuit to try to vindicate the obvious violation of their constitutional rights.

In all other classrooms and all other localities where you don't have a wealthy individual to fund the lawsuit, nothing will happen, because the perpetrators of the violation will know that there is no sanction. Nothing can happen. The only thing that can happen is you just sit around and wait for a court to declare that you are in violation. Nothing else can happen. And even after that finding occurs, nothing will happen until the court actually starts enforcing the court order, and you will need additional attorneys fees to go in and get that order.

This just invites violations of the law because we know there is no sanction for violating the first amendment. We know that the establishment clause, part of the first amendment of the Bill of Rights, will be the only part of the Constitution without any remedy to effectively enforce the provisions of that Constitution. That is why virtually every civil rights group, religious organization and legal organization opposes the bill; and, Mr. Speaker, I hope we oppose the bill too.

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

Mr. Speaker, some opponents of this legislation are arguing that attorneys fees are needed and that establishment clause lawsuits will be deterred unless the people bringing these lawsuits have their attorneys fees paid. This is simply not true.

First, we are aware of no organization that has said they will not bring a good cause case under the establishment clause if they can't be awarded attorneys fees. In fact, the ACLU has said just the opposite. Peter Eliasberg, a staff attorney for the ACLU of Southern California, has said recently, ''Money has never been a deciding factor when we take cases.'' When asked specifically what the ACLU would do if attorneys fees in establishment clause cases were prohibited, he said, ''It wouldn't stop us from bringing lawsuits.''

Second, this section of the U.S. Code H.R. 2676 amends was never intended to apply to establishment clause cases. 42 U.S.C. 1988, which allows attorneys fees in cases brought under 42 U.S.C. 1983, was intended only to allow the award of attorneys fees under civil rights laws enacted by Congress after 1866.

The history of 42 U.S.C. is as follows: in Alaska Pipeline Service Company v. Wilderness Society, the Supreme Court held that Federal courts do not have inherent power to award prevailing party attorneys fees to remedy government violations of the law. The Court observed that the American rule, that is, the rule that each party bears its own attorneys fees ''is deeply rooted in our history and in congressional policy.''

Mr. Speaker, I want to make one more point, and that is to emphasize that under H.R. 2679, establishment clause cases can in fact continue to be brought against State and local governments for injunctive or declaratory relief, which means that the court can still order that a State official or local government stop doing whatever it was in alleged violation of the establishment clause

Mr. NADLER. Mr. Speaker, I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, in response to a discussion earlier about the notion of ''false advertising'' in relationship to this piece of legislation, I have developed some fairly thick skin over the last several years in this job, but I think that I should draw the line today with regard to suggesting that people such as the American Legion would engage in false advertising in their support of the Public Expression of Religion Act.

In a booklet published by the American Legion entitled ''In the Footsteps of the Founders,'' the American Legion set out a course of action, a battle plan, if you will, in their desire to ''mobilize America to urge passage of the Public Expression of Religion Act, or PERA.''

They close in their mobilization in this regard: ''There simply is no reasonable basis to support the profiteering and attorney fees awards ordered by judges in these cases,'' meaning establishment clause cases. ''The very threat of such fees has made elected bodies, large and small, surrender to

the ACLU's demands to secularly cleanse the public square.''

They go further to say this: ''The American Legion does not intend to surrender to the ACLU or anyone else in defense of veterans memorials, the Boy Scouts or the public display of American religious history and heritage. We are involved because we are veterans who served the Nation when our country called. But most of all, we are involved because we are Americans. 'For God and country' is our credo, and both are imperiled today. In order to win the battle, to safeguard and transmit to posterity the America the Founding Fathers created, it is clear what we must do. We must walk in the footsteps of the Founders. Being involved in making the Public Expression of Religion Act the law of the land is one small but extremely important step that must be taken. This is a crusade we can, we should, we must win, if we are to walk in the footsteps of the Founders. We Americans of this generation can do no less.''

So, Mr. Speaker, those are the words of the American Legion themselves that say that today is the day that the House of Representatives must take a stand and must stand in the footsteps of our Founders.

We have heard a lot of discussion today about what this bill would do, that it would essentially eliminate the bringing of establishment clause cases to court. And as the gentleman from Texas has pointed out, even the liberal organizations that some would suggest their funds would be cut off have said this will do nothing to stop them in their pursuit to remove every vestige of religious heritage from our public places. So we should not take that argument at its face, because it is simply not true.

In fact, this bill allows the continuing allowance of injunctive relief, meaning if an individual wants a particular activity to stop or a particular display to be removed, the court can in fact still say that that display must be removed or that that activity must cease. Nothing in this bill eliminates injunctive relief or the ability to enjoin a State or local government to stop violating the establishment clause.

Mr. Speaker, in conclusion, there has likewise been a lot of discussion of the fact that in 1976 the Attorneys Fees Award Act began this march in civil rights with regard to establishment clause cases. That is simply not the fact. In 1962, in Engel v. Vitale, the Supreme Court held, 14 years before the Civil Rights Attorneys Award Act was put in place, the Supreme Court held that prayer in public schools in Engel v. Vitale was unconstitutional. They held a year later in Abington v. Shemp that Bible reading in public schools was unconstitutional as well.

To suggest that the removal of attorneys fees would stop the groups from bringing these cases to court is simply not borne out by history nor by their own words, and so I ask my colleagues to support the Public Expression of Religion Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I stand today in support of H.R. 2679. Let me just say as a Representative from San Diego County, we have had a situation that I think both sides of the aisle would say was absolutely absurd, where there was a movement to destroy a war memorial on Mount Soledad, and the justification was because that war memorial happened to have been a religious symbol, a cross. One group, or a small plaintiff, not only was pushing for the destruction of the war memorial, but actually got the fees paid to gain profiteering from the destruction of this war memorial.

Now, you may say there must be a logical reason, it must be reasonable, there must have been some good reason to tear down this war memorial. Mr. Speaker, let me remind you that this body had a chance to vote on exactly the same issue, and this body voted 349 to preserve the war memorial, with 74 voting to destroy it. I think that it is quite clear that this body has said that the preservation of certain religious artifacts did not justify the profiteering by those who would want to destroy it.

I strongly ask us to look at this bill and just think about this: this profiteering not only affects the agencies or the people that have to pay out, like the city of San Diego, but that money could have gone to services throughout the community which proportionately help those needy, those poor and those who need it the most.

□ 1515

So, so much of this profiteering is being made at the expense of those who people on both sides of the aisle say do not get enough resources. I just think it is time that we tell the trial lawyers and we tell those who are profiteering from trying to destroy our religious heritage that we are no longer going to allow them to walk away from the courts with bags of the people's money and individuals' resources that can be used in better locations.

Mr. NADLER. I now recognize the gentleman from Virginia for a unanimous consent request.

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that letters from over a dozen organizations in opposition to this bill be entered into the RECORD to the extent that some of them have not been entered in the RECORD so far.

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

There was no objection.

AFRICAN AMERICAN MINISTERS IN ACTION,
Washington, DC, September 26, 2006.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: As pastors and leaders of predominately African American congregations across the country, we are writing urging you to oppose passage of H.R. 2679, the ''Public Expression of Religion Act of 2005.'' Where would our nation be on the long march to ending segregation, providing equal education to all, ensuring free speech, enfranchising minorities and women to vote, and a host of other civil rights and civil liberties issues had damages and attorney's fees remedies been denied on those journeys?

This legislation represents an attack on the most fundamental enforcement tools available to people whose religious liberty rights have been violated by singling out those who seek to enforce their constitutional rights under the Establishment Clause of the First Amendment. This is a blatant attack on the religious freedoms of all people of faith. Religious expression is not threatened by the enforcement of the Establishment Clause, but is protected by it. The Establishment Clause promotes religious freedom for all by protecting against government sponsorship of religion.

Congress established enforcement remedies under §1983 more than 100 years ago and, according to the Congressional Research Service, Congress has never limited or eliminated these remedies, let alone deny them to people seeking judicial enforcement of particular constitutional rights. As pastors, we strongly believe that H.R. 2679 is a deliberate attempt to roll back the clock on the protection of our religious freedoms and the protections we have against those who would attempt to force upon us their own religious ideology.

Should Congress adopt this legislation, the precedent would be set for future denials of these remedies for other constitutionally protected civil rights and liberties. While some claim this is merely technical, damages and the awarding of attorney's fees are critical ingredients necessary to ensure the proper representation in court and redress for constitutional violations. More importantly, they are critical for the protection of our civil rights and civil liberties serving as a disincentive for engaging in such violations.

Justice can be denied in many ways, and denying damages and attorney's fees to those seeking to enforce their constitutional rights will be tantamount to barring the courthouse door and any possibility of vindication of the rights we hold sacred. We urge you to oppose H.R. 2679.

Sincerely,

REV. TIMOTHY MCDONALD,
Chair.

REV. ROBERT SHINE,
Co-Chair.

ASSOCIATION OF TRIAL LAWYERS OF AMERICA,
Washington, DC, July 25, 2006.

DEAR HOUSE JUDICIARY COMMITTEE MEMBER: On behalf of the Civil Rights Section of the Association of Trial Lawyers of America, we strongly urge you to vote against H.R. 2679, ''Public Expression of Religion Act of 2005.'' This bill strikes a serious blow against the religious liberties protected under the Establishment Clause of the U.S. Constitution and it sets a precedent for the erosion of other valued constitutional rights.

H.R. 2679 unfairly strips one set of plaintiffs—plaintiffs that bring claims of an Establishment Clause violation—of the important and longstanding civil remedies provided for under Sections 1979 and 722(b) of the Revised Statutes of the United States (42 U.S.C. 1983; 42 U.S.C. 1988(b)). As a result, the bill not only leaves religious minorities without a real means of protecting their constitutional rights, but also encourages state and local sponsored religious activities for the majority without an opportunity for adequate redress, and fosters the suppression of

religious liberty for all others. At the core of our Democracy is the principle of religious freedom (i.e., separation of church and state) and the fact that the Establishment Clause forbids the government from forcing a single religious point of view on all Americans. Under the proposed legislation, however, that constitutional mandate and the foundation of our system of government are eviscerated, and religious minorities pay the price.

The current remedial scheme under H.R. 2679 of ''limited to injunctive relief'' simply does not work. There are countless instances when injunctive relief would not adequately remedy the harm one suffers when a state-actor imposes a religious point of view on a community. One obvious example is forced prayer in school. Once the prayer is read and an individual is harmed, there is nothing injunctive relief can do to redress that harm. In addition, the current draft of the bill does not afford additional protections to a plaintiff if the defendant state-actor breaches a court-imposed injunction. Thus, a state-actor is free from consequence if it does nothing to fulfill the injunctive relief granted and a plaintiff's harm is left without a remedy.

Not only would the remedial scheme under H.R. 2679 inadequately redress a victim's harm, but the effect of it will deter individuals from bringing causes of action for Establishment Clause violations. The proposed legislation does not permit a plaintiff to be awarded attorney's fees, even if he seeks the only civil remedy available—injunctive relief—and is successful. It is expensive to bring a civil action against the government, so if a victim of an Establishment Clause violation is stripped of the fee-shifting provision under Section 1988(b) it is unlikely that he will even bring a claim in the first place. Moreover, the whole purpose of including a fee-shifting provision under Section 1988(b) is to provide victims with limited means an opportunity to have their day in court and protect their constitutional rights against a defendant with limitless resources.

Finally, we ask that you vote against H.R. 2679, because it is a dangerous precedent. The proposed legislation would set the stage for future limitations on the remedies available for civil rights actions under Section 1983. If today we cite certain factors to distinguish the constitutional protections afforded under the Establishment Clause from other constitutional rights, it is just a matter of time before another group claims that one of the remaining constitutional rights is somehow distinguishable and proposes to subject it to limitation. The bottom line is that Section 1983 is the sole mechanism by which a citizen can protect his constitutional rights against unlawful state-action, thus it is imperative that we avoid any legislation that seeks to curtail the extent and potency of the civil actions provided for under that statute.

We strongly urge you to protect the constitutional rights of religious minorities and all Americans: oppose H.R. 2679.

Very Truly Yours,

MATTHEW DIETZ,
Civil Rights Section Chair, 2006–2007.
SUSAN ANN SILVERSTEIN,
Civil Rights Section Chair, 2005–2006.

THE AMERICAN JEWISH COMMITTEE,
OFFICE OF GOVERNMENT AND INTERNATIONAL AFFAIRS,
Washington, DC, September 15, 2006.

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee (AJC), the nation's oldest human relations organization with over 150,000 members and supporters represented by 32 regional offices, I write to express our strong opposition to the Public Expression of Religion Act of 2005 (H.R. 2679).

H.R. 2679 would deter citizens with legitimate grievances from defending their most basic civil rights in court by limiting longstanding remedies available under 42 U.S.C. 1988. Among other things, H.R. 2679 would bar judges from ordering state or local governments to reimburse the attorney's fees and monetary damages of plaintiffs whose Establishment Clause rights have been proven to be violated, and would make injunctive and declarative relief the only remedies available in such cases.

Access to the federal courts is fundamental to the ability of Americans to vindicate their constitutional rights. With legal fees often totaling as much as hundreds of thousands of dollars, few victims of religious discrimination can afford to bear the costs of a lawsuit when the government violates their constitutional rights. Even blatant instances of coerced prayer in a public school or other religious discrimination will seldom be challenged in court if a single citizen must face the legal resources of a city.

Proponents of H.R. 2679 argue that some municipalities currently settle out-of-court rather than risk paying attorney's fees and monetary damages for frivolous lawsuits. Whatever the merits of this assertion, there is no constitutional claim that may not occasionally lead to frivolous lawsuits. Moreover, at the end of the day, the courts have generally proved adept at filtering out frivolous claims at an early point in litigation, before substantial legal costs can be incurred. Balanced against these realities is the undeniable fact that this bill would deter Americans with legitimate Establishment Clause grievances from asserting their rights in court. Further, once claims under one clause of the First Amendment have been insulated from meaningful remedy, the entire Bill of Rights is at risk.

The ability to seek appropriate remedies, including damages and attorney's fees, is crucial if citizens are to be able to vindicate their constitutional rights in court. Please protect the longstanding ability of Americans to seek damages, and to recoup costs and fees, when faced with basic constitutional violations. For the aforementioned reasons, we strongly oppose H.R. 2679.

Thank you for considering our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, September 12, 2006.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union (ACLU), and its hundreds of thousands of members, activists, and fifty-three affiliates nationwide, we urge you to oppose H.R. 2679, the ''Public Expression of Religion Act of 2005.'' This bill was voted out from the Judiciary Committee on September 2, 2006 and will soon be on the House floor. H.R. 2679 would limit damages to injunctive and declaratory relief and bar the award of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. This bill would bar damages and awards of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution H.R. 2679 would limit the longstanding remedies available in cases brought under the Establishment Clause under 42 U.S.C. 1988, which provides for attorneys' fees and costs in all successful cases involving constitutional and civil rights violations.

H.R. 2679 shuts the courthouse doors. If this bill were to become law, Congress would, for the first time, single out one area protected by the Bill of Rights and prevent its full enforcement. The only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive relief. This prohibition would apply even to cases involving illegal religious coercion of public school students or blatant discrimination against particular religions.

Congress has determined that attorneys' fee awards in civil rights and constitutional cases, including Establishment Clause cases, are necessary to help prevailing parties vindicate their civil rights, and to enable vigorous enforcement of these protections. The Senate Judiciary Committee has found these fees to be ''an integral part of the remedies necessary to obtain . . . compliance.'' The Senate emphasized that ''[i]f the cost of private enforcement actions becomes too great, there will be no private enforcement. If our civil rights laws are not to become mere hollow pronouncements which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.''

Unfortunately, H.R. 2679 would turn the Establishment Clause into a hollow pronouncement. Indeed, the very purpose of this bill is to make it more difficult for citizens to challenge violations of the Establishment Clause. It would require plaintiffs who have successfully proven that the government has violated their constitutional rights to pay their legal fees—often totaling tens, if not hundreds, of thousands of dollars. Few citizens can afford to do so, but more importantly, citizens should not be required to do so where there is a finding that our government has engaged in unconstitutional behavior.

The elimination of attorneys' fees for Establishment Clause cases would deter attorneys from taking cases in which the government has violated the Constitution; thereby leaving injured parties without representation and insulating serious constitutional violations from judicial review. This effectively leaves religious minorities unable to obtain counsel in pursuit of their First Amendment rights under the Establishment Clause.

H.R. 2679 favors enforcement of the Free Exercise Clause over the Establishment Clause. Among the greatest religious protections granted to American citizens are the Establishment Clause and the Free Exercise Clause. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. Religious liberty can only truly flourish when a government can both equally protect the free exercise of religion as well as prohibit state-sponsored endorsement and funding of religion. H.R. 2679 creates an arbitrary congressional policy in favor of the enforcement of the Free Exercise Clause, while simultaneously impeding individuals wronged by the government under the Establishment Clause.

Through the denial of attorneys' fee awards under H.R. 2679, plaintiffs will be unable to afford the expense of litigation only when they are seeking to protect certain constitutional rights but not others. This bad congressional policy serves to create a dangerous double standard by favoring cases brought under the Free Exercise Clause, but severely restricting cases under the Establishment clause.

H.R. 2679 denies just compensation. Finally, despite proponents' assertions to the contrary, attorneys' fees are not awarded in Establishment Clause cases as a punitive measure. Rather, as in any case where the government violates its citizens' civil or

constitutional rights, the award of attorneys' fees is reasonable compensation for the expenses of litigation awarded at the discretion of the court. After intensive fact-finding, Congress determined that these fees ''are adequate to attract competent counsel, but . . . do not produce windfalls to attorneys.'' H.R. 2679 is contrary to good public policy—it reduces enforcement of constitutional rights; it has a chilling effect on those who have been harmed by the government; and it prevents attorneys from acting in the public's good. The award of fees in Establishment Clause cases is not a means for attorneys to receive unjust windfalls—it is designed to assist those whose government has failed them.

Proponents of this bill have been spreading the urban myth that religious symbols on gravestones at military cemeteries will be threatened without passage of H.R. 2679. The supposedly ''threatened'' religious markers on gravestones has become a red-herring—indeed it is an urban myth—that has been invoked as a reason for the denial of attorneys' fees in Establishment Clause cases. It should be noted—in light of the wildly inaccurate statements that have repeatedly been made—that religious symbols on soldiers' grave markers in military cemeteries (including Arlington National Cemetery) are entirely constitutional.

Religious symbols on personal gravestones are vastly different from government-sponsored religious symbols or sectarian religious symbols on government-owned property. Gravestones and the symbols placed upon them are the choice of individual service members and their families. The ACLU would in fact vigorously defend the first amendment rights of all veteran Americans and service members to display the religious symbol of their choosing on their gravestone.

If the Constitution is to be meaningful, every American should have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorneys' fees in successful cases is an essential component of the enforcement of these rights, as Congress has long recognized. The bill is a direct attack on the religious freedoms of individuals, as it effectively shuts the door for redress for all suits involving the Establishment Clause. We urge members of Congress to oppose H.R. 2679.

If you have any questions, please contact Terri Schroeder, Senior Lobbyist.

Sincerely,

CAROLINE FREDRICKSON,
Director.

TERRI ANN SCHROEDER,
Senior Lobbyist.

AMERICAN HUMANIST ASSOCIATION,
Washington, DC, September 11, 2006.

DEAR REPRESENTATIVE: The American Humanist Association strongly urges you to oppose the Public Expression of Religion Act (H.R. 2679), which would bar courts from awarding attorney's fees to prevailing parties bringing suit under the Establishment Clause of the First Amendment. We urge you to vote against this bill, which would severely discourage or outlaw litigation over government practices that violate the First Amendment.

If passed, the Public Expression of Religion Act would prevent concerned citizens from exercising their constitutionally protected rights in court. The bill purports to ''eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees.'' However, these litigants are only awarded attorney's fees if their claims are found valid and thus unconstitutional; under current law, the ''frivolous lawsuits'' commonly cited in attempts to reduce attorney's fees are not funded by taxpayer dollars but rather are financed by the losing litigants. Further, though supporters have argued that groups such as the American Civil Liberties Union have reaped enormous compensation from such suits, the reality is that the awarding of attorney's fees is essential to maintaining a fair judicial system; these suits often involve a substantial amount of time and effort that is simply not feasible for most attorneys to undertake on a pro bono basis. The bill would actually create a far more chilling effect in its restriction of challenges to First Amendment freedoms.

If the Public Expression of Religion Act passes it will set a precedent for future restrictions on the ability to gain attorney's fees and costs for constitutional violations that are unpopular with any particular political majority at the moment. The current system does not reimburse attorney's fees for unsubstantiated cases, and it maintains the impartiality of our courts by allowing the judiciary to interpret constitutional concerns as laid out in the Constitution. Please do not allow the legislature to influence the judicial process for political gain.

Humanists are particularly concerned about this bill because it targets religious minorities and nontheists in their attempts to maintain the separation of church and state by severely reducing attorney's abilities to represent them in judicial actions. The threat of lawsuits under the Establishment Clause does not and never has had a ''stifling effect'' on religious practices; religion is an integral part of many Americans' lives, and we Humanists support the personal expression of religion. What we do not support, however, is governmentally sanctioned religion that infringes on our First Amendment rights. The current laws support a system of checks and balances to ensure that all Americans have the freedom to express themselves without coercion.

The AHA urges you to maintain every American's right to an impartial and accessible judicial system and vote no on the Public Expression of Religion Act.

Sincerely,

MEL LIPMAN,
AHA President.

PROTECT RELIGIOUS LIBERTY AND OPPOSE H.R. 2679

AMERICANS UNITED
FOR SEPARATION OF CHURCH AND STATE,
Washington, DC, September 12, 2006.

DEAR REPRESENTATIVE: Americans United for Separation of Church and State urges you to oppose H.R. 2679 or any other similar legislation seeking to limit awards of attorney's fees in Establishment Clause cases. Americans United represents more than 75,000 individual members throughout the fifty states and the District of Columbia, as well as cooperating clergy, houses of worship, and other religious bodies committed to preserving religious liberty.

Bills such as H.R. 2679 are extreme and unwise proposals that will do nothing more than deter Americans from seeking to enforce in the federal courts their fundamental constitutional rights to worship freely and to make decisions about religion for themselves and their families, without interference or coercion from the government. Such ill-conceived measures will also set a broader precedent for abolishing court-awarded attorney's fees in other civil-rights cases, thus undermining the system that Congress carefully wrought to ensure that those who suffer unconstitutional discrimination will be able to obtain legal representation to vindicate their civil rights.

H.R. 2679 would prohibit the federal courts from awarding reasonable attorney's fees and costs to parties who prevail in actions brought to enforce their rights under the Establishment Clause of the First Amendment to the U.S. Constitution, and it would limit the remedies available to Establishment Clause plaintiffs to injunctive and declaratory relief, thus barring federal courts from awarding either damages or other equitable relief to parties who prevail on Establishment Clause claims. If passed, the bill would thus, for the first time since the enactment of the Civil Rights Attorney's Fees Awards Act of 1976, eliminate an entire category of civil-rights claims from those for which federal courts can award attorney's fees and costs, and it would in many cases deprive plaintiffs of any effective remedy for substantial constitutional violations.

H.R. 2679 WOULD SUBSTANTIALLY IMPAIR THE ABILITY OF AMERICANS TO ENFORCE THEIR RELIGIOUS-FREEDOM RIGHTS UNDER THE ESTABLISHMENT CLAUSE

Congress recognized the importance of the remedy of fee shifting to the enforcement of civil-rights laws when it passed the 1976 Civil Rights Attorney's Fees Awards Act, 42 U.S.C. 1988:

Enforcement of the laws depends on governmental action and, in some cases, on private action through the courts. If the cost of private enforcement actions becomes too great, there will be no private enforcement. If our civil rights laws are not to become mere hollow pronouncements which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.

S. Rep. No. 94–1011, at 6 (1976). Indeed, the enactment of the fee-shifting provision was not an expansion of civil-rights plaintiffs' rights but instead was merely a codification of preexisting practice that Congress viewed as especially important: Responding to an earlier Supreme Court ruling that courts could no longer award attorney's fees to a prevailing party unless specifically authorized to do so by federal statute (see Alyeska Pipeline Serv.v. Wilderness Soc'y, 421 U.S. 240 (1975)), Congress recognized that the fee-shifting provision ''creates no startling new remedy—it only meets the technical requirements that the Supreme Court has laid down if the Federal courts are to continue the practice of awarding attorney's fees which had been going on for years.'' S. Rep. No. 94–1011, at 6. H.R. 2679 would thus eliminate an important remedy that has been recognized by statute for three decades and by court practice for far longer.

This turnabout would have a substantial effect on the ability of Americans who have suffered violations of their right to religious freedom to seek redress in the courts because they will be unable to afford counsel to represent them. Indeed, the Act would make it difficult for victims of Establishment Clause violations even to obtain representation from lawyers who might otherwise be willing to represent them pro bono because those lawyers would no longer be able to recoup their actual, out-of-pocket expenses—which can often total tens or even hundreds of thousands of dollars.

Although the bill's sponsors claim that the Act would ''eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials,'' few, if any, Establishment Clause plaintiffs seek to challenge personal religious expression by governmental officials. Rather, most Establishment Clause plaintiffs simply seek to ensure that government does not coerce them or their children to participate in religious activities that conflict with their own sincerely held beliefs.

Many plaintiffs are like the parents in Dover, Pennsylvania, who courageously challenged a decision by their school board to require their ninth-grade students to listen in a biology class to a statement by school administrators disparaging the scientific theory of evolution and encouraging them to accept ''intelligent design,'' a religious view of the origins of life. As one of these plaintiffs, Steven Stough, said, ''I have joined this lawsuit because I believe that religious education is a personal matter whose instructional component is best reserved for home or at a church of one's choice. It is my responsibility for the direction of my daughter's religious instruction not the public high school.''

But without the availability of attorney's fees, parents like Mr. Stough would not be able to afford the cost of hiring a lawyer: The court in the Dover case found that the plaintiffs were entitled to a reasonable fee award, of which more than $250,000 represented the plaintiffs' attorneys' actual, out-of-pocket expenses to bring the case. Had H.R. 2679 been the law of the land, the parents of Dover, Pennsylvania, might well never have been able to vindicate their right to direct the religious upbringing of their children without interference by the local school board, for they simply could not have afforded the expenses for the case, much less any attorney's fees, for litigation that required the full-time commitment of a half dozen lawyers for more than a year.

The problem is far more serious in most other cases. Although the Dover plaintiffs were represented pro bono by institutional civil-rights litigators (including Americans United) and a large law firm, many Establishment Clause plaintiffs rely on lawyers who work in small private practices. Indeed, the bulk of constitutional tort litigation is brought by local, small-firm lawyers. See Stewart J. Schwab, Explaining Constitutional Tort Litigation: The Influence of the Attorney Fees Statute and the Government as Defendant, 73 CORNELL L. REV. 719, 768–69 (1988). So while large law firms and institutional civil-rights litigators may continue to represent Establishment Clause plaintiffs even in the absence of a fee-shifting statute, the majority of Establishment Clause violations will go unredressed because the small-firm lawyers who typically litigate them will be unable to afford to take the cases.

Again, the issue is not one of lawyers' profits: Just as the most well-established civil rights organizations and largest law firms can ill afford to pay the litigation costs for major cases, so too must most small firms and solo practitioners decline to provide representation in more modest cases when they have no ability to cover the out-of-pocket expenses required even in cases where the law is clear and the civil-rights violation egregious.

Compounding the problem is the Act's limitation on the relief available to Establishment Clause plaintiffs. In most other classes of civil litigation, plaintiffs who win their cases receive money damages from the defendant and are able to use a portion of those damages to pay their lawyers. But in Establishment Clause cases, like most civil-rights cases, prevailing parties are usually entitled only to injunctive relief, not damages, and thus receive no funds from the litigation to pay their lawyers. Not content to deny Establishment Clause plaintiffs the feeshifting protections that Congress has wisely provided, H.R. 2679 would eliminate the possibility of money damages even in the incredibly rare case where Establishment Clause plaintiffs might be able to show a compensable injury, thus denying them the protection of a damages remedy that is available for every other class of legally cognizable injury.

H.R. 2679 COULD PERVERSELY LEAD TO MORE ESTABLISHMENT CLAUSE LITIGATION FURTHER CLOGGING THE DOCKET OF THE FEDERAL COURTS

The fee-shifting provision in 42 US.C. 1988 levels the playing field between private citizens and the government in constitutional tort litigation by encouraging private lawyers to take meritorious cases and by increasing the potential costs of litigation to government defendants. It thus deters government from committing many egregious civil-rights violations just the way that damages remedies deter unlawful action in the ordinary run of tort and contract cases. While eliminating attorney's fees would surely reduce the number of Establishment Clause claims being brought, even in cases where the law is most clearly on the plaintiffs side, it would also ensure that those cases that are filed will be more costly and more time-consuming to litigate because the government defendants will have no incentive to settle or to mitigate the costs of litigation, but instead will view as ''costless'' a fight to defend even the most overt violations of individuals'' rights to religious freedom, and so will clog the courts with cases that should be readily resolved.

Unlike private parties, government has virtually unlimited resources with which to litigate cases and can use those resources to drag out litigation. Indeed, government defendants in Establishment Clause cases may not have to spend even one penny of their own money on litigation if, as is becoming increasingly frequent, they are represented for free by a faith-based law firm committed to encouraging public officials to violate citizens' Establishment Clause rights. For example, the Thomas More Law Center provided free representation to the defendants in Kitzmiller v. Dover Area School District, leading the school board to conclude that, even though the school district's regular lawyer had warned that the district would lose the case, it should still fight a costless battle to force the school board members' preferred faith on students without regard to the students or their parents' religious beliefs. After the school district lost the case, as its lawyer warned it would, the court held that it was liable to the plaintiffs for their attorney's fees and costs. That award was essential not just because it made it possible for the Dover parents to bring the case, but because it provides a greater incentive to other school boards in the future to avoid the same wrongdoing that the Dover school board committed, or at least to settle early those cases they cannot win, rather than compounding the violations of parents and students' constitutional rights, and compounding costs to everyone, by fighting lost causes to the bitter end.

Just weeks after the Kitzmiller decision, for instance, several California parents filed an Establishment Clause challenge to their school district's decision to teach a course on intelligent design and asked a federal court to issue a temporary restraining order prohibiting the school district from offering the course. See Hurst v. Newman, No. 1:06–CY–00036 (C.D. Cal.). Recognizing that its actions were unlawful and that it would likely owe substantial attorney's fees and costs to the plaintiffs if it continued to fight, the school board gratefully accepted the plaintiffs' offer to waive their right to request attorney's fees in exchange for the school district canceling the unconstitutional class—a quick and amicable resolution of the case that would not have been possible if the availability of attorney's fees had not been a deterrent to the school board tying up the courts and dividing the community over its dogged but futile pursuit of a plainly unconstitutional policy.

And in Florida, the prospect of attorney's fees had a similar salutary effect: A school district was sued by parents who objected on Establishment Clause grounds to the district's decision to hold several high school graduations in a church, with students accepting their diplomas and having their commencement photos taken beneath a large cross. Although a federal district judge preliminarily found that the parents were likely to win their case on the merits, the school board initially planned to fight the case all the way through a full trial. But with the specter of a mounting bill for the parents' legal fees on the horizon, the school district ultimately thought better of that plan, promising to hold future graduations in secular locations in exchange for an agreement by the parents' attorneys to charge the district only half the fees that they had accrued up to that point. Again, but for the threat of a fee award, justice to the parents would have been delayed and judicial resources would have been squandered. Indeed, without the possibility of being liable for attorney's fees, governmental entities like the Florida and California school districts just described will have every incentive to engage in straightforwardly illegal conduct, infringing the religious freedom of the public—and most especially children, who are most likely to have their complaints about religious discrimination and coercion fall on deaf ears unless their families have recourse in the federal courts.

In Dover, the belief that fighting was costless led the school board to adopt ''an imprudent and ultimately unconstitutional policy.'' Kitzmiller v. Dover Area Sch. Dist., 400 F. Supp. 2d 707, 765 (M.D. Pa. 2005). Indeed, the court characterized the board's decision as one of ''breathtaking inanity'' and decried the school board's decision to defend the policy in court, asserting that ''[t]he students, parents, and teachers of the Dover Area School District deserved better than to be dragged into this legal maelstrom, with its resulting utter waste of monetary and personal resources.'' Id. Actually making it costless for the government to defend Establishment Clause violations will reproduce that sad state of affairs everywhere.

In passing the Civil Rights Attorney's Fees Awards Act, Congress recognized that rights are meaningless unless individual citizens are able to enforce them against the government:

If private citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court.

S. Rep. No. 94–1011, at 2 (1975). Abolishing attorney's fees in Establishment Clause cases would not simply increase plaintiffs' cost to file these cases; it would render the Establishment Clause—a critical safeguard for religious freedom embodied in the First Amendment of the U.S. Constitution—a dead letter. As the federal courts have consistently acknowledged, the Establishment Clause works in tandem with the Free Exercise Clause to protect Americans' right to practice their religion as they choose. See, e.g., Venters v. City of Delphi, 123 F .3d 956, 969 (7th Cir. 1997) (Free Exercise and Establishment Clauses ''embody 'correlative and coextensive ideas, representing only different facets of the single great and fundamental freedom [of religion]' '') (quoting Everson v. Bd. of Educ., 330 U.S. 1, 40 (1947) (Rutledge, J., dissenting)). So although the avowed purpose of H.R. 2679 or other similar legislation is to protect the religious expression of state and local officials, its effect would be to deeply undermine the religious liberty of all Americans.

If you have any questions regarding this legislation or would like further information on any other issues of importance to Americans United, please contact Aaron D. Schuham, Legislative Director, at (202) 466–3234, extension 240.

Sincerely,

Rev. BARRY W. LYNN,
Executive Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, September 12, 2006.

DEAR REPRESENTATIVE: On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis (CCAR), whose membership includes more than 1,800 Reform rabbis, I ask you to oppose H.R. 2679, the ''Public Expression of Religion Act of 2005.'' I also urge you to oppose any other efforts that undermine the courts' ability to hear cases in which an individual's rights are at stake.

This dangerous legislation would prevent plaintiffs from being awarded legal fees and out-of-pocket expenses in cases involving First Amendment rights. It is nothing more than an attack on efforts to enforce Constitutionally-protected rights.

The effort to select only certain rights for the full protection of the law is a slippery slope at best; and, more to the point, may spell the start of a full scale assault on fundamental freedoms. Further, this legislation creates two tiers of justice, dividing those who can afford to have their Constitutional rights enforced from those who cannot. This is a shameful denigration of our commitment to the equality of all Americans.

Americans of all economic levels and ideological backgrounds deserve equal protections from our courts and justice system. I strongly urge you to reject the Public Expression of Religion Act.

Sincerely,

MARK J. PELAVIN,
Associate Director.

SEPTEMBER 13, 2006.

DEAR SENATOR REPRESENTATIVE: The Secular Coalition for America urges you to oppose H.R. 2679, the so-called Public Expression of Religion Act (PERA). Passage of this act would have a chilling effect on the rights of citizens seeking to protect their constitutional rights under the Establishment Clause. Without the right to seek attorney fees and costs in successful challenges of the improper intrusion of religion into government, elected and appointed officials will have no obstacles against imposing their religious beliefs on the general public.

If this bill passes, the only penalty for violations of the Establishment Clause will be the court's injunction to end that particular unconstitutional practice. Clever appointed and elected officials will simply modify their practices just enough to circumvent the court's ruling knowing that they will face no penalty for their actions and eventually the plaintiff will be unable to pursue additional cases through the court system.

The purpose of PERA is solely to deny Americans access to the courts to protect their constitutional rights. The current law allows plaintiffs and their lawyers to recover reasonable costs and attorneys fees only if their case is successful. With restitution available only in successful cases, the current law discourages frivolous lawsuits. However, without this reasonable restitution, the vast majority of Americans will not be able to afford the protections guaranteed to them by our Founders.

By severely limiting lawsuits through PERA, elected and appointed officials will be unfettered in their pursuits to incorporate religious symbols and expressions into governmental spaces and events. These official religious endorsements and use of religious symbols by the majority of the moment relegate members of minority religions and the non-religious to a second-class citizenship.

By allowing citizen access to the judiciary, minorities in our nation gained the protections afforded by the First Amendment. These protections have allowed members of minority religions (such as Jehovah's Witnesses) as well as nonreligious Americans to be free of government required religious exercises and endorsement of religious symbols. Individuals have been free to exercise their own decisions of conscience in public schools and governmental bodies.

Our nation has respected the separation of powers which our founders so wisely created to prevent anyone branch from gaining too much power. Congress must not encroach on the right of citizens to seek the judiciary's power to resolve constitutional issues. The limitations PERA would create for access to the judiciary are equivalent to poll taxes limiting access to the ballot box. With access to the courts, the rights of minorities guaranteed in the Bill of Rights would be meaningless; the Constitution could not be enforced; and a tyranny of the majority would ensue.

Passage of H.R. 2679 also creates a slippery slope that would set a dangerous precedent for future restrictions on the ability to gain attorney fees and costs for other constitutional arenas that are unpopular with the majority of the moment. Any time the judicial branch makes a decision unpopular with the majority in Congress, it could simply pass legislation effectively taking away citizen access to the courts. Passing this type of legislation make the freedoms guaranteed in our Constitution worthless.

Sincerely,

LORI LIPMAN BROWN, ESQ.,
Director.

THE INTERFAITH ALLIANCE,
Washington, DC, September 14, 2006.

DEAR REPRESENTATIVE: As the president of The Interfaith Alliance, I am writing to urge you to oppose H.R. 2679. ''The Public Expression of Religion Act of 2005.'' The Interfaith Alliance is a nonpartisan, grassroots organization that represents more than 185,000 members. We are committed to promoting the positive and healing role of religion in public life. While we fully support the public expression of religion, we cannot support restrictions on the enforcement of the Bill of Rights which was designed to protect all Americans, regardless of their religious beliefs.

Americans of all faiths—Buddhists, Hindus, Sikhs, Muslims, Christians and Jews—and those who profess no faith—must have the right to practice their religion and raise challenges when they feel that there is a specific violation of the clause in the First Amendment which guarantees that ''Congress shall make no law respecting an establishment of religion.''

And when government has acted in an unconstitutional manner, citizens seeking their constitutional rights must not be required to pay the government's legal fees because that would make it difficult if not impossible for those individuals to successfully challenge the illegal behavior.

If passed, H.R. 2679 would eliminate damages and awards of attorneys' fees for individuals or groups in successful cases brought to ensure their constitutional rights under the Establishment Clause of the First Amendment to the U.S. Constitution. This would effectively prevent the full enforcement of the First Amendment's prohibition on the establishment of religion by federal, state, and local governments.

Religious freedom as guaranteed by the First Amendment includes both the Free Exercise Clause and the Establishment Clause. One without the other would render religious freedom a hollow phrase. H.R. 2679 would create a double standard with enforcement of Free Exercise cases being protected by guarantees of attorney fees but Establishment Clause cases being denied the same relief.

The Interfaith Alliance considers H.R. 2679 to be an attack on the religious freedoms guaranteed to every American by the Constitution. In the name of religious freedom, we urge you to oppose ''The Public Expression of Religion Act of 2005.'' It is bad for the Constitution. It is bad for religion.

If there is anything that we at The Interfaith Alliance can do to assist you in this important matter, please do not hesitate to contact Preetmohan Singh, Deputy Director of Public Policy, at 202–639–6370.

Sincerely,

Rev. Dr. C. WELTON GADDY,
President, The Interfaith Alliance.

FRIENDS COMMITTEE ON
NATIONAL LEGISLATION,
Washington, DC, September 14, 2006.

MEMBERS, HOUSE OF REPRESENTATIVES,
Washington, DC

DEAR REPRESENTATIVE: The Friends Committee on National Legislation, a 63–year old Quaker lobby on Capitol Hill, urges you to oppose H.R. 2679, the ''Public Expression of Religion Act.'' Though supporters of the bill cite certain types of cases that would be covered by the Act, the legislation itself extends to all claims under the establishment of religion clause. This legislation would effectively deny access to the courts for individuals wishing to protect their religious rights, unless they were personally wealthy enough to fund the litigation.

As members of a minority religion whose foremothers and forefathers came to this country to escape the religious intolerance of the English government, Quakers cherish the U.S. Constitution's protections of religion from the dictates of government. The Bill of Rights was written to protect individuals, not the government. In an ironic twist, H.R. 2679 and similar legislation would turn the ''no establishment of religion'' clause on its ear, protecting the government against individuals.

Our taxes would pay for the governments' lawyers, but even in a clear case of disregard for established religious freedoms, judges would be powerless to relieve an individual of the burden of paying for litigation to protect his or her constitutional rights.

Cases protesting government actions under the establishment clause rarely involve money. The object is almost always to get the school district, or the registrar's office, or some other local or state official, to carry out regulations and programs in a constitutionally sound manner, without giving preference to a particular religious view or affiliation, or to accommodate the religious beliefs of a minority. Providing for attorney fees in cases in which the plaintiff prevails is the only practical way to provide access to the court for those who are not wealthy.

We urge you to reject H.R. 2679 and similar legislation, and to support the religious freedoms guaranteed by the First Amendment.

Sincerely,

RUTH FLOWER,
Legislative Director.

JEWISH COUNCIL FOR PUBLIC AFFAIRS,
September 12, 2006.

DEAR REPRESENTATIVE: The Jewish Council for Public Affairs, JCPA, is the umbrella organization for the organized Jewish community. Our membership includes 13 national

Jewish agencies and 125 Jewish Community Relations Councils. On behalf of the organized Jewish community, I urge you to oppose the ''Public Expression of Religion Act of 2005'', H.R. 2679. As Jews, members of a religious minority in the United States, we are particularly sensitive to the relationship between religion and state in this Nation.

The Public Expression of Religion Act, PERA, prevents judges from awarding attorney's fees in Establishment Clause cases. This restriction severely limits the ability of Americans to bring suit against the government or public officials when their religious liberties have been compromised. Lawsuits are very expensive. The passage of this bill would essentially prohibit all but the very wealthy from protecting their rights. Regardless of economic status, all Americans should have the ability to protect their liberties and challenge unconstitutional actions.

JCPA policy calls for a clear separation between religion and government. ''In our increasingly pluralistic society, a clear division between religion and state remains the best way to preserve and promote the religious rights and liberties for all Americans, including the Jewish community.'' PERA compromises this separation and threatens to infringe on the rights of many Americans by making it prohibitively expensive and thus practically impossible, to challenge an official's or jurisdiction's actions.

On Thursday, September 6, the House Judiciary Committee completed its markup of this bill and reported it to the House floor.

I strongly urge you to oppose this legislation and protect the ability of millions of Americans to live in a society that respects religious freedom and liberty.

Sincerely,

HADAR SUSSKIND,
Washington Director.

NATIONAL COUNCIL OF JEWISH WOMEN,
September 12, 2006.

DEAR REPRESENTATIVE: On behalf of the 90,000 members, volunteers, and supporters of the National Council of Jewish Women, NCJW, I am writing in opposition to the ''Public Expression of Religion Act,'' H.R. 2679. This bill would eliminate compensation of attorneys' fees for individuals who bring legal challenges under the Establishment Clause in cases in which they prevail. Effectively, it would prevent low-income Americans from defending their constitutional rights, reserving this protection only for those wealthy enough to afford litigation.

All Americans should have the same ability to defend their constitutionally protected rights, regardless of economic status. Organizations that donate legal services to help those who rights have been violated will be discouraged from this pro bono work if they cannot recoup a portion of their financial expenditures. Instead of protecting religious liberty, this bill seriously compromises it by limiting access to the courts.

For over a century, NCJW has been at the forefront of social change, raising its voice on important issues of public policy. Inspired by our Jewish values, NCJW has been, and continues to be, an advocate for religious liberty with a strong belief that the separation of religion and state are constitutional principles that must be protected and preserved in order to maintain our democratic society.

I urge you to oppose legislation that would limit an individual's ability to defend the liberties provided by the Constitution and the Bill of Rights. Please demonstrate commitment to those documents and the values they represent by voting against the ''Public Expression of Religion Act''.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

Mr. SMITH of Texas. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I am grateful for the gentleman's leadership on this issue. I rise in strong support of the Public Expression of Religion Act; and I do so with particular gratitude to my Hoosier colleague, John Hostettler, who, during the course of his career in the United States House of Representatives, has stood for the freedom of religion as perhaps no other American.

And I say that with understandable parochial Hoosier pride, but I also say it as an objective observation, that the gentleman from Indiana has stood for a constitutional accommodationist view of respect for the expression of religion and its importance in American heritage. Mr. Speaker, I commend him for his outstanding work on this legislation.

In 1976, a statute was passed in this Congress called the Civil Rights Attorney's Fees Awards Act. Very simply and plainly, this statute was intended to protect the constitutional rights of citizens and level the legal playing field.

Under this Act, a citizen who felt that his or her constitutional rights had been violated could sue a government official or entity and receive attorney's fees if they win.

This was important legislation, and it has served a great public good. But it has also served to catalyze a form of litigation since the advent of decisions by the United States Supreme Court in the 1960s and 1970s that moved away from our historical view that the freedom of religion was not the freedom from religion, and it has become a tool, I say very respectfully, to their cause. It has become the tool of elements who would advance a radical secularist view of the public square in America, and who have used the opportunity to access the public Treasury in the form of attorney's fees to not only finance massive litigations against government entities to scrub our public square of any vestige of reference to God or reference to the religious heritage of the American people, but also it has been used to prevent that day in court from happening.

The availability of massive amounts of attorney's fees have caused many municipalities, even some in Indiana, to relent in their fight to preserve the public display of the Ten Commandments or references to God in the public square because of the local government's inability to access Federal funds to pay their attorney's fees.

So in a very real sense the unintended consequence of the 1976 law was to take a playing field that was imbalanced to one side and make it imbalanced to the other. And today, because of Congressman John Hostettler's leadership in the Public Expression of Religion Act, we are leveling the playing field once again. We are saying to every American who believes in their heart that ''In God We Trust'' should not appear in the well of this Congress as it does behind me, that every American who thinks there should be no reference to religion in the public square whatsoever, it says to every American whose view of the Constitution is that the Establishment Clause is somehow an antiseptic to remove any reference to our religious heritage in this country, it says: The courts are open to you, but the Treasury is not.

As we might say in Indiana, where I was born and raised and lived, that, to put it very plainly, I may fight to the death for your right to hold the views that you hold, but that doesn't mean that I have to pay for it.

And because of Congressman HOSTETTLER's leadership on the Public Expression of Religion Act, we say the courthouse doors are open to anyone who would challenge the public expression by local governors or government officials the acknowledgement of the deep and rich heritage over hundreds and hundreds of years of the American people, who we would say, in this instance, in these cases, the public treasury is not open. Raise your money, bring your challenges, and let the court work its will.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California.

Ms. WATERS. Mr. Speaker, I oppose this legislation because it prevents people from getting attorney's fees or economic damages even if a court agrees with them that the Federal Government has violated their constitutional right to religious freedom or not to be forced to recognize one religion over another. In other words, Congress is telling the courts that they do not know how to do their jobs.

Article III of the Constitution states that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Why are we trying to do the Court's job by deciding that these Establishment Clause claims deserve only injunctive or declaratory relief?

This bill reaches right into the Civil Rights Act, for the first time in history, I might add, singles out people who have Establishment Clause claims and tells them that they cannot recover any economic damages. How can this be so, Mr. Speaker? How can this be so, when the 11th Circuit in Glassroth v. Moore, a case decided in 2003, stated that: For Establishment Clause claims based on noneconomic harm, the plaintiffs must identify a personal injury suffered by them as a consequence of the alleged constitutional error.

The court found injury in Glassroth because the claimants had altered their conduct and incurred expenses in order to minimize contact with a Ten Commandments monument erected in the

rotunda of Alabama's State judicial building.

With this bill, this committee attempts to overturn Federal judicial opinions, and that is simply not our role. Congress established enforcement remedies under section 1983 more than 100 years ago.

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

Mr. Speaker, we have heard a lot of rhetoric that is really beside the point on this bill. We all agree, I hope, that the United States Constitution governs. We all agree, I hope, that the Bill of Rights confers certain rights on Americans, whether citizens or not. We all agree that freedom of religion, freedom to exercise religion, and freedom from establishment of religion are among those rights. We all agree, I hope, that the courts are there to enforce those rights. And then the disagreement begins.

This bill would seek to put a thumb on the scale and say, and we heard this rhetoric: We don't like the ACLU. We don't like what they are doing, even if the courts say they are right in a given case. Because we don't like what they are doing, because their winning court decisions violates our concept of what the Establishment Clause means, we are going to put a thumb on the scale and say that people who win lawsuits, who establish to the court's satisfaction that the government has violated their rights under the first amendment, the Establishment Clause, they cannot get damages, they cannot get attorneys' fees. We are going to put a poll tax on the Establishment Clause. Only people with a lot of money had better sue to enforce their first amendment rights.

If you don't have a lot of money but the government is violating your rights under the Establishment Clause, you can't sue. Because even if your attorney tells you you have got a 99 percent chance of winning because these people know they are wrong, it may still cost you a couple hundred thousand dollars. And they paint the picture of these poor cities and towns and governments having to kowtow to an organization, but the fact is, who generally has more money for a lawsuit? The City of New York, the City of Galveston, the town of whatever, or an individual?

You are putting a means test on protecting your rights to freedom of religion. I don't think that is what this country ought to be about. Because, after all, someone has got to pay for that lawsuit. Someone has got to pay the attorneys' fees, and that is either going to be the plaintiff who alleges a violation of his rights, or it is going to be the government that allegedly violated his rights.

The law says, current law, that if you prove that the government violated your rights, the government should pay the cost of that lawsuit, not you.

This bill says that, for most things, that is still true; but for the Establishment Clause rights, it no longer true, and you have got to pay for the lawsuit that the government made you bring by willfully, or perhaps not willfully, violating your rights.

They say, well, look at the City of San Diego. It is costing them hundreds of thousands of dollars. Well, if they listened to their attorney who said, gee, what you are doing may very well violate the first amendment or does violate the first amendment, then maybe they wouldn't have had to pay those hundreds of thousands of dollars. With this bill, there will be no financial incentive to obey the Establishment Clause.

Second, this bill does not, as I said before, cover only the cases they are talking about; it covers all establishment cases. And let's think of an establishment case. Let's assume, and we know that throughout the history of this country different ethnic groups, different religious groups have different political weights at different times. Let's assume that in some town the Sunni Muslims became a majority, and let's assume that they decided in that town that everybody, Christians, Jews, Muslims, in school had to recite every day on pain of expulsion from class there is no God but Allah, and Mohammed is his prophet. Pretty clear violation of the Establishment Clause in the first amendment.

Now, somebody who is not a Muslim in that case, someone who is Jewish or Christian or something else, decides to sue and wins the lawsuit; and they say you can't do that. You can't get attorneys' fees. He has got to bear the cost of that. Why? Because of hostility on the part of the sponsors of this bill to the Establishment Clause of the first amendment. Because they think that only the majority religion is ever going to be in the position to dominate a local government or any government.

Maybe so. But the real reason we have the first amendment is that you can never be sure. It may be that in the future some group that isn't the majority now will be the majority in some local area; and if you make it difficult to enforce the Establishment Clause of the first amendment, you or your children could be the ones imposed upon.

Now, we heard about this horrible situation, about the challenge to this or challenge to that. But, as I said before, the real complaint is not with the attorneys' fees, the real complaint is with the first amendment. You think you ought to be able to do whatever it was and what the courts have said, no, you can't. Well, maybe you shouldn't or maybe we should amend the Constitution. Which I wouldn't suggest, but that would be the right way to do it. Or maybe we should get different judges or whatever.

But if the courts say you are violating the first amendment, you shouldn't continue to do it. You should be able to get damages if you continue to do it. And the plaintiff, vindicating his own constitutional rights, should be able to bring a lawsuit without having a lot of money.

Now, we heard also that, well, the various organizations say that even if you pass this bill, they will still sue. But that is not the question. The first amendment does not belong, the Constitution of the United States does not belong to the American Civil Liberties Union or to Americans United for Separation of Church and State or United Americans Against the Separation of Church and State.

□ 1530

It is the individual right that you are violating here. It is an individual's right, or maybe a whole class of individuals, that you are violating when you violate the establishment clause of the first amendment, and any individual should have the right and the ability to go to court and if he wins, to get attorneys fees.

We have made a decision, we have made a decision in this country, and maybe you want to challenge that decision, but this bill doesn't do that. That decision is that when your constitutional rights are violated and you can prove it to the court, that the government violated your constitutional rights, then the government should pay for the cost of your vindicating the Constitution and vindicating your rights against the government that broke the law by violating your rights. That is a general principle.

Maybe you want to say no, we don't care that much about individual rights any more, first amendment, second amendment, whatever. From now on you want to sue the government because they violated your rights, you pay no matter what, even if you win. Okay, that is a different bill. I would oppose it, but that is a different bill. That is not this bill. This bill says we think all rights are important. If you think that the government violated your second amendment right to own a gun and you go to court and you prove it, the government pays for that lawsuit, and properly so.

But if you think the government violated your right to practice your religion by violating the establishment clause, and you prove it, the government doesn't pay. You have to pay for it because your right to own a gun is a heck of a lot more important than your freedom of religion, apparently. That doesn't make sense.

Mr. Speaker, if we believe in the individual rights enshrined in the Bill of Rights, if we believe in the first amendment and the freedom of religion in this country, and if we believe we shouldn't single out freedom of religion and say that freedom is less important, that freedom if you win, and forget the merits of these cases, if you lose, you don't get attorneys fees or damages.

We are talking about where you are right and the government is wrong. The government is violating your rights, and this bill says you shouldn't get damages or attorneys fees anyway

because we don't like your point of view. That is wrong. It is demeaning to this Congress, and if we believe in freedom of religion and the Bill of Rights, we will defeat this bill.

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

Mr. SMITH of Texas. Mr. Speaker, we have just had a speaker arrive on the House floor, and I would like to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS) if the gentleman from New York doesn't object.

Mr. PITTS. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. HOSTETTLER) for his efforts to raise awareness of this important issue.

Mr. Speaker, passing this bill would be a win for millions of Americans who cherish religious freedom in America. And it would be a win for those who understand our Constitution guarantees freedom of religion, not freedom from religion.

We all know in 1976 Congress passed a law allowing citizens to sue the government if they feel their constitutional rights have been violated. In recent years, groups like the ACLU have twisted this law to advance their agenda of eliminating any public expression of religion.

By using the threat of a lawsuit combined with uncertain jurisprudence on the issue, these groups have been able to bully local governments into removing any expression of religion whatsoever, and this affects public seals, Boy Scouts, veterans memorials, Ten Commandment displays, among other things.

Slowly but surely, groups like the ACLU are using the practice to remove any public acknowledgment of religion. This bill protects religious freedom by eliminating the unfair advantage groups like the ACLU enjoy. By denying these groups the ability to collect attorneys fees in establishment clause cases, this bill puts America's countless cities, towns and localities on a level-playing field. No longer would the taxpayers in these towns be forced to foot the bill to defend their constitutional right to freedom of religion. The bill addresses a real concern in a meaningful way. I urge all Members to support its passage.

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

Mr. Speaker, today under Federal law, attorneys fees can be demanded from the winning side in lawsuits against States or localities, or the Federal Government, brought under the Constitution's establishment clause.

Current litigation rules are hostile to religion because they allow some groups to force States and localities into removing any reference to religion in public places.

H.R. 2679 would prevent the legal extortion that currently forces State and local governments, and the Federal Government, to accede to demands for removal of religious text and imagery when such removal is not compelled by the Constitution.

Current laws allow plaintiffs to put the following choice to localities: either do what we want and remove religious words and imagery from your public square or risk a single adverse judgment from a single judge that requires you to pay tens or hundreds of thousands of dollars in legal fees in a case that you can't afford to litigate through the appeals process.

Mr. Speaker, local governments are being forced to accede to the demands of opponents, even when their actions are in fact constitutional.

The section of the U.S. code H.R. 2679 amends was never intended to apply to establishment clause claims. 42 U.S.C. 1988, which allows attorneys fees, was intended only to allow the award of attorneys fees civil rights laws enacted by Congress after 1866. We need to return to that original purpose and pass this legislation. I urge my colleagues to support it

Mr. HOYER. Mr. Speaker, this legislation—the so-called Public Expression of Religion Act—not only is brazenly hypocritical, but it also is politically cynical and would set a very dangerous precedent.

Quite simply, this bill would bar the award of attorney fees to the prevailing parties asserting their fundamental constitutional rights in cases brought under the establishment clause of the first amendment.

This is, indeed, a change of heart for a Republican party that has tried in vain for years to impose a "loser pays" rule on attorney fees in tort cases.

In fact, with this bill, the House Majority lays bare the outcome determinative agenda that guides the Republican party when it comes to issues that involve our legal system and judiciary.

That is, the majority seeks to enact legal procedural advantages for those with whom it agrees.

Make no mistake, if this bill became law, it would single out one area of Constitutional Protections under the Bill of Rights and prevent its full enforcement.

Without question, that would set a dangerous precedent.

The substance of the Constitution is meaningless unless all Americans have a fair and equal opportunity to go to court when their constitutional rights are curtailed by the state.

By barring the award of attorney fees to prevailing parties asserting their constitutional rights in cases brought under the Establishment Clause, H.R. 2679 will discourage Americans of limited means from defending their rights.

Taken to its logical to conclusion, this bill would make the U.S. Constitution the tool for those who can afford to vindicate their rights in a court of law.

As such, it is a dangerous bill that runs counter to more than 200 years of American jurisprudence.

I urge my colleagues: vote against this bill.

Mr. CONYERS. Mr. Speaker, the very first amendment to the constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This protects a right—freedom of religion—that is fundamental in any democratic and free society. Since the bill of rights was approved in 1791, several additional measures have been taken to safeguard this right. For example, the Civil Rights Act of 1871, now known as Section 1983, and the Civil Rights Attorney's Fee Award Act of 1976, now know as Section 1988, were enacted to provide all citizens with the means to protect all constitutional rights. Today, the Majority would have this Congress take a step back from these critical protections.

I oppose the legislation before us because it is unprecedented, it treats religious minorities unfairly, and it will interfere with meritorious claims.

First, H.R. 2679 is unprecedented. For the first time in our history, Congress will be singling out one area of constitutional protections under the Bill of Rights and prevent its full enforcement. The Congressional Research Service reports, "[Section 1983] has not been substantially altered since 1871." Under this legislation citizens challenging Establishment Clause violations will no longer have the ability to recover attorneys' fees. Remedies will be limited to injunctive and declaratory relief.

On the heels of the Voting Rights Act reauthorization, I am troubled that we would take up legislation that would limit a person's ability to enforce his or her constitutional rights. The VRA reauthorization expanded a plaintiff's ability to obtain expert witness fees. This bill eliminates attorneys' fees and relegates those who seek to enforce their constitutional rights against state sanctioned religion to second class status.

Second, H.R. 2679 treats religious minorities unfairly.

Despite its name, this bill does not encourage the expression of religion. Rather, this bill leaves religious minorities without protection by promoting government sanctioned religion.

This Nation was founded on the principle of religious freedom, and the Establishment Clause forbids the government from forcing one religious viewpoint on all Americans. In 2005 in McCreary County, Kentucky v. ACLU, Sandra Day O'Connor explained, "Voluntary religious belief and expression may be threatened when government takes the mantle of religion upon itself." H.R. 2679 cripples the First Amendment and religious minorities will pay the price.

Third, H.R. 2679 will deter meritorious claims. It is a fact of life in our society that bringing complex civil actions against the government is expensive. Since this bill would deny attorney's fees to a prevailing plaintiff, numerous suits challenging Establishment Clause violations will not be brought.

The point of Section 1988 is to provide victims with limited means an opportunity to have their day in court.

Unfortunately, H.R. 2679 will prevent a victim from protecting his or her constitutional rights against a defendant with large resources, such as the government.

It is interesting that so many religious groups strongly oppose this measure. These groups include the Baptist Joint Committee, American Jewish Congress, and the Unitarian Universalist Association of Congregations. The Leadership Conference on Civil Rights, Lawyers' Committee, Alliance for Justice, Human Rights Campaign, and People for the American Way are also among the numerous organizations that also oppose this bill.

Please vote "no" on this legislation, which will cause great harm to the concept of freedom of religion in this country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 2679, the so-called ''Public Expression of Religion Act of 2005.'' The central purpose of this legislation is to bar damages and awards of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. H.R. 2679 would limit the longstanding remedies available in cases brought under the Establishment Clause under 42 U.S.C. 1988, which provides for attorneys' fees and costs in all successful cases involving constitutional and civil rights violations.

I oppose H.R. 2679 for three very important reasons. First, the bill limits access to justice and makes it virtually impossible for an injured party to obtain remedial relief from a serious deprivation of a fundamental, constitutionally protected right. Second, H.R. 2679 would jettison a legal and constitutional principle that has stood the nation in good stead for over two centuries: that an injured party is entitled to just compensation for the injury he or she has sustained caused by the intentional wrongdoing or negligent conduct of others. Third, H.R. 2679 discriminates against the Establishment Clause of the First Amendment in favor of the Free Exercise Clause. I will address each of the fatal deficiencies in turn.

1. H.R. 2679 limits access to justice for those seeking to vindicate Constitutional Rights.

If H.R. 2679 were to become law, Congress would, for the first time, single out one area protected by the Bill of Rights and prevent its full enforcement. The only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive relief. This prohibition would apply even to cases involving illegal religious coercion of public school students or blatant discrimination against particular religions.

Awards of attorneys' fees in civil rights and constitutional cases, including Establishment Clause cases, are necessary not merely to help prevailing parties vindicate their civil rights but also to provide an incentive for vigorous enforcement of these protections, which the Framers put in place to protect the Nation. Since widespread observance of the rights and protections set forth in the First Amendment is above a collective good, it is vitally important that there be an incentive for individuals to act as ''private Attorneys General'' to vindicate their individual rights and the public interest in a robust First Amendment. Our sister committee in the other body has found these fees ''an integral part of the remedies necessary to obtain . . . compliance'' and emphasized that ''[i]f the cost of private enforcement actions becomes too great, there will be no private enforcement.''

H.R. 2679 would turn the Establishment Clause into a hollow pronouncement. Indeed, the very purpose of this bill is to make it more difficult for citizens to challenge violations of the Establishment Clause. It would require plaintiffs who have successfully proven that the government has violated their constitutional rights to pay their legal fees—often totaling tens, if not hundreds, of thousands of dollars. Few citizens can afford to do so, but more importantly, citizens should not be required to do so where there is a finding that our government has engaged in unconstitutional behavior.

If our civil rights laws are not to become empty words written on parchment which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.''

In sum, I oppose H.R. 2679 because I believe the elimination of attorneys' fees for Establishment Clause cases would deter attorneys from taking cases in which the Government has violated the Constitution; thereby leaving injured parties without representation and without a remedy. It will insulate serious constitutional violations from judicial review. This effectively leaves religious minorities subject to the unbridled whims of the majority, which is precisely the evil the First Amendment, including its Establishment Clause, was intended to combat.

2. H.R. 2679 Denies Just Compensation.

I am a former judge and, like many members of this Committee, an attorney. We know that attorneys' fees are not awarded in Establishment Clause cases as a punitive measure. Rather, as in any case where the Government violates its citizens' civil or constitutional rights, the award of attorneys' fees is reasonable compensation for the expenses of litigation awarded at the discretion of the court. In fact, after intensive fact-finding, Congress determined that the amount of attorneys fees awarded after review by the court ''are adequate to attract competent counsel, but . . . do not produce windfalls to attorneys.''

Thus, H.R. 2679 is contrary to good public policy because it reduces enforcement of constitutional rights; it has a chilling effect on those who have been harmed by the Government; it makes it exceedingly difficult for plaintiffs to avail themselves of the services of attorneys experienced and skilled in constitutional litigation, and it prevents attorneys from acting in the public's good.

3. H.R. 2679 Favors Enforcement of the Free Exercise Clause Over the Establishment Clause.

Finally, one cannot help but notice that H.R. 2679 creates an arbitrary congressional policy in favor of the enforcement of the Free Exercise Clause, while simultaneously impeding individuals injured by governmental conduct under the Establishment Clause.

Among the greatest religious protections granted to American citizens are the Establishment Clause and the Free Exercise Clause. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. Religious liberty can only truly flourish when a government protects the Free Exercise of religion while prohibiting government-sponsored endorsement, coercion and funding of religion.

Through the denial of attorneys' fee awards under H.R. 2679, plaintiffs will be able to afford the expense of litigation only when they are seeking to protect certain constitutional rights but not others. This bad congressional policy serves to create a dangerous double standard by favoring cases brought under the Free Exercise Clause, but severely restricting cases under the Establishment clause.

4. Conclusion

If the Constitution is to be meaningful, every American must have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorneys' fees in successful cases is an essential component of the enforcement of these rights, as Congress has long recognized. H.R. 2679 is a direct attack on the religious freedoms of individuals. Therefore, I cannot support it.

I am pleased to learn that I am supported in my opposition to this ill-conceived and unwarranted assault on the First Amendment's Establishment Clause by some of the most thoughtful and knowledgeable groups on this subject in America, including: African American Ministers in Action, American Jewish Committee, American Jewish Congress, American Civil Liberties Unions, Americans United for Separation of Church and State, Jewish Counsel for Public Affairs, People for the American Way, The Urban League, American-Arab Anti-Discrimination Committee, Asian Pacific American Legal Center, Mexican American Legal Defense and Education Fund, National Association for the Advancement of Colored People (NAACP), National Senior Citizens Law Center.

I urge my colleagues to uphold the First Amendment's Establishment Clause and join me in opposing this shameful piece of legislation.

Mr. KING of Iowa. Mr. Speaker, I urge support for H.R. 2679, the ''Public Expression of Religion Act of 2005.'' This bill prevents American taxpayers from having to subsidize judicial activism, encouraged by liberal groups bringing establishment clause cases. Today, taxpayers are being forced to pay for the lawyers of the ACLU who demand the removal of religious text and imagery from the public square. These organizations attempt to make public policy through the courts, instead of Congress where such actions belong.

How many times will we stand silent as intolerant organizations such as the ACLU strong-arm the American people into removing cherished symbols of our Nation's heritage and faith? These actions are not compelled by the Constitution or supported by the will of the people. ''To compel a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical.'' Thomas Jefferson said that, and contrary to the ACLU, I believe that what our founding fathers believed in and stood for is still relevant today.

American taxpayers currently have to pay for ACLU ''victories.'' ACLU press releases, sadly I must say, tout quite a record. For example:

The County of Los Angeles was recently forced to remove a tiny cross from its official seal, symbolizing the founding of the city by missionaries. The removal of this cross is costing the county around $1 million, as it would entail changing the seal on some 90,000 uniforms, 6,000 buildings, and 12,000 county vehicles.

In San Diego, the ACLU forced the Boy Scouts out of Balboa Park because of the organization's religious beliefs, and taxpayers were required to pay $950,000 in legal fees and court costs to the ACLU.

In Barrow County, GA, the ACLU received $150,000 from taxpayers after a Federal judge ordered the county to remove a framed copy of the Ten Commandments from a hallway in the County Courthouse.

In Redlands, California, the city council was forced into changing its official seal but didn't have the funds to revise every symbol that contained the old seal. Now Redlands' residents see blue tape covering the tiny cross on city trucks, while some firefighters have taken drills to remove the cross from their badge.

These are just a few examples of the kinds of cases the American taxpayer is forced to

subsidize. Americans should not be compelled to pay the lawyers who remove historic American symbols. The Public Expression of Religion Act would stop this action. I am glad to be a co-sponsor of this bill, and I urge support for its passage.

Ms. WOOLSEY. Mr. Speaker, today the Republicans bring to the floor a bill that would undermine yet another basic freedom. The so-called "Public Expression of Religion Act" is nothing more than an attack on religious liberty. It promotes government-sponsored religion by limiting challenges to such constitutional violations.

This bill is about the government stopping people from standing up for their civil rights. By restricting people's ability to stand up for their civil rights when governments promote a particular religion, this bill chips away at the constitutionally protected separation of church and state.

That's not all that's at issue here. Language in the bill leaves the door open to all sorts of state-sponsored violations of constitutional freedoms. It casts a dangerously wide net.

This bill also gives the green light to civil rights violations. Exempt from monetary damage payments, local, State and Federal Governments would not have to think twice before violating the separation of church and state. They could act with impunity.

Paying attorneys' fees is a normal, time-honored procedure. It allows citizens to stand up for their constitutional rights, knowing that if the court rules in their favor, they can recover the legal fees. This bill is an egregious ploy to undercut Americans' civil rights.

Barring attorney's fees would be unprecedented. This dangerous example would set our civil rights on a slippery slope to extinction.

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

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

Pursuant to House Resolution 1038, the previous question is ordered on the bill, as amended.

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

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

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

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

Mr. SMITH of Texas. 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.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1037 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1037

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. 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.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and insert tabular and extraneous material into the RECORD.

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

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, on Monday the Rules Committee met and reported a rule for consideration of the conference report for H.R. 5631, the Department of Defense Appropriations Act for fiscal year 2007.

Mr. Speaker, when the Rules Committee met on Monday night, it reported a rule that waives all points of order against the conference report and against its consideration. Additionally, it provides that the conference report be considered as read.

Today, I rise to support the rule for H.R. 5631 and the underlying legislation. This piece of legislation is a hard-fought compromise between the House and the Senate. The required give and take in this case is a tremendous example of the dedication that Members of both bodies of Congress and both political parties have when it comes to supporting our troops in the field.

Mr. Speaker, many said we could not be at this point today. Many expected compromise could not be reached. I am pleased to say this has not been the case.

Furthermore, the underlying legislation also provides the continuing resolution for the government to remain in operation until November 17. This represents a great compromise and maintains the lower funding levels from either the House or Senate from the previous year or the fiscal year 2006 current rates. H.R. 5631, in short, represents good, bipartisan, bicameral work.

Mr. Speaker, the primary purpose of the underlying legislation is to secure and improve the defense of our country. To that end, the underlying legislation provides for several critical needs for our forces. First, its overall level of funding provides $377.6 billion plus $70 billion in the fiscal year 2007 bridge for operations in Iraq and Afghanistan.

Additionally, a full $17.1 billion is provided for the Army for the purpose of resetting and refurbishing the force. This is particularly critical at a time when the Army clearly requires and deserves additional funds to fulfill the many complex and dangerous missions it has been called upon to undertake.

Other critical expenditures in this legislation includes significant dollars for the Army's future combat systems, the Navy's shipbuilding program, and aircraft research and development and procurement by the Air Force.

Rather than focusing on the specific numbers, however, I want to address the fundamental reasons for the underlying legislation and the challenges that it attempts to address.

Mr. Speaker, today we are at war in both Iraq and Afghanistan, and are embarked upon the greatest military rebuilding effort in a generation. While our forces are stretched, they are doing a magnificent job. There is no doubt of their dedication, professionalism, and commitment to the missions we have asked them to fulfill. Frankly, we ask more of them than anyone should have to give; yet when we do, they always exceed our expectations.

Mr. Speaker, our combatant commanders and the administration have been very open during the multiple oversight hearings about the challenges they foresee in what they refer to as the long war. It is not a war that can be fought and won by force alone. It is one that requires military action, but also reconstruction, stabilization, and the fostering of democratic concepts and structures of government in areas and among peoples who have been subjected to dictators and totalitarian regimes for decades.

This task is neither simple nor easy. However, it is necessary for the security of our country. When the American people are asked to support our troops in the field, they always respond with the generosity and commitment required of them. Historically, however, Congress and the President have not always funded the military in peacetime at levels necessary to adequately protect us from future threats. I believe that many of the challenges we face today come from underfunding our military during the 1990s.

Mr. Speaker, today we may hear that the force is stressed. We may hear that we don't have enough troops. We may hear about excessive deployment rates. We may hear about increasing levels of stress on military personnel and their families. In large measure, I accept these assertions as true, but they are issues that have grown out of an historical reluctance to see the world for what it is, a very dangerous place.

At the end of the first Bush administration in 1992, we were left with a military that was much larger and could have sustained operations in the

current environment for a much longer period of time. During the 1990s, many of the forces we wish we had today were RIF'ed, disassembled, retired and transferred in pursuit of the so-called ''peace dividend.''

If there is one thing we should learn from this experience, it is that the military is like life insurance: it is expensive, and no one wants to pay for it, but it is there for a specific purpose and to be used when the situation requires.

We have clearly seen what the misguided decision to reduce our forces from 15 divisions and then down to 10 divisions has meant for the Army. It has resulted in a force that is burdened, strained and stretched by our historically naive decisions.

Mr. Speaker, the road out of this situation is not easily traveled. It is one that will require the sustained commitment and support of the administration and both Houses and both parties in Congress. This bill is a step in that direction. It is a step toward achieving our objective in Afghanistan and Iraq. It is a step toward building a future for us that can meet America's changing security needs. This is an ongoing process.

However, Mr. Speaker, some today may try to make the underlying legislation out to be more comprehensive than any bill can possibly be. They will argue it should be the final answer, a cure for all problems. This is not, and, indeed, this can never be.

The defense of our country requires a constant vigilance born of necessity. And the funding, sizing and transformation of our military forces is by necessity an evolutionary process. One appropriations bill will not meet all of the challenges or solve all of the security needs of our country. However, this bill is a real substantive and incremental step in securing our future.

Mr. Speaker, the appropriators have forwarded us a bill that is substantial, sound, and needed.

□ 1545

It is a robust vote of confidence in our servicemen and prioritizes the funding on ongoing operations. It is one that I believe we should support. And after all is said and done here today, I am convinced that this bill will indeed receive an overwhelming bipartisan vote of support in this House.

To that end, Mr. Speaker, I urge support for the rule and the underlying bill.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me time, 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. Mr. Speaker, the rule before us makes in order a conference report for the fiscal year 2007 defense appropriations bill. It will be the first conference agreement to pass both Chambers, and it would do so on time. That should be commended.

However, the majority leadership has yet to come to an agreement on much else. As a result, the conferees were forced to include a continuing resolution that will keep the Federal Government open for business through November 17.

Mr. Speaker, the conference agreement itself is a responsible effort to support our troops in the field. Thanks to the effort of Subcommittee Chairman YOUNG and Ranking Member MURTHA, we will continue to invest in modernizing our military. But, just as important, we will fund the training and equipment our troops need to complete their mission, wherever they are stationed.

No one disagrees that the war in Iraq has placed a significant strain on our Armed Forces. An article in yesterday's New York Times describes the situation starkly:

''Other than the 17 brigades in Iraq and Afghanistan, only two or three combat brigades in the entire army, perhaps 7,000 to 10,000 troops, are fully trained and sufficiently equipped to respond quickly to crises, said a senior army general.''

[From the New York Times, Sept. 25, 2006]

UNIT MAKES DO AS ARMY STRIVES TO PLUG GAPS

(By David S. Cloud)

FORT STEWART, GA.—The pressures that the conflict in Iraq is putting on the Army are apparent amid the towering pine trees of southeast Georgia, where the Third Infantry Division is preparing for the likelihood that it will go back to Iraq for a third tour.

Col. Tom James, who commands the division's Second Brigade, acknowledged that his unit's equipment levels had fallen so low that it now had no tanks or other armored vehicles to use in training and that his soldiers were rated as largely untrained in attack and defense.

The rest of the division, which helped lead the invasion of Iraq in 2003 and conducted the first probes into Baghdad, is moving back to full strength after many months of being a shell of its former self.

But at a time when Pentagon officials are saying the Army is stretched so thin that it may be forced to go back on its pledge to limit National Guard deployment overseas, the division's situation is symptomatic of how the shortages are playing out on the ground.

The enormous strains on equipment and personnel, because of longer-than-expected deployments, have left active Army units with little combat power in reserve. The Second Brigade, for example, has only half of the roughly 3,500 soldiers it is supposed to have. The unit trains on computer simulators, meant to recreate the experience of firing a tank's main gun or driving in a convoy under attack.

''It's a good tool before you get the equipment you need,'' Colonel James said. But a few years ago, he said, having a combat brigade in a mechanized infantry division at such a low state of readiness would have been ''unheard of.''

Other than the 17 brigades in Iraq and Afghanistan, only two or three combat brigades in the entire Army—perhaps 7,000 to 10,000 troops—are fully trained and sufficiently equipped to respond quickly to crises, said a senior Army general.

Most other units of the active-duty Army, which is growing to 42 brigades, are resting or being refitted at their home bases. But even that cycle, which is supposed to take two years, is being compressed to a year or less because of the need to prepare units quickly to return to Iraq.

After coming from Iraq in 2003, the Third Infantry Division was sent back in 2005. Then, within weeks of returning home last January, it was told by the Army that one of its four brigades had to be ready to go back again, this time in only 11 months. The three other brigades would have to be ready by mid-2007, Army planners said.

Yet almost all of the division's equipment had been left in Iraq for their replacements, and thousands of its soldiers left the Army or were reassigned shortly after coming home, leaving the division largely hollow. Most senior officers were replaced in June.

In addition to preparing for Iraq, the Army assigned the division other missions it had to be ready to execute, including responding to hurricanes and other natural disasters and deploying to Korea if conflict broke out there.

Maj. Gen. Rick Lynch, who took command in June, says officials at Army headquarters ask him every month how ready his division is to handle a crisis in Korea. The answer, General Lynch says, is that he is getting there.

Since this summer, 1,000 soldiers a month have been arriving at Fort Stewart, 400 of them just out of basic training. As a result, the First and Third Brigades are now at or near their authorized troop strength, but many of the soldiers are raw.

The two brigades started receiving tanks and other equipment to begin training in the field only in the last month, leaving the division only partly able to respond immediately if called to Korea, General Lynch said.

''I'm confident two of the four brigade combat teams would say, 'O.K., let's go,''' General Lynch said in an interview. ''The Second and Fourth Brigades would say, 'O.K., boss, but we've got no equipment. What are we going to use?' So we'd have to figure out where we're going to draw their equipment.''

Meanwhile, the division is also preparing for deployment to Iraq on an abbreviated timeline.

The brief time at home does not sit well with some soldiers. Specialist George Patterson, who reenlisted after returning from Iraq in January, said last week that he was surprised to learn he could end up being home with his wife and daughter for only a year.

''I knew I would be going back,'' Specialist Patterson said. ''Did I think I would leave and go back in the same year? No. It kind of stinks.''

Instead of allowing more than a year to prepare to deploy, the First Brigade training schedule has been squeezed into only a few months, so the brigade can be ready to deploy as ordered by early December. Though the unit has not yet been formally designated for Iraq, most soldiers say there is little doubt they are headed there early next year.

Some combat-skills training not likely to be used in Iraq has been shortened substantially, said Col. John Charlton, the brigade commander. ''It's about taking all the requirements and compressing them, which is a challenge,'' he said.

The timetable also leaves officers and their soldiers less time to form close relationships that can be vital, several officers said.

And soldiers have less time to learn their weapons systems. Many of the major weapons systems, like artillery and even tanks, are unlikely to be used frequently in a counterinsurgency fight like Iraq.

The division has only a few dozen fully armored Humvees for training because most of the vehicles are in use in Iraq. Nor does it have all the tanks and trucks it is supposed to have when at full strength.

''There is enough equipment, and I would almost say just enough equipment,'' said Lt. Col. Sean Morrissey, the division's logistics officer. ''We're accustomed to, 'I need 100 trucks. Where's my hundred trucks?' Well, we're nowhere near that.''

Last week, in training areas deep in the Fort Stewart woods, First Brigade soldiers were still learning to use other systems important in Iraq, like unmanned aerial vehicles, which are used for conducting surveillance.

Standing at a training airfield with three of the aircraft nearby, Sgt. Mark Melbourne, the senior noncommissioned officer for the brigade's unmanned aerial vehicles platoon, said only 6 of the brigade's 15 operators had qualified so far in operating the aircraft from a ground station.

All of them are supposed to be qualified by next month, but the training has been slowed by frequent rain, Sergeant Melbourne said.

This week, the First Brigade began a full-scale mission rehearsal for Iraq.

Normally, armored units preparing for Iraq are sent to Fort Irwin, Calif., for such training, but transporting a brigade's worth of equipment and soldiers there takes a month, which the schedule would not permit.

So the trainers and Arabic-speaking role players, who will simulate conditions the unit is likely to encounter in Iraq, were brought here to conduct the three-week exercise in a Georgia pine forest, rather than in the California desert.

Mr. Speaker, I was pleased that the conferees recognize this growing crisis in the military and took steps to mitigate it. Specifically, the conference agreement provides $20 billion in additional funds to ensure that the needs of the Army and the Marine Corps for fiscal year 2007 are fully funded.

This agreement also includes forward-thinking provisions. Ranking Member MURTHA included language in the House bill prohibiting permanent U.S. bases in Iraq. I was pleased to join many of my colleagues in supporting that language. I appreciate that conferees preserved and strengthened this policy in the final agreement. Quite simply, intentions matter. And clarity in the United States' intentions is needed more so in Iraq than anywhere else.

There are many other smart provisions included in this agreement. The bill includes a 2.2 percent pay increase for all members of the Armed Forces. It increases mental health and posttraumatic stress syndrome research, and it provides funds for the replacement of National Guard and Reserve equipment lost in Iraq and Afghanistan.

But, finally, Mr. Speaker, I appreciate this agreement for the simple fact that it is on time. Conferees worked together over several weeks to produce a very balanced conference agreement. It should be a model for the work Congress still has to do.

With only a few days remaining in this fiscal year, not a single appropriations bill has been signed into law. This is not new. In the last 5 years, only six of the 68 appropriations bills were finished on time. Some may try to shift blame to the other Chamber, but the majority has no one to blame but itself.

Again, I turn to another article in yesterday's New York Times, which summarizes the situation quite clearly:

''While Republicans prefer to blame Democrats for the backlog, intramural fights and sharp differences between House and Senate Republicans have been chief impediments to major legislation.''

[From the International Herald Tribune, Sept. 25, 2006]

CONGRESS WINDS DOWN, WITH MUCH BUSINESS UNFINISHED

(By Carl Hulse)

WASHINGTON.—A Congress derided as do-nothing has a week to do something, and the prospects are cloudy.

Procrastination, power struggles and partisanship have left Congress with substantial work to finish before taking a break at the end of the week for the midterm elections. The fast-approaching recess and the Republican focus on national security legislation make it inevitable that much of the remainder will fall by the wayside.

At best, it appears that only two of the 11 required spending bills will pass, and not one has been approved so far, forcing a stopgap measure to keep the federal government open. No budget was enacted. A popular package of business and education tax credits is teetering. A lobbying overhaul, once a top priority in view of corruption scandals, is dead. The drive for broad immigration changes has derailed.

An offshore oil drilling bill, painted as an answer to high gas prices, is stalled. Plans to cut the estate tax and raise the minimum wage have foundered, and an important nuclear pact with India sought by the White House is not on track to clear Congress. New problems surfaced over the weekend for the annual military authorization bill.

And numerous other initiatives await a planned lame-duck session in mid-November or a future Congress.

''It is disappointing where we are, and I think Republicans need to be upfront about this,'' said Representative Jack Kingston, Republican of Georgia and a member of the House leadership. ''We have not accomplished what we need to accomplish.''

Given the practical and political realities, Republicans have chosen to concentrate on legislation emphasizing their security credentials, like the bill governing interrogations and trials of terrorism detainees, a National Security Agency surveillance program and spending on the Pentagon and the Department of Homeland Security.

''With obstruction from the Democrats at an all-time high, we have focused on four security issues in an effort to enact some solid, substantive accomplishments,'' said Eric Ueland, chief of staff to Senator Bill Frist of Tennessee, the majority leader, who is stepping down at the end of this session.

While Republicans prefer to blame Democrats for the backlog, intramural fights and sharp differences between House and Senate Republicans have been chief impediments to major legislation. The fissures over terrorism detainees and how far to go in changing immigration law are merely the latest and most public examples of serious policy differences among Republicans.

Circumstances have changed in Washington from the days when Republicans were famous for party discipline. President George W. Bush, weakened by his sliding popularity, has been unable to hold sway over Congress.

The Republican leadership in the House and the Senate is in transition and lacks the muscle of the former House majority leader, Tom DeLay. Republican lawmakers, many facing their most serious electoral opposition in years, are fending for themselves.

''We have no central core of political authority driving things in Washington,'' said James Thurber, director of the Center for Congressional and Presidential Studies at American University. ''Individuals and expressions of individual will by committees, and also by strong people like John McCain, have dominated, and the result is internal fighting.''

Democrats have made no secret of their intention to try to brand this Congress as worse than lackluster.

''When we say this is the most do-nothing Congress in the history of our country, this isn't just flippant,'' said Senator Harry Reid of Nevada, the Democratic leader. ''This is true.'' Besides denouncing the legislative output, Democrats are mounting an effort to chastise Republicans as failing to conduct sufficient oversight of the Iraq war.

Republican leaders dispute the notion that this has been an unproductive session, pointing to legislation on bankruptcy, class action, highway spending, energy policy and pensions, as well as to two Supreme Court confirmations. And they say they already plan to be back Nov. 13 to finish whatever remains at the end of the week.

Democrats have been happy throughout the year to stand almost united in both the House and the Senate against many of the Republican initiatives, forcing the majority to find enough votes to pass legislation from its own membership. That has often forced major concessions from the leadership. In other cases, Republicans in the House and the Senate have simply been unable to find common ground.

''In the 26 years I have been here,'' said Representative Barney Frank, Democrat of Massachusetts, ''I don't think I have ever seen so much tension between the House and the Senate, and it is all among Republicans.''

The immigration measure was a notable example as House Republicans refused to entertain the bipartisan Senate bill that took a comprehensive approach to the flood of illegal immigrants. A push for a formal budget plan collapsed because of differences over spending between House and Senate Republicans.

A House-Senate Republican feud over the handling of a pension measure, which ultimately passed, left a collection of tax breaks in limbo despite nearly unanimous support in Congress. Those tax benefits included a deduction for college tuition costs and a research and development tax credit for businesses. The leadership has been reluctant to bring the benefits to a vote independently because they could be used to help advance more contentious legislation, like the cut in the estate tax sought by Republicans.

A new struggle between rank-and-file Republicans and the leadership threatens to engulf the must-pass spending measure for domestic security. Lawmakers were insisting that a provision allowing Americans to bring back cheaper prescription drugs from Canada be added to the bill even though House leaders and the pharmaceutical industry oppose the Plan.

Mr. Speaker, the 109th Congress has had fewer voting days than almost any other Congress in history. We have lost precious weeks on politics as we debated bills that would never become

law; and, as a result, Congress will leave Washington this week with many of the American people's priorities unfinished. There will be no lobbying reform, no comprehensive immigration reform. Congress will have ignored the millions of seniors stuck in the prescription drug benefit doughnut hole.

As I said last year when I also managed a prior continuing resolution, this Congress needs new and better priorities. Until then, delays will continue and deadlines will be missed and we will end up here every year with last-minute solutions to keep the Federal Government open for business.

In closing, Mr. Speaker, the conference report made in order under this rule affirms our support for the men and women of the United States military. I commend the conferees for their work, especially Subcommittee Chairman YOUNG and Ranking Member MURTHA. They made great progress in a short time by working together. I would challenge the rest of my colleagues to do the same.

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

Mr. COLE of Oklahoma. Mr. Speaker, at this time, I am pleased to yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, I rise today in strong support of the rule as well as the underlying legislation.

We are a Nation at war against the forces of terror who would like to threaten the freedom and the liberty that we all hold so dear and are constitutionally required to defend.

Now, I know that the Democratic minority leader in this House recently stated that national security should not be an issue in the upcoming election. She actually said that. She said that national security should not be an issue in the upcoming election. But the fact of the matter is that the American people are very interested in knowing who stands up for the defense of our Nation and who buries their heads in the sand when it comes to defending our freedom. They are interested in what we are doing here because our first and foremost responsibility is to provide for the national defense. That is in the preamble of our Constitution.

This bill is an important indication of our national will because it allocates needed resources to ensure that our troops on the front lines have the equipment and training that they need to defeat our enemies. It helps us to prepare for emerging threats with support for ballistic missile defense. It provides needed funding for the weapons systems of the future, like future combat systems, that will allow our forces to remain the most powerful fighting force on the planet. And it also provides needed funding to study ways to help our troops become more mobile and enhance their capability in the future.

Mr. Speaker, a lot has been said recently about earmarks and much of it in a derogatory fashion. But not all earmarks are bad, and let me tell you about one that I am proud to have secured that is in this bill being done at Selfridge Air National Guard Base in my district.

Mr. Speaker, as we seek alternatives for everyday energy needs, we also need alternatives for our military. This bill is providing $4 million for the second phase of a project to turn waste into fuel and electricity.

NextEnergy, which is an alternative fuel research cooperative in the great State of Michigan, has been working with the U.S. Army TARDEC on this very important project. And the technology that they are developing will take waste produced by units such as mess hall and other types of waste and turn it into liquid fuel. This fuel would then run a generator that could produce high-quality electric energy that every unit needs.

One, of course, can only imagine how much it costs to transport fuel in the battlefield. You can think about taking a unit of fuel and transiting it up to a mountaintop in Afghanistan, for example.

This project not only enhances the capability and mobility of our troops, it will also provide additional security for our troops as well. So I am proud to have brought forth this earmark, and I have no problem coming to the floor and defending it. And I think all Members should come to the floor and defend their earmarks.

Mr. Speaker, this is a reasonable rule to manage an outstanding bill. It has the right priorities and makes a further commitment to maintaining our military as the best trained, the best equipped, the best supported, and the most lethal fighting force on the planet.

I urge my colleagues to support the rule and the underlying bill as well.

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this rule will allow the House to pass the Department of Defense appropriation bill for the year; and, in addition, it will allow the Congress to move forward with a $70 billion partial payment on the cost of funding the war in Iraq and Afghanistan.

I would much prefer that we would be paying for the entire year, rather than continuing to see this war financed on the installment plan. We are now reaching almost $500 billion that has been expended on this endeavor, and I think it would be helpful to the American people if they could see the full cost each year, rather than having it dribbed and drabbed out month by month in order to hide the full impact of the cost. This rule also allows the House to consider the continuing resolution for the remainder of the budget.

We will, when the House leaves this week, have passed only two appropriation bills, the defense bill and the homeland security bill. That means the entire domestic portion of the budget plus the bills to finance foreign operations and State Department operations will be delayed until after the election, well into the fiscal year.

Now, the majority leader in the Senate, Senator FRIST, I note yesterday objected to the ''obstructive tactics'' of the Democratic minority on appropriation bills. I want to point out no one in this House is going to be able to point to a single instance in which the minority party has delayed consideration of any appropriation bill. In fact, we can point to at least 16 occasions on which the minority accelerated or helped to move forward the appropriation bills. That does not mean we always voted for them. We voted for some and against others. But I made the point at the beginning of the year that we were going to cooperate fully procedurally because at the end of the year I wanted people to understand that if these bills were not passed that the responsibility would lie with the majority party. And it has.

Now the responsibility does not lie with the majority appropriators. The problem is that this House started out the year with the majority party leadership allowing the strong right wing of their caucus to dictate the content of the budget resolution, and that budget resolution was incredibly unrealistic.

Now, as a result, we find the Senate counterparts of our friends on the majority side of the aisle who are reluctant to go on record endorsing many of the actions that were required by that budget resolution in the appropriations process. And so they prefer to push it past the election so that there will be no accountability for most of the actions taken by Congress on the domestic portion of the budget.

There will be no final accountability with respect to the number of research grants that are cut from NIH below the base 3 years ago. There will be no accountability for the fact that No Child Left Behind education funds are shortsheeted by over $1 billion. There will be no accountability for thousands of other decisions made in the domestic budget, because all of those final decisions have been postponed until after the election when you can then bring bills up for a vote without having any political consequence. I think that is unfortunate, and I would simply say that this demonstrates what happens when the priority of the majority party is simply to deliver king-size tax cuts to persons making over a million bucks a year.

The minority party throughout has tried to show that we could meet our responsibilities in education, in health care, in science, in agriculture, and in other areas by having a very modest cutback in the size of tax cuts that are aimed at those folks who are in the top 1 percent of earners in this country, in fact, even better than the top 1 percent, those who make $1 million or

more a year. And I would venture to say that I think if you asked most of those people they would say ''We don't need a tax cut quite that large as long as you are taking care of the middle-class folks. Instead, use that money to meet these responsibilities.''

Unfortunately, the Congress has chosen not to do that. So, once again, we have to finance the entire domestic portion of the budget on a continuing resolution, hiding until after the election all the multiple decisions that I thought we were so eager to make when we ran for election 2 years ago.

□ 1600

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

Mr. Speaker, let me take a moment to make a couple of points in response to my good friend from Wisconsin's observations. First, on the bridge fund for appropriations for ongoing operations in Afghanistan and Iraq, I just want to note for the record, it is considerably higher than it has been in the past, $70 billion, I believe, as opposed to $50 billion. That is a significant increase.

Also, that bridge fund allows us to frankly adapt to changing conditions on the battlefield. The reality is battlefields do not move in budgetary cycles, or wars do not.

And, finally, it keeps us from building in a lot of expense of operations in Afghanistan and Iraq into the permanent base. We think it has been a good procedure to move forward with in this conflict. In terms of the cuts my friend mentioned, let me just say again for the record, if we check each year, we actually spend more money than we do the year before, and on more things.

We have many, many choices to make, many, many tough decisions to make. The most important priority for government is always the defense of its citizens and the operation of its military. I would actually argue, I would probably agree with my friend, we should have been spending more there, we should have spent more there during the 1990s.

In every other area of government, the reality is, including education, you mention No Child Left Behind, our expenditures are considerably higher than they were just a few years ago, and they continue to grow every year.

So while we would all like to do more, the reality is we have increased the expenditures considerably. Some would argue too much.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise in strong support of the rule and the underlying conference report for the fiscal year 2007 Department of Defense Appropriations Act.

I would like to commend Chairmen Lewis and Young as well as the staff of the Defense Subcommittee for their tireless efforts in support of our soldiers, sailors, airmen and marines who are bravely defending us at home and abroad.

Mr. Speaker, this legislation covers an extensive range of priorities that are vitally important to our armed services, and we must pass it before adjourning later this week. As we fight for our way of life, our enemies are actively and aggressively adjusting their tactics while waging their terrorist war of religious intolerance against the free nations of this world.

This legislation provides the necessary supplemental funding to give our deployed soldiers the resources they need to continue taking the fight to the terrorists. It contains funding for force protection, including improvised explosive device jammers to shield our soldiers from roadside bombs, as well as increased funding to replace and repair battle-worn equipment.

Mr. Speaker, our House and Senate colleagues did a good job securing funding for many important programs which are our military's top priorities. Chief among these, Mr. Speaker, is the F–22 Raptor. I am particularly encouraged by the work the Appropriations Committee has done to fund the F–22 program this year, as this aircraft is vital to our Nation's defense.

The conference agreement includes authority for multiyear procurement of 60 F–22 aircraft, beginning with 20 fully funded in this fiscal year and continuing with two subsequent lots of 20 aircraft each in fiscal years 2008 and 2009.

This will go a long way towards providing stability for the program and ensuring that America maintains air dominance for the foreseeable future. Further, Mr. Speaker, as we fight the global war on terror, the United States must without question continue to modernize and strengthen our ability to support our men and women in harm's way.

Maintaining our Nation's airlift capabilities is critical to this mission, and I would like to applaud conferees for their recognition of this in funding nine C–130Js, two KC–130Js, and the C–5 modernization program.

The conferees also responsibly recognize the importance of developing life-saving innovations to benefit our warfighters. Accordingly, $1 million was included in the conference report for the research and the development of protein hydrogel, which is manufactured in my district, by definition, Mr. Speaker, an earmark and one that I proudly sponsored.

Protein hydrogel has the potential to quickly seal battlefield wounds to prevent excessive bleeding and death. We are absolutely doing the right thing providing for that research.

Mr. Speaker, I would like to again thank my colleagues, thank Mr. COLE, thank them for their hard work, and I urge support for this rule and the conference report.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California.

Mr. Speaker, I have every intention of voting for the underlying appropriation bill, which will fund the Department of Defense for fiscal year 2007, presumably, and I believe critical to our national defense. Yet it has been languishing for 9 months. In the last breath before the election, we bring the bill to the floor.

However, I have noticed as well, I am sure many Members have, that the Republican leadership has chosen to insert the must-pass continuing resolution in this important legislation, rather than allow a free-standing vote on that issue.

Let no one be mistaken. The Republican leadership, by tucking the CR in the defense appropriation bill, does so because in my opinion it is embarrassed by its own incompetence and ineffectiveness. Just look at the facts. This do-less-than-the-do-nothing Republican Congress is projected to be in session just 93 days in 2006. That is 17 fewer days in session than the do-nothing Congress of 1948, which was famously derided by President Truman.

Yet despite the light work schedule, the Republican majority has failed to enact a budget for fiscal 2007. It has failed to act on even one appropriation bill as we are 5 days from the end of the fiscal year.

No conference reports. That is why we are having this continuing resolution. Furthermore, the Republican-controlled Congress has failed to enact the recommendations of the bipartisan 9/11 Commission.

Failed to enact a long overdue increase in the Federal minimum wage. Failed to enact real immigration reform, and protect our borders, protect our country. Failed to address the fact that 46 million Americans are uninsured today, and failed to enact legislation that moves toward energy independence.

The record, frankly and sadly for the American people and for our country, is that this Republican Congress on fiscal issues is simply abysmal. We go deeper and deeper and deeper into debt.

In 6 years, this Republican Congress and the Bush administration have turned a projected 10-year budget surplus of $5.6 trillion into a 10-year deficit of almost $4 trillion. Republicans' failed fiscal policies have created record budget deficits and forced this Congress to increase the debt limit four times in 5 years.

In the last 4 years of the Clinton administration, we never once raised the debt limit. In fact, in the entire 8 years, the debt limit was only raised twice, in the first 4 years as we were coming out of the fiscally irresponsible first Bush administration.

Mr. Speaker, this continuing resolution, tucked as it is in this defense appropriation bill, is an admission of failure by the Republican Congress. As our friend from Georgia, Congressman KINGSTON, a Republican leader, said

yesterday: ''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.''

Mr. Speaker, I could not agree with Congressman KINGSTON more on that particular issue. The CR tucked in a defense bill, a CR, an admission of failure, a CR in a bill that is critical to our national defense and to our country. How sad. What a stark admission of failure.

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

Mr. Speaker, I actually came here to debate the defense budget, but I am happy to respond to a number of points that my good friend from Maryland made.

Let me first say I appreciate his recognition for the outstanding work the Republican Congress did in the final 4 years of the Clinton administration balancing the budget and dragging our friends across the aisle kicking and screaming to that laudable thing.

Mr. HOYER. Will my friend yield on that point?

Mr. COLE of Oklahoma. Mr. Speaker, I did not interrupt my friend. I would like to finish my remarks if I may.

Not only did I appreciate the recognition that the budget was balanced with a Republican Congress, I also would ask my good friend simply to recall the situation this administration inherited, a recession that began literally within weeks after the President took office, followed by the shock of 9/11, which sent this economy, we think, into a tailspin.

We had 3 consecutive years of reduced revenue by the Federal Government, the first time since the 1930s that that would happen, and frankly something that I would not blame on any party. I simply think it was an incredibly unfortunate confluence of events with a growth era that had run its course, and was coming down, hit by a dastardly attack that I know we all agree was a great tragedy in American history.

Given that, I think the policies that the President pursued and this Congress supported of cutting taxes, reviving the economy, beginning to create jobs and now increasing the amount of revenue available to us were indeed the right course. And indeed the budget deficit has gotten progressively smaller as those policies have kicked in and been allowed to work.

The challenge in front of us now is coming again to the spending restraint that we found in the bipartisan fashion during the 1990s. I would just point out to my good friend that I very seldom see my colleagues on the other side of the aisle come here and tell us we need to spend less money. They usually propose more money on almost every piece of legislation than we propose.

Ergo, I suspect that means taxes need to go up, because they not only want to cover the current deficit, they want to spend beyond the current spending levels or higher than current spending levels. So on that we are simply going to have a debate and disagree.

I am happy about this legislation. As my good friend from California mentioned, we had wonderful bipartisanship in the conference. We have a product that we can both be proud of. I think both parties and all Members are doing the appropriate thing for the men and women that are serving us in uniform. I look forward to continuing the discussion.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, as you know, I have been here for many years, 26 to be exact. The gentleman mentions 9/11, a cataclysmic event in the history of our country. He is right to mention that. Obviously it cost us money.

But I have served here for 26 years, as the gentleman knows, 18 of these have been with Republican Presidents, 8 with a Democratic President. I tell my friend, in every one of the 18 years with a Republican President we ran deficits above $100 billion.

During the Clinton administration, as you know, we ran 4 years of surplus and 4 years of decreasing deficits, the only President in our life time who had a surplus, i.e., $62.5 billion surplus; the only President in our lifetime who did that during his tenure.

Further, I say to my friend, in 1993, with Democrats in control of the Congress of the United States, and with not one Republican vote, we passed an economic program which raised revenues, which you mention frequently, I do not mean you personally, but your party mentions frequently, but you never mention the fact that in that same bill, we cut $254 billion in spending.

Furthermore, in terms of spending, you say restraint of spending. Democrats do not control spending at all. We do not have control in the House; we do not have control in the Senate. Yet the Republicans have spent, as you well know, at twice the rate of spending under the Clinton administration. I thank you for yielding.

Mr. COLE of Oklahoma. Mr. Speaker, reclaiming my time.

Well, again I want to thank my friend, in a very back-handed, but I think very obvious fashion thanking that Republican Congress which was actually in control of the purse strings. And I will leave it to the American people to decide who they want as the next President of the United States.

But you have made a very eloquent case, in my opinion, for the continuance of a Republican majority in Congress, because that is when spending control was actually achieved. I thank my friend.

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

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

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman from California for yielding me the time.

Mr. Speaker, we have a right and an obligation to defend America, as one of my colleagues from the other side of the aisle pointed out. It is in the preamble to the Constitution of the United States.

We also have an obligation to tell the truth to the American people. The Bible says: ''You shall know the truth. And the truth shall set you free.''

The truth is that about $70 billion in this spending will go for bridge funding to support the ongoing operations in Iraq and Afghanistan.

□ 1615

The truth is there should have never been a war against Iraq. The truth is Iraq did not have weapons of mass destruction. The truth is Iraq had nothing to do with 9/11. The truth is Iraq did not have any relationship to al Qaeda and 9/11. The truth is Iraq had nothing to do with the anthrax attack on this country. The truth is Iraq did not have the intention or the capability of attacking the United States. The truth is Iraq did not try to get uranium from Najaf for the purpose of making nuclear weapons. The truth is Iraq did not try to secure aluminum tubes for the reprocessing of uranium. The truth is we never should have gone to war in Iraq, and the truth is we should bring our troops home from Iraq.

Of the numerous reasons to vote against this bill, the continued funding for the war in Iraq is most noteworthy. If the U.S. were to withdraw as soon as possible out of Iraq, we would save $1.5 billion each week in Iraq, $6 billion a month and $72 billion annually, and then maybe we would not have to borrow money from China, Japan and Korea to fight a war.

It is increasingly clear that this administration's occupation and reconstruction of Iraq has failed. For every $1 spent on war costs, we are taking away $1 from programs that are needed in this country for housing, for education, for health care, for the elderly. After 3½ years, Iraq is less safe, not more.

Mr. Speaker, this administration's policies have turned Iraq into a breeding ground for terrorists and created the greatest recruiting tool ever for al Qaeda. Even the national intelligence estimate suggests the invasion of Iraq has evolved into our largest terrorist threat. The more money we spend in Iraq, the more of a problem we will have with terrorism.

What should we do? We should get out of Iraq. We should support our troops by bringing them home, bring them home so that we can give them the appropriate honor for their service.

Congress has the power to end the war, and that power is in this moment. Cut off the funds for the war, and the war is over. The money in the pipeline can be used to bring our troops home.

The greatest tragedy is that we have lost close to 2,700 American soldiers and tens of thousands more have been injured. Up to 200,000 innocent Iraqis have died as a result of the invasion. Every day, 120 more Iraqis die at the hands of execution-style death squads, kidnappings, murders, IEDs and sectarian violence.

The war in Iraq has been a great and tragic mistake. It has cost us in blood and treasure. It has damaged our once unchallenged representation in the world. It has squandered the goodwill rained upon this Nation after 9/11.

We should vote against this rule, vote against the bill. This is a vote on Iraq.

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

Again, I came here largely to talk about the defense bill, but I want to discuss some of the points my good friend from Ohio made. While I respect him, I respectfully disagree.

Frankly, the administration, this government, never claimed we went to Iraq because of 9/11. We claim we went there because they repeatedly violated U.N. resolutions and they were pursuing activities, as indeed they were, to get themselves out of sanctions, and they expelled weapons inspectors from their country. Every intelligence agency in the world believed they were pursuing weapons of mass destruction; and, indeed, the reality is we probably simply caught them early in the process, rather than later in the process.

I think my friend's comments are based on the unstated but very real premise that this war is somehow better off if Saddam Hussein was still in Baghdad. That is simply an assertion or an opinion that I reject. I have been to Iraq six times, as many of my colleagues frankly on both sides of the issues have been numerous times, and I simply remind my friends what Saddam Hussein and Baghdad meant: two regional wars that more than 1 million people died in; twice close to nuclear weapons, once in 1981, once in 1991; 270-odd mass graves in Iraq.

I have been to Iraq. Nobody in Iraq wants Saddam Hussein back. Nobody in Iraq, at least of any significant numbers, would tell you that they lived in a good era, and everybody in the region I think would tell you that the region is better off without him.

That does not mean that we have an easy situation that is confronting us. Indeed, it is very difficult and I would acknowledge that up front, but I think it calls for perseverance. I think an immediate withdrawal would be a disaster for the region and, frankly, would endanger people, thousands of whom have placed their faith and their confidence in the United States of America.

I am extraordinarily proud, as I know each and every Member of this body is, of the men and women that wear the uniform of the United States and do the tough job that we ask them to do. I think in the long view of history people will look back on this and say they did a very important job very well for this country and, like their fathers and grandfathers before them, for the region in which they were deployed, because where they go, democracy has followed.

Democracy certainly was not going to break out on its own in Iraq, nor was Saddam Hussein going to wither away on the vine in Iraq, in my opinion.

So I respect the decision that the President and the administration made, that this Congress on a bipartisan basis supported, dozens of my friends on the other side of the aisle voting in favor of giving the President the right to use force; half, I believe, of our friends in other body on the other side of the aisle voting for the President to have the option to use force and go into Iraq.

That is something we ought to remember as we have this debate. We did not go to war on a partisan vote. We went to war on a bipartisan decision.

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

Ms. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is growing very tiresome to hear Republicans rewriting history and blaming all the ills of our society on the 1990s and the Clinton administration.

The gentleman from Oklahoma said the Army was too small, that in the 1990s it was reduced from 15 divisions to 10. Maybe so, but, you know, we have had 6 years of the Bush administration and 6 years of the Republican Congress to fix that if that is the problem. I have not seen any proposals to change that. I have not seen any proposals from that side of the aisle or from the administration to increase the Army to 11 or 12 or 15 divisions.

The real problem is that we are wasting the Army. The real problem is that Secretary Rumsfeld thought we could fight a war on the cheap. He sent the troops into Iraq with not enough troops, dismissed General Shinseki when he told him we need twice as many troops as you may think; otherwise, we will have a long-term war on our hands, and he was right. We sent the troops in without the proper body armor and without the proper equipment, and Americans died because of that.

The other real problem is that we are wasting our funds, $300 billion so far, not just funds, 2,700 lives in a foolish, counterproductive war in Iraq, a war started by the Bush administration under false pretences, after misrepresenting facts and intelligence to this Congress.

We were told that we had to go war to prevent the imminent development of weapons of mass destruction, nuclear weapons, the mushroom cloud by Iraq. That was not true.

We were told about the connection of Iraq to al Qaeda. That was not true.

If the President had told us the truth, that Saddam Hussein at that point in history, not 12 years earlier, at that point in history presented no real threat to us, there was no likelihood of weapons of mass destruction, there was no connection to al Qaeda but we should invade Iraq in order to make the Mideast democratic, would this Congress have voted for war? Would the American people have supported starting a war? I do not think so.

I am not going to get into a debate whether the intelligence was wrong or misrepresented. That is a question the American people can decide eventually on whether the Bush administration was a fool or an ape, because that is the question. Either they had it wrong or they misled us. I think it is the latter, but, either way, the fact is, as the gentleman from Ohio said, this war has not made us safer. It is to the contrary.

The national intelligence estimate says the war in Iraq has hurt our efforts in the real war, the war on terrorism. It is a cheap recruiting device of Islamic Jihadists all over the world; and, not only that, this war, the downfall of Saddam Hussein has done one other thing, it has liberated Iran to be the real menace, a far worse menace than Saddam Hussein ever could have been, a real menace to us and to liberty in this world.

The fact is, the foolishness, the stupidity of Iraq aside, we are fighting a real serious war, a very serious war on a much larger scale against the Islamic terrorists. That is the war we must fight and win, but the Bush administration, the Republican Congress does not take that war seriously. We get a lot of rhetoric about the war on terrorism, but they will not up put up the money, they will not put up the effort because they do not take it seriously.

The biggest threat that we are faced with is not Iraq. The biggest threat we are faced with is that al Qaeda or some other Jihadist group gets nuclear weapons. The knowledge is all over the place. The barrier to nuclear weapons is where do you get the nuclear material, where do you get the fissionable material. I tell you where. You get it in the former Soviet Union where there is enough material to build 40,000 nuclear bombs lying around, not properly guarded.

We have a program to get it out of there to protect ourselves from the Osama bin Laden nuclear bomb. We will get it out of there over 30 years. We removed more nuclear material from the former Soviet Union in the 5 years before 9/11 than in the 5 years since. For 15 or $20 billion, we could get it all out and would not have to worry about nuclear explosions in American cities as we must because of the stupidity of the Bush administration in not getting our stuff out of there.

Twelve million shipping containers a year come into this country. They are not inspected. We had a party-line vote on this floor against the Democratic proposal to insist on electronic screening of every container to make sure it does not have an atomic bomb or a radiological weapon in it, but they say

we cannot do it; we will have a study of it. This is 1942. In 1942, we built aircraft carriers. We did not have studies of weather to build aircraft carriers.

And all the chemical and nuclear plants are unprotected which, if attacked or sabotaged, could kill hundreds of thousands of Americans. They do not want to spend the money because they do not take the war on terrorism seriously enough. We do.

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

I want to differ with my good friend from New York on something. I actually never mentioned President Clinton. You did. I talked about the 1990s, and I think there were mistakes in terms of size in our force by a Democratic President and a Republican Congress. I say this as somebody who was very pleased to serve in my first term on the Armed Services Committee where Members on both sides generally found themselves out of step with the majority on this body on the floor and the administration and wanted to do more. So I do not think this was a partisan mistake. I think this is a bipartisan error in judgment and a mistake about the way the world is, and I think my remarks reflected that.

In terms of talking about whether or not the President told us the truth, I think the record is very clear that he did tell us the best intelligence estimates that we had. And I suspect that most members of the Intelligence Committee, if you look at the committee and go back and look at how they voted on a bipartisan basis, you will find there was considerable bipartisan consensus that that was indeed the case.

Fair enough to say that there is now evidence that the judgment was wrong. I think that is legitimate to bring up and discuss. What concerns me is, quite often, because we now disagree with the judgment, we have to attack the motives of the people who made the judgment at that time. I disagree with that. I think the motives were good motives. We can argue about whether or not the decision was correct, but I do not think the President of the United States deliberately misled this body, nor did this body deliberately mislead the American people in the war. That is my opinion and my view of it.

In terms of not caring about the war on terror, I would submit that is simply not the case. We can disagree about tactics, we can disagree about methods, but the fact that this country has not, thank goodness, and I always knock on wood when I say it, suffered another attack since 9/11, something that nobody on 9/12 would have predicted, is not an accident. It has happened because millions of Americans, thousands of people in uniform, our intelligence system, our border people and, frankly, people in this body have made tough and good decisions to try and keep this country safe.

Now, could it be safer? I will quote the President. We are safer, but we are not safe. I think that is the record, but the reality is we are considerably safer today they than we were on 9/10, the day before, when we had no earthly idea the danger that we were facing and had not taken the preparations in my opinion that we should have taken to deal with it.

□ 1630

I don't judge people harshly for that. People make mistakes, and it is easy to have 20-20 hindsight and be a Monday morning quarterback. But I do give credit when the record shows that somebody has succeeded, and I would tell you, in my opinion, this President, this administration, and, frankly, this Congress has by and large done the right things to keep the country safe over the last several years.

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

Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for her leadership, for her yielding, and for her fairness in this overall process. And I also want to thank the distinguished ranking member of the Defense Subcommittee, Mr. MURTHA, and the ranking member of the full committee, Mr. OBEY, all of whom have been champions for a significant provision of this bill that would ensure that we are not establishing permanent military bases in Iraq.

The American people do not want an open-ended occupation in Iraq. Congress must be on record supporting this. My colleague, Mr. ALLEN, and myself offered a similar provision to the war supplemental in March, but it was stripped in the conference committee for the supplemental. So I am pleased this conference committee for this bill retained this important first step in taking the targets off the backs of our troops in Iraq by showing the world that we have no designs to stay in Iraq permanently.

However, the language will apply only to funds for this fiscal year of 2007, which this conference committee is responsible for, and we need to make the policy of the United States permanently not to have permanent military bases in Iraq. So while I support this provision, I cannot support this bill.

Yes, this war was authorized by this body. And, in fact, several of us, many of us supported a resolution that would have provided for the United Nations to continue with the inspections process. I offered the resolution, so did Mr. SPRATT. Had that happened, and had this body allowed for the process to move forward, 2,700 of our young men and women would not have died, nor would 15,000 to 20,000 have been seriously injured.

This war was unnecessary. Many knew that then, and of course now the National Intelligence Estimates are saying exactly what many of us tried to say during that horrible, horrible period. There were no weapons of mass destruction in Iraq. We knew that; you knew that. There was no connection between Saddam Hussein and Osama bin Laden and al Qaeda. We knew that; you knew that. Iraq was not a hotbed for terrorism when this march to war began. You knew that; we knew that.

And so this war has been deceitful all the way from its beginning. It has been wrong and it has been immoral. It is a perfect example of the failed policies of this administration's priorities when it comes to protecting our Nation. Again, we have spent over $300 billion on an unnecessary war in Iraq that our own intelligence services say is increasing the risk of terrorism, yet we don't have any money to secure our ports or to implement the 9/11 Commission recommendations.

So why should the American taxpayers fund a failed occupation? Why should we pay for increasing the risk of terrorism and funding a hotbed for terrorists in Iraq?

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

I simply want to respond to a number of the points my good friend made. First, let me for the record go back and remind people of all the statements that we could line up here of one American leader after another, of both political parties, who told us that Saddam Hussein had active weapons of mass destruction and was actively pursuing those programs.

It was this Congress, under President Clinton, that passed legislation that made it the object of American policy in 1998 to remove him from power because we thought he was a very dangerous person. So I do not think you can say everybody knew that that wasn't the case. Quite the opposite, in my opinion, is true. Most people saw him as a danger.

In my opinion, they were correct. They may not have had an exact count of what he had available, but I think given his record of having used chemical weapons against his own people, of having launched the wars, of having tried twice and come close twice, according to our people, in acquiring numeral weapons, they were right, particularly in light of 9/11, to be very skeptical and very concerned.

Second, I will ask our colleagues to take somewhat of the long view here. If this were 1954–55, we could all get here and say, gosh, wasn't Korea a terrible thing; it is a dictatorship, 50,000 American lives, what a waste. The reality is, if you look at Korea today, the sacrifices, the decisions made by a Democratic President, Truman, I think worked very well. There is a democracy there. It is secure. Thank goodness we made the tough decisions in that part of the world. I think Iraq will look the same way down road.

Finally, I want to deal with my friend's concern about the war in Iraq

has made us less safe or has stimulated terrorism. I have not had an opportunity to read, obviously, the classified document, which I understand today is now going to become available to all of us, so I want to preface my remarks by noting that I want to read what they actually said. But I do want to offer this observation. To say that somehow that Iraq has fostered Islamic terrorism and that Afghanistan somehow wouldn't have is just counterintuitive to me. If Iraq did it, and we were in Afghanistan alone, which nobody seems to debate, we would still have that same force running through the Islamic world, that same stimulus. It is a reaction, I think, to us legitimately defending ourselves in the case of Afghanistan. It would occur just as surely as it has in Iraq.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank my friend, and I would just like to point out, is it not true, however, that we were told by the intelligence community that even if Iraq did have weapons of mass destruction, that they would most likely use them only if we attacked?

Mr. COLE of Oklahoma. Reclaiming my time, I appreciate my friend's observation, and I would be happy to deal with it, but I think that comment can be handled on your side and I look forward to the discussion.

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

Ms. MATSUI. Mr. Speaker, I yield 2 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. I think the discussion my good friend has just enunciated is the basis of the frustration of so many of us here in the United States Congress. In fact, we have done a horrible job of oversight and explaining to the American people that we, frankly, this government, this White House, frankly made a horrific mistake. We are not more safe because of the conflict in Iraq, and a lieutenant general of the United States Army, retired, who had been in Vietnam, said we have the exact same mess that we had in Vietnam.

In fact, Iran is the one that is ecstatic, because we actually fought their war for them in terms of the actions of Saddam Hussein against Iran. We have boosted Iran's status in the region. That is, of course, of no interest to the United States. We have created an atmosphere that threatens Israel even more. The longer it goes on, it benefits al Qaeda and the insurgents.

As we speak before this House on the defense appropriations, we remain committed to our U.S. soldiers. We thank them for their service. But in tribute to them, the 2,700 that are dead as we speak, and dying, the 18,000 that have been injured severely, this is not worth staying the course.

And my words are an anecdote that is taken from this lieutenant general: ''It is like a person jumping off the Empire State Building, getting down to the 50th floor, waving at those in the window and saying, I am staying the course, and then plopping to the ground having committed suicide.''

We are committing suicide in Iraq. We are not safer than we were. This Congress has failed. I support the troops and the appropriations dealing with their issues, but to support and give tribute to those who have died, we need to bring our troops home and bring them home now, claiming victory, transitioning leadership into Iraq and into their surrounding allies and stopping the divide.

We have depleted NATO. We have depleted our military resources. And we realize when we left Vietnam, our standing in the world was higher than it had ever been. When we leave Iraq, we will have a higher standing. We will be able to fight the war on terror.

I am so sad that my colleague keeps saying the same old thing over and over again, staying the course and committing suicide.

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

Ms. MATSUI. Mr. Speaker, I have no further requests for time, and I will proceed to closing.

Mr. Speaker, we had a very spirited debate here today, and those in the Chamber here understand that many important things are happening in this world and in this country. We are dealing here also with this conference report, and this conference report made under this rule is a fair and responsible agreement. It does state clearly our support to the troops and our military.

As Congress considers the remaining appropriation bills later this year, I would urge my colleagues to follow this example, Democrats and Republicans working together to craft a responsible bill providing for the national defense. This agreement and this working together is all the evidence we need that national security is not a political issue, it is an American issue.

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

Mr. COLE of Oklahoma. Mr. Speaker, today, in closing, I again want to draw the attention of the Members to the strength of the underlying legislation, H.R. 5631. We have had a vigorous and good debate on the rule and the underlying legislation today, which I believe will help convince the House to support this vital appropriations measure.

Much of our discussion today, frankly, is not centered on the legislation or the rule; it is focused on the conflict in Iraq. I, for one, simply want to state for the record that I think the world is better off without Saddam Hussein, and I think most of the positions that my friends on the other side of the aisle take sort of ignore the question, is the world better or worse off without him. I think it is better, and it took American action to do that.

I think it is better that there is a democracy in Baghdad; that people have gone in much higher percentages in their population to the polls on three occasions, under difficult situations, than frankly our citizens will go to the polls this November.

I think it is better that that government is actually pluralistic, that represents all the different elements in the country. And I think long term there is more hope in Iraq, and it is a better model for the future in the Middle East than Iran, which simply is neither democratic nor peaceful in terms of its neighbors.

Mr. Speaker, the underlying legislation takes critical and incremental steps in funding not only the warfighters' needs of today but the future needs of our warfighters as well. Today, our Nation's soldiers, sailors, airmen, and marines require and rely on the passage of this legislation. And despite the vigorous debate we have had today over Iraq, I have no doubt that that legislation and this funding measure will receive strong bipartisan support in this House. I am very confident that this House will not let them down.

Mr. Speaker, I am sure it is no surprise that I intend to vote for the rule and the underlying legislation, and I would urge my colleagues to do the same.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1039, I call up the Senate bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 1039, the amendment in the nature of a substitute printed in House Report 109–679 is adopted and the Senate bill, as amended, is considered read.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Interstate Abortion Notification Act''.

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec

''2431. Transportation of minors in circumvention of certain laws relating to abortion.

''2432. Transportation of minors in circumvention of certain laws relating to abortion.

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed or induced on the minor, in a State or a foreign nation other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant—

''(1) reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion, the parental consent or notification took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides; or

''(2) was presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence waived any parental notification required by the laws of that State, or otherwise authorized that the minor be allowed to procure an abortion.

''(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

''(e) DEFINITIONS.—For the purposes of this section—

''(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;

''(2) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision;

''(4) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required; and

''(5) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

''§ 2432. Transportation of minors in circumvention of certain laws relating to abortion

''Notwithstanding section 2431(b)(2), whoever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both. For the purposes of this section, the terms 'State', 'minor', and 'abortion' have, respectively, the definitions given those terms in section 2435.''.

SEC. 3. CHILD INTERSTATE ABORTION NOTIFICATION.

Title 18, United States Code, is amended by inserting after chapter 117A the following:

''CHAPTER 117B—CHILD INTERSTATE ABORTION NOTIFICATION

''Sec

''2435. Child interstate abortion notification

''§ 2435. Child interstate abortion notification

''(a) OFFENSE.—

''(1) GENERALLY.—A physician who knowingly performs or induces an abortion on a minor in violation of the requirements of this section shall be fined under this title or imprisoned not more than one year, or both.

''(2) PARENTAL NOTIFICATION.—A physician who performs or induces an abortion on a minor who is a resident of a State other than the State in which the abortion is performed must provide, or cause his or her agent to provide, at least 24 hours actual notice to a parent of the minor before performing the abortion. If actual notice to such parent is not possible after a reasonable effort has been made, 24 hours constructive notice must be given to a parent.

''(b) EXCEPTIONS.—The notification requirement of subsection (a)(2) does not apply if—

''(1) the abortion is performed or induced in a State that has, in force, a law requiring parental involvement in a minor's abortion decision and the physician complies with the requirements of that law;

''(2) the physician is presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence has waived any parental notification required by the laws of that State, or has otherwise authorized that the minor be allowed to procure an abortion;

''(3) the minor declares in a signed written statement that she is the victim of sexual abuse, neglect, or physical abuse by a parent, and, before an abortion is performed on the minor, the physician notifies the authorities specified to receive reports of child abuse or neglect by the law of the State in which the minor resides of the known or suspected abuse or neglect;

''(4) the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself, or because in the reasonable medical judgment of the minor's attending physician, the delay in performing an abortion occasioned by fulfilling the prior notification requirement of subsection (a)(2) would cause a substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy, not including psychological or emotional conditions, but an exception under this paragraph does not apply unless the attending physician or an agent of such physician, within 24 hours after completion of the abortion, notifies a parent in writing that an abortion was performed on the minor and of the circumstances that warranted invocation of this paragraph; or

''(5) the minor is physically accompanied by a person who presents the physician or his agent with documentation showing with a reasonable degree of certainty that he or she is in fact the parent of that minor.

''(c) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action unless the parent has committed an act of incest with the minor subject to subsection (a).

''(d) DEFINITIONS.—For the purposes of this section—

''(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

''(2) the term 'actual notice' means the giving of written notice directly, in person, by the physician or any agent of the physician;

''(3) the term 'constructive notice' means notice that is given by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place, days on which mail is not delivered excluded;

''(4) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court;

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(5) the term 'minor' means an individual who is not older than 18 years and who is not emancipated under State law;

''(6) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

as determined by State law;

''(7) the term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which such doctor practices medicine, or any other person legally empowered under State law to perform an abortion; and

''(8) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.''.

SEC. 4. CLERICAL AMENDMENT.

The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new items:

''117A. Transportation of minors in circumvention of certain laws relating to abortion 2431

''117B. Child interstate abortion notification ..... 2435''.

SEC. 5. SEVERABILITY AND EFFECTIVE DATE.

(a) The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) This Act and the amendments made by this Act shall take effect 45 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the Senate bill, S. 403, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 403, the Child Custody Protection Act. As amended by the rule, the legislation before us contains provisions substantially similar to H.R. 748, the Child Interstate Abortion Notification Act, which overwhelmingly passed the House in April of 2005 by a vote of 270–157.

□ 1645

Laws that require parental notification of a minor's abortion are overwhelmingly supported by the American people. A 2005 poll by Pew Research Center found that large majorities believe that girls under 18 should receive parental consent before an abortion. According to the poll, half of self-described liberal Democrats favor requiring young women to get the consent of at least one parent before getting an abortion, and nearly three-quarters of moderate or conservative Democrats favor requiring parental consent.

Across the country, parental consent is required before performing routine medical services, such as providing aspirin, before permitting children to go on field trips or participate in contact sports, or before a minor can get a tattoo or body piercing. Yet people other than parents can secretly take children across State lines for abortion without their parents' knowledge.

The legislation we consider on the floor today addresses this absurd dichotomy by establishing clear rules to protect the health and physical safety of young girls, while safeguarding fundamental parental rights.

The Child Interstate Abortion Notification Act, or CIANA, for short, contains two central provisions. The first makes it a Federal crime to transport a minor across State lines to obtain an abortion in another State or foreign country in order to avoid a State law requiring parental involvement in a minor's abortion decision. Twenty-six States currently have such parental involvement laws. This provision will prevent abusive boyfriends and older men who may have committed rape from pressuring young girls into receiving secret out-of-State abortions to keep the abuser's sexual crimes hidden from authorities.

It is crucial to emphasize that the first section of CIANA does not apply to the minors themselves, nor to their parents, nor does it apply in life-threatening emergencies that may require an immediate abortion.

The second section of CIANA contains a parental notification rule that applies in cases in which a minor is a resident of one State and presents herself for an abortion in another State that does not have a parental involvement law. In these circumstances, CIANA makes it a Federal crime for the abortion provider to fail to give one of the minor's parents or legal guardian 24 hours' notice of the minor's abortion decision before the abortion is performed. This section protects fundamental parental rights by giving parents a chance to help their young daughters in difficult circumstances. This includes giving a health care provider the daughter's medical history to ensure that she receives safe medical care.

The second section of CIANA would not apply if an applicable parental law in the State where the abortion is being performed is complied with. In addition, Section 2 would not apply if the physician is presented with documentation that a court in the minor's home State has authorized an abortion.

Further exceptions to this section include if the minor states that she has been the victim of abuse by a parent and the abortion provider informs the State authorities of such abuse, or if a life-threatening or other medical emergency requires that the abortion be performed immediately.

As previously noted, the amendment in the nature of a substitute to S. 403 is substantially similar to H.R. 748 but also includes clarifying provisions adopted in the other body and other technical changes which further improve the legislation.

The amendment would prevent a parent who has committed incest from being able to obtain money damages under the bill's provisions, and it makes it a Federal crime for someone who has committed incest to transport a minor across a State line to obtain an abortion.

In addition, the substitute contains an exception to the notification requirement if a parent is physically present when the minor obtains the abortion. The amendment also makes clear that the parental notification need not be provided by the abortion provider personally but by an agent of the abortion provider.

The amendment also contains a technical change to the definition of abortion that excludes treatment for potentially dangerous pregnancies and creates a new medical emergency exception to ensure that the legislation will withstand any constitutional challenge.

Finally, it makes clear that the bill's provisions apply when State lines are crossed to enter any foreign nation or Tribal lands.

Mr. Speaker, I urge my colleagues to support this crucial legislation to protect the health and safety of America's minor daughters.

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

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

Mr. Speaker, this legislation, which we have already considered in this Congress, poses a real threat to the lives and health of young women. It would require a minor who is pregnant, possibly as a result of parental abuse, incest, to carry the parental notification laws of her home State on her back to another State and hold doctors, grandparents, clergy and anyone else who tries to help her a criminal. The sponsors, not satisfied with extending State laws into other States, now want to enforce those State laws in other countries.

Not since the enactment of the Fugitive Slave Act in 1850 have we used the power of the Federal Government to enforce the laws of one State on the territory of another.

This latest crazy quilt of restrictions obviously has but one purpose, to impede the practice of medicine, to ensure that young women will have as few options as possible, to make criminals of relatives and adults, or minors, for that manner, who try to help them, and to teach those States, such as mine, that do not believe that these laws promote adolescent health, that Congress knows best and our citizens and our States do not.

Often, that adult assisting the minor is a grandparent, a sibling or member of the clergy. In some cases, the young woman may not be able to go to her parents because the parents are a danger to her.

We all agree that, ideally, a young woman faced with a choice of having abortion should go to her parents. But

in some cases she may not be able to. That is what happened to Spring Adams, a 13-year-old from Idaho. She was shot to death by her father after he found out that she planned to terminate a pregnancy, a pregnancy caused by his own act of incest. But, under this bill, anyone who helped her cross the State line to get an abortion without telling her father so she could get shot would be guilty of a crime.

This bill also uses a narrow definition of medical emergency that seems to have been lifted from one of Attorney General Gonzalez's infamous torture memos. The prohibition ''does not apply if the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself or because in the reasonable medical judgment of the minor's attending physician the delay in performing the abortion occasioned by fulfilling the prior requirement would cause a substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy, not including psychological or emotional condition,'' so long as the physician notifies the parent within 24 hours.

The bill now also excludes ectopic pregnancies and the removal of a dead fetus, for which I suppose civilized people should be grateful.

It is progress, although it still falls far short of the protection for a woman's health required by the Constitution, which the courts have ruled requires an explicit exception to protect the life or health of the woman, not just those few conditions a few extremists find acceptable.

No mental health exception? That is the only justification for helping a young woman who has been raped by her father. There is certainly no physical risk, yet this bill would require a doctor to seek that father's permission.

There are many things far short of death or a substantial and irreversible impairment of a major bodily function that can endanger a young woman. She deserves prompt and professional medical care, and no matter how much some people don't like it, the Constitution protects her right to receive that care.

In a perfect world, loving, supportive and understanding families would join together to face these challenges. That is what happens in the majority of cases, with or without a law.

But we do not live in a perfect world. Some parents are violent. Some parents are rapists. Some young people can turn only to their clergy or to a grandparent or a sibling or some other trusted adult. And this bill would turn those people into criminals.

If a 16-year-old girl was accompanied across a State line by her 16-year-old boyfriend for an abortion, this would make the boyfriend a criminal. If a rabbi or priest or minister helped her across the State line, knowing that her father or mother were violent and therefore they couldn't dare ask for parental notification, this would turn them into a criminal. The same thing with a grandfather or a brother or a sister. We should not be turning people who are helping people in distress into criminals. That is wrong.

This bill, although slightly modified, is as wrong and as dangerous today as it was when this House considered this last time.

There is another thing, too. We believe in 50 different States in this country. We believe in State sovereignty within the Federal limits. We call the States laboratories of democracy.

Many States, I think more than half, have chosen to have parental consent notification laws. Other States have chosen not to. We ought to respect the States that have chosen not to, as well as those that have chosen to do so. And to say that because someone comes from a State with a parental notification law, if she goes to a State without a parental notification law, someone who helps her to go there is committing a crime, I think that is unconstitutional and is a violation of the right to interstate commerce, to interstate travel.

But it also, as I said before, is an attempt to say to New York, which does not require parental notification and consent, that the law of some other State which does must prevail in your State as long as the person comes from that State. She can't escape it. She carries it with her on her back.

We have never tried to enforce the laws of one State in another like that since the Fugitive Slave Act of the 1850s. It is not a good precedent. This bill deserves to be rejected.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the author of the bill, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank our distinguished chairman of the Judiciary Committee for his leadership throughout the years that this bill has been before us.

I rise in support of S. 403, the Child Custody Protection Act, a bill that has indeed passed the House in 1998, in 1999 and in 2002, making it a Federal offense to transport a minor across State lines in order to circumvent that State's abortion parental notification laws.

The legislation before us today, Mr. Speaker, is a commonsense one. It protects minors from exploitation from the abortion industry, it promotes strong family ties, and it helps foster respect for State laws.

A minor who is forbidden to drink alcohol, to stay out past a certain hour or to get her ears pierced without parental consent is certainly not prepared to make a life-altering, hazardous and potentially fatal decision such as an abortion without the consultation or consent of at least one parent.

Language included in this legislation will also require that an abortion provider notify a parent when a minor is transported to a State where no parental notification laws exist. This provision is a central component to my legislation, the Child Interstate Abortion Notification Act, CIANA, which passed in the House with a vote of 270 in favor and 157 against.

I am truly pleased and honored that my colleagues in the House and Mr. SENSENBRENNER have given this important bill further consideration, and I urge them once again to join me in supporting legislation that speaks to the well-being of all of our daughters.

This legislation will put an end to the abortion clinics and family planning organizations that are really exploiting young, vulnerable girls by luring them to recklessly disobey State laws.

About 80 percent of the public favors parental notification laws. Over 50 percent of our States have enacted such laws. Yet sometimes these laws can be evaded by interstate transportation of minors, openly encouraging them to do so in advertising by abortion providers.

Parental consent and parental notification laws may vary from State to State, but they have all been made with the same purpose in mind, Mr. Speaker, to protect frightened and confused adolescent girls from harm.

I urge my colleagues to once again support this vital piece of legislation, uphold the safety laws designed by individual States and protect the parents' rights to be involved in decisions involving their minor daughters.

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

Ms. LEE. Mr. Speaker, I want to thank the gentleman from New York for yielding and for his steadfast support on behalf of women's health and a woman's right to choose.

I rise today to defend once again a woman's right to choose what is best for her own body. Prohibiting interstate travel for an abortion and punishing those who participated in that travel fails to protect the health and safety of women and their children.

This bill subjects taxi drivers and bus drivers and other transportation professionals to jail time, mind you, jail time, although they had no knowledge of the activity. Are we in good conscience going to legislate penalties against innocent people who do not have knowledge or control over the actions of their customers? Are we encouraging cabbies and bus drivers to start asking every person, every woman that gets into a cab or on a bus, if they are pregnant or are they going to have an abortion, because they want to limit their liability?

□ 1700

Furthermore, Mr. Speaker, how could anyone support this bill knowing that some of these minors, knowing this, that some of these minors may have

decided to have an abortion because they have been raped by a family member or a guardian? This is simply bad public policy. It will turn back the clock not only on choice but on privacy for young women.

The best way to reduce the number of abortions is to prevent unintended pregnancies, and the best way to do that is through access to contraception and comprehensive sex education. So if my colleagues really wanted to reduce abortions, they would support H.R. 2553, the Responsible Education About Life Act, or REAL Act, which would allow full and comprehensive sex education for our young people. Unfortunately, many of my colleagues would rather put cabbies and drivers in jail than take real steps to reduce the number of unwanted pregnancies in this Nation.

This bill is nothing short of a public misinformation campaign from the conservative religious right to hinder the safety and the health of women and girls throughout the country. This bill is intentionally dangerous, it is vague, it is harmful to women, it is harmful to women's health and the decisions that she must make about her body.

I urge a ''no'' vote on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I appreciate the gentleman's work on this bill and many bills throughout the years. I rise today in support of the Child Custody Protection Act because it returns the fundamental right of parenting back where it belongs: to parents.

Eight in 10 Americans favor parental notification laws. Forty-four States have recognized the important role of parents in a minor child's decision to have an abortion by enacting parental involvement statutes. Even so, many of these laws are being circumvented by individuals who simply transport girls across State lines to another State without parental notification laws. And, too often, these individuals are grown men who have sexually preyed on underaged girls and use abortions to cover up their crimes.

The U.S. Supreme Court has recognized that a parent's right to control the care of their children is among the most the fundamental of all liberty interests. The Supreme Court has consistently recognized that parents have a legal right to be involved in their minor daughter's decision to seek medical care, including abortion.

The Supreme Court has also observed that, and I quote, ''the medical, emotional, and psychological consequences of an abortion are serious and can be lasting. It seems unlikely that the minor will obtain adequate counsel and support from the attending physician at an abortion clinic where the abortions for pregnant minors frequently take place.''

The Supreme Court has also stated that, and I quote, ''minors often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them.''

Mr. Speaker, no one has a child's best interest at heart more than their parents. Minors have to have parental permission to be given an aspirin by the school nurse. Twenty-six States have laws requiring parental consent before minors can get body piercings or tattoos. Parents must be able to play a role when their minor daughter is contemplating such an important decision as what to do with an unplanned pregnancy.

Please join me in supporting the Child Custody Protection Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding and for his great leadership on this bill.

Mr. Speaker, young girls desperately need the modest protections against exploitation contained in the Child Interstate Abortion Notification Act, and they need these protections now, without any further delay.

It is inhumane and unjust that abortion mills in New Jersey and some other States aggressively advertise and market secret abortions for pregnant minors living in States that have enacted and enforce parental involvement statutes. The Yellow Pages in Pennsylvania, for example, are filled with ads for children to procure secret abortions in my home State. That is unconscionable.

The fact that older men, including statutory rapists, can secretly transport and perhaps pressure or coerce teenagers to go to abortion mills for an abortion even as late as 6 months is wrong.

Who protects the teenagers from abuse? The abortionist? The male who wants the baby dead to evade responsibility?

Policies that enable abortion clinics to circumvent State parental involvement laws recklessly and irreversibly endanger the health, safety, and well-being of young girls.

Mr. Speaker, not only are babies being slaughtered at abortion clinics, and let's not kid ourselves, the soothing rhetoric of the abortion industry has anesthetized many people to the inherent violence against children of every abortion. Chemical poison and dismemberment is violence against children. But minor girls as well have become physically wounded and emotionally wounded by the abortion. They become the walking wounded.

Ask yourselves, when health or emotional complications occur, do we really think a young girl and her shocked and broken parents return to the abortion mill? I think not.

Finally, I want to commend Chairman SENSENBRENNER and his staff for the exemplary work they have done on this bill, especially the highly persuasive, heavily footnoted majority commentary in the report accompanying the bill. I wish more Members had the time or made the time to read it. It makes a cogent case for this bill, and I urge support for this important bill.

Mr. SENSENBRENNER. I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I strongly rise in support of the Child Custody Protection Act.

Every State has laws that require minors to get parental consent before they are allowed to do simple things like getting an aspirin or going on field trips. In many States, parents must give permission before their children can get tattoos and body piercings. There are reasons for placing these restrictions on minors' freedom, because minors often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them. One of the main roles of parents is to protect children from their own inexperience, lack of perspective, and judgment.

Twenty-six States have considered this issue and determined that it is not appropriate for minors to have abortions without any parental involvement. Yet the considered judgment of those State legislatures and parents in general are easily circumvented by the simple act of driving across a State line.

It is time to restore the rights of parents and States. As a wife and a mother, I agree. We in Congress have a duty. I ask for your support.

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

Mr. Speaker, I have two questions about this bill that are completely aside from the merits. One is, why are we doing this bill? We passed the bill earlier. We passed essentially this bill earlier this session, the Senate passed a bill, and now we are passing a bill that isn't the same as the Senate bill. Why? So that no law, so nothing becomes law this year.

So I would like to ask the chairman, the distinguished chairman, why we are not passing the same bill the Senate passed? Because, otherwise, there is no possibility, as I see it, of getting an agreement before we leave.

I will yield.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

The Senate bill has loopholes wide enough to drive a 18-wheeler through. If we are doing something, we might as well do something that means a bit rather than simply passing a piece of paper.

Mr. NADLER. Then why are we passing a bill again that we already passed earlier this year if the Senate bill is not the same and is not satisfactory?

Mr. SENSENBRENNER. If the gentleman will further yield, this is in the hopes that the Senate will look at this modified bill in prayerful reflection and send it on to the President.

Mr. NADLER. Reclaiming my time. In other words, we pass the bill, the Senate passed a different bill which the distinguished chairman thinks has

many loopholes, and may have, I haven't read it, and so we are coming back.

Here we are, the last week before we adjourn, we haven't passed any of the appropriations bills into law, not one, and we are spending time on this bill when we have already passed it. And if the Senate has not passed it and they want to, they should negotiate with the Senate, they should have a conference committee. Instead, we are passing it again.

And I have to assume that the real reason we are doing it is just for political reasons, to rev up the troops of the antiabortion people for the election, and there is no real intent to pass a bill.

I have another question. This bill says in the key line: Whoever knowingly transports a minor across a State line with the intent that such minor obtains an abortion, blah, blah shall be fined or imprisoned.

My question, sir, and I will yield to you, is what does ''transport'' mean?

Mr. SENSENBRENNER. If the gentleman will yield, it means the same thing as the transportation of someone across the State line in violation of the Mann Act.

Mr. NADLER. Well, then reclaiming my time, I think that this bill is simply not very well drafted in that case, because in the Mann Act certain things are obvious.

Let's assume that you have a young woman and a young man, her boyfriend, who jointly go across State lines to get her an abortion. She is driving. She is transporting him, not the other way around. Should someone be guilty or not guilty depending on who is driving and who is not driving? That doesn't seem to make sense.

Mr. Speaker, the arguments against this bill are manifold.

Number one, the arguments against parental notification and consent are where you have a violent parent or where you have a parent that the child cannot confide in, you shouldn't require that. Ninety percent of the time there is no problem, it is fine. Sometimes there is, and you risk the life or the health of the child to require that she tell the parent that she is pregnant.

Number two, in such a situation, the child may confide, hopefully, there is someone she can confide in, her brother, her sister, her best friend, her clergyman, her teacher, and we would make them criminals if they help her.

The gentleman from New Jersey talked about the abortionist conspiring to take her across State lines. It is not the abortionist. It is a friend or a colleague or a clergyman or a grandparent. You shouldn't make criminals of them. Nor should we seek to enforce the law of one State in another State.

Mr. SMITH of New Jersey. Would the gentleman yield?

Mr. NADLER. And. Finally, and after this statement I will yield, this law also says that if someone is asked to perform, if a doctor is asked to perform an abortion on a young woman, on a minor from another State, he must notify the parents in that State whether or not that State requires parental notification. So we are expanding, we are now putting the Federal Government and saying to a State when only two States are involved, neither which have a parental notification law, you must because we say so. There is no justification for that.

I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Let me make it very clear. What I just said was that if you go to the Yellow Pages and look at some of the ads and in newspapers and in other media, the abortionists actively try to solicit young girls 13, 14, 15, 16, to go across State lines. And you know as well as I do adult males, including predatory males, read those ads and act. All they have to do is go to New Jersey or some State other than Pennsylvania, where there is no parental involvement law, and thereby circumvent the parental notification, parental consent in that particular State.

Mr. NADLER. Reclaiming my time. I can understand that particular concern if this bill made it a crime to transport a minor across State lines for the purpose of getting an abortion, et cetera, et cetera, for money. If that person transporting that young girl were being paid to do it, then I think that there might be something we would want to do about that. But we are not talking about that. Well, we may be talking about that, but the bill is certainly not limited to that.

The bill applies to the situation where the person, quote, unquote, transporting her may be her boyfriend, her brother or sister, her grandmother, her uncle, her aunt, her best friend or clergyman or a teacher. Anyone who is doing it with the best motives to help her, with whom some of us here may disagree that that is the best motive, but it is not a predatory motive.

So if you want to write a bill against a predatory person, write a bill against the predatory person. Write a bill against someone who does it for a commercial reason, for pay, but not against all these other people.

I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have been waiting for a while to yield a minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. I want to thank the chairman for his leadership on this issue and his perseverence in allowing this bill to come to the floor.

Imagine a nation that has to rush to embrace abortion so much that a parent isn't notified that an individual that that family doesn't know is transporting their child, their minor teenager across State lines. It is the idea that the parents don't know who may be transporting their children and the parents don't know that their child is having an abortion that we debate today. This measure brings parental rights back into reasonable norms.

There are many groups out there working to influence our children. As the gentleman from New Jersey talked about, there is one Web site right now from the Coalition for Positive Sexuality, a charade that informs teens about abortions by stating, ''usually you can get around telling your parents by going to a clinic in a State without these restrictions or explaining your situation to a judge. But this takes time. So call us right away.''

In my own State of Arizona, there is currently a parental consent law that requires permission of at least one parent. So even if you do have a violent parent, you can still go to one of your other parents. But it means nothing. Because you can go to our neighboring States, California and New Mexico, and have an abortion. In many cases, our teenagers are being driven by people their parents don't even know.

This is reasonable to protect the rights of our children. Let's pass the bill.

□ 1715

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time and commend him for his leadership in this area. I rise in strong support of this amendment.

Despite widespread support for parental involvement laws and clear public policy considerations justifying them, substantial evidence exists that such laws are regularly evaded by individuals who transport minors to abortion providers in States that do not have parental notification and consent laws.

Confused and frightened young girls are routinely assisted by adults in obtaining abortions and are encouraged to avoid parental involvement by crossing State lines. Often these girls are guided by those who do not share the love and affection that most parents have for their children. Personal accounts indicate that sexual predators recognize the advantage they have over their victims and use this influence to encourage abortions in order to eliminate critical evidence of their criminal conduct and in turn allowing the abuse to continue undetected.

Although not an interstate abortion, in my district in Cincinnati there is an ongoing court case involving parental rights. A teenage girl, 13 at the time of the abortion, was given parental consent by a man posing as her stepbrother. This man, her abuser, was later convicted on seven charges of sexual battery.

Most recently, a judge ordered Planned Parenthood to turn over medical records in determining whether there was a pattern and practice within the clinic of violating parental consent laws.

Public policy is clear that parents should be involved in decisions that their daughters make regarding abortions. CIANA will assist in enforcing existing parental involvement laws that meet the relevant constitutional criteria and will provide for parental involvement when minors cross State lines to have abortions.

I urge my colleagues to support CIANA. There is no question that parents are the ones that should be involved in this type of critical decision. It shouldn't be the abuser or the rapist. I thank the chairman for pushing this legislation.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, first, this bill does nothing to prevent unwanted pregnancies and does nothing to stop a minor from crossing State lines to get an abortion on her own. Rather, it creates criminal penalties for those trusted confidants whom the woman turns to when she find herself in a difficult situation.

In an ideal world, young women should turn to their parents for advice, guidance, and comfort. But in the real world, this is not always the case. And in some scenarios, parental involvement is not even in the best interest of the girl.

This bill would impose criminal penalties on anyone who assists a young woman to cross a State line in order to obtain an abortion, whether it is a grandparent, an aunt, older sibling, or trusted friend. In addition, because of the way the law is written, it would even impose criminal penalties on a cab driver who drops off a young woman at an abortion clinic if that clinic happens to be across the State line.

Further, there are unrealistic and unworkable mandates involving the notice provisions in the bill which also potentially violate principles of confidentiality. And so this bill threatens to increase the risk of harm to young women in difficult family situations by delaying access to appropriate medical care, and that is why the bill is opposed by the American Academy of Pediatrics, the Society for Adolescent Medicine, the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association.

Mr. Speaker, finally, the bill raises numerous constitutional questions. The Supreme Court has made clear that any valid abortion law must have an adequate medical emergency exception. The Court has also ruled that access to medical care in emergencies must also be maintained. The provisions contained in the bill have limited access in situations, and so the bill is clearly inconsistent with established constitutional law.

Mr. Speaker, this bill sets a dangerous precedent. It does not prevent unwanted pregnancies or abortions. Rather, it encourages young girls to make difficult decisions on their own without help, increasing the potential harm to their physical and emotional well-being. That is why it is not supported by medical organizations with expertise in this field. Furthermore, it raises serious constitutional questions. I urge my colleagues to oppose the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, just in reference to comments that were made several times by people on the other side of the aisle that this would cover a cab driver or bus driver, I would hope that they would look at the language of the bill. It says whoever knowingly transports a minor across State line with the intent that the minor obtain an abortion, and thereby in fact abridges the right of a parent. So that is not just someone who gives them transportation, someone who intentionally brings them across a State line with the intent that they obtain an abortion.

Mr. Speaker, since merely identical legislation passed the House in April 2005 by a vote of 270–157, there have been several developments that make it clearer of the need to pass this bill. First, a Pew Research Center poll found that large majorities in all religious groups and about two-thirds of nonchurchgoers believe girls under 18 should receive parental consent before an abortion.

According to the Pew Research Center poll, as has been the case for more than a decade, most of the public favors requiring women under age 18 to obtain the consent of at least one parent before being allowed to get an abortion. Nearly three-quarters of Americans support such a requirement, while just 22 are opposed.

The point I make on this is that this bill is not out of the mainstream. This bill is right in the mainstream. This bill is to allow the enforcement of State laws that are constitutional with respect to parental notification. To evade parental notification laws by means of taking a young girl across a State line is what this bill is aimed at. Nothing more, nothing less than that. It is appropriate. It is consistent with the vast majority of people in the United States. It is consistent with the 33 States in the Union that have enacted such legislation.

What it does is it requires intent on the part of the actor, that is, they must intentionally act to evade the law in order to assist in procuring an abortion for a young person in a State where notification is required. Nothing more, nothing less.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, our colleagues that are listening to this debate will probably claim its defining moment as redundancy. It is redundant because this is a bill that has been debated and discussed, and now it is an amendment to S. 403 which creates a lack of opportunity for any legislative initiative to get to the President's desk.

Far be it for any of us who happen to be parents and have young women as daughters in our family to try to allow legislation to drive a barrier between a child and her parents. Nor can we morally allow the creation of chilling factors that prevent a youth from seeking help when they desperately need it. There lies the angst and the confusion and the misrepresentation of this debate.

This is not a helpful legislative initiative. This is, in fact, a divisive initiative because we find that more than 61 percent of parents in States without mandatory parental consent or at least 61 percent with notice laws have knowledge of their daughter's pregnancy. The normal relationship of child and parent proceeds along a very helpful manner as long as we do not provide unnecessary intrusion beyond what has been accepted by the individual States.

The State of Texas has provided that kind of barrier. Twenty-three States have, but another 23 have not committed to dividing parent from child.

The greatest downside of this particular legislation is that it doesn't come to this floor with clean hands. If it did, it would have allowed us to have amendments, and this was a closed rule.

I offered just a year ago or so an amendment with Mr. NADLER that expanded the exceptions to the prohibitions in this act of being able to assist a young lady in her time of trouble, to give exemptions to clergy, godparents, aunts, uncles, and first cousins, family members and clergy that would be giving comfort to this particular individual who may be a victim of incest or rape and afraid and confused about the utilization or the act of going to their parents. Although I said that 61 percent do have that relationship, there may be others that don't.

And so that would have been a responsible approach so that clergy would not become felons, as well as godparents and aunts or uncles, close family members. This country is used to and welcomes an extended family, families of different configurations. And so this legislation attempts to ignore that.

And, sadly, what it does is it makes a political point just days away from elections, but it doesn't help our young people who may be suffering with the decision that they have to make. It may be because of incest or rape, or maybe they have been brutalized or they may be frightened, and the comfort this particular relative can give them is the kind of nurturing advice that will help them make a right decision.

Maybe we want to subject our young people who may be subjected to decisions by parents who are forcing an abortion. It happens on either side, and it happened in the case of a 19-year-old girl from Maine because she was impregnated by an incarcerated person. So this is not a question of getting an abortion or not getting an abortion. This is a question of imploding family relations, and also altering the health system of America.

It is a health issue. It is a health issue if the individual is injured, a health issue if it is jeopardizing the life of the young lady. And the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association, all oppose mandatory involvement laws because of the dangers they pose to young women and the need for confidential access to physicians.

So we are being redundant because this is around and around and around. This is over and over again. But there is no sincerity in passing this legislation because instead of taking S. 403, we have offered an alternative. That alternative will have to go back to the Senate. There is some tongue-in-cheek comment about we hope the Senate will consider our bill. Well, they are four days before the end of the session before we go off for our work in the district. Then, of course, there is a lame duck because this majority, Republican majority, has not finished its work, as usual. I don't think this is a reality that is going to happen.

My prayer is that we will come together for the young people and for those impacted by this great tragedy and allow families to make decisions as they should. Vote down this bill. It serves no purpose, and it hurts the young people of America and divides families.

Mr. Speaker, I oppose the legislation before the House, S. 403, the Child Custody Protection Act. The provisions contained within this proposal are very inflexible and unreasonably punitive.

Given the usual slant of my good colleagues on the other side of the aisle to favor uniformity in legislation, this bill is inconsistent with that purpose. Overall, S. 403 would force physicians to learn and enforce 49 other States' laws with respect to parental-involvement requirements. On its face, one of the policies that this bill seeks to enforce, the mandate that every parent will receive notice and can get involved when their daughter faces a crisis pregnancy, is a good one. However, one of its harmful effects is that it is unnecessarily punitive. In the absence of laws mandating parental involvement, young women come to their parents before or while they consider abortion. A study found that 61 percent of parents in States without mandatory parental consent or notice laws had knowledge of their daughter's pregnancy.

Major health associations such as the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association strongly oppose mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. This legislation poses such a risk by increasing the risk of harm to adolescents by obstructing their access to healthcare that could save their lives.

In addition, well-respected organizations such as Planned Parenthood, Pro Choice America, and People for the American Way have expressed their opposition to this bill, which effectively isolates young women in need of help, and forces to seek alternative illegal and unsafe venues for terminating their pregnancy. After all, if you cannot trust your parents or your doctor to help you, what are your alternatives?

According to an article by Lawrence B. Finer and Stanley K. Henshaw, only 13 percent of U.S. counties have abortion providers. Therefore, the fact that many young women seek abortions outside of their home state is not solely attributable to an avoidance of home state law.

The last time we saw this bill, I offered an amendment with Mr. NADLER of New York that expanded the exceptions to the prohibitions of this act to include "conduct by clergy, godparents, aunts, uncles, or first cousins." This amendment was a very simple but necessary dampening of the excessive punitive nature of this legislation. This amendment is also demonstrative of the negative consequences this bill would directly and inadvertently cause. A young woman should not lose her right to seek counsel and guidance from a member of the clergy, her godparent, or the family member if she so desires.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My state, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follow old provisions of the "Child Custody Protection Act" which make it a Federal crime for an adult to accompany a minor across State lines for abortion services if a woman comes from a State with a strict parental-involvement mandate. There are 10 States (CO, DE, IA, ME, MD, NC, OR, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 States (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case.

Given the disparity in State law requirements for the parental-notification requirement, not giving a young woman the right to seek assistance in deciding from a member of the clergy, a godparent, or family member could increase the health risks that she faces.

Young women as a population group are more likely to seek abortion later in their pregnancy. The Centers for Disease Control (CDC) have shown that adolescents obtain 30 percent of all abortions after the first trimester, and younger women are more likely to obtain an abortion at 21 weeks or more gestation. The provisions of S. 403 will exacerbate this dangerous trend.

Mr. Speaker, this bill will add an unnecessary layer of legality, travel time, and mandatory delay to the already difficult job that physicians have in providing quality care to their patients. My colleagues on the other side of the aisle have consistently advocated for protection of health care providers by way of tort reform. This legislation flies in the face of that initiative and is totally inconsistent with it.

We cannot let legislation drive a barrier between a child and her parents, nor can we morally allow the creation of chilling factors that prevents a youth from seeking help when it is desperately needed. I ask my colleagues to reject this bill.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, as I said before, some States have chosen to enact parental consent and notification laws, others haven't. There is a case against parental notification laws and consent laws because basically there are a certain number of parents, certain families where you can't ask the young girl to confide in her parents because they may subject her to violence. Or she feels she can't.

But you do want a young woman to confide in somebody, not to be alone in this time of great strain for her. You want her to be able to confide in a brother or sister or clergyman or priest or rabbi or uncle or aunt or grandparent or a teacher. And those people want to be able to help her.

Now, as I said before, there may be room for legislation to say that you shouldn't take people across State lines for the purpose of getting an abortion for commercial purposes.

□ 1730

But to make a criminal out of anybody who is trying to help a young girl, as they see helping her, as she sees helping her because she cannot confide in her parents, and especially if that helper may be the grandparent or the brother or the sister or a clergyman is simply wrong.

So this legislation is far too broad. It will place young women who need help in a situation where they cannot get help. It doesn't serve any useful purpose, and it should be defeated.

I urge my colleagues to vote against this bill, again.

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

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

Mr. Speaker, this bill is fairly simple and straightforward. It says that if a minor woman who is a resident of a State that requires some type of parental involvement is taken to another State that does not have a parental involvement law, it is a crime to do that. And it is as simple as that.

Now the only reason why a woman would be taken from a State with a parental involvement law to one that doesn't is to prevent the parents from knowing that the woman is having an

abortion. Now we are talking about minors here, girls under the age of 18. A parent is responsible for providing for the health, safety, and welfare of minor children that are either their own children or that they have been named as guardians of by a competent court; and to avoid the parents' responsibility of providing medical care by hiding the fact that the woman is going across a State line to have an abortion is wrong.

Now I think a lot of people don't like parental involvement laws. The polling shows exactly the opposite. In my opening remarks, I pointed out that half the people who call themselves liberal Democrats believe that the parents ought to be involved in this decision; and three-quarters of those who call themselves moderate or conservative Democrats feel the same way.

I think that this House ought to empower parents to at least know about these decisions, particularly if their minor daughters are taken across a State line; and the way to deal with that issue is to pass the bill.

I urge an ''aye'' vote.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Child Custody Protection Act, which purports to ''give parents a chance to help their daughters during their most vulnerable times'' and would require doctors to give 24 hours' notice to a minor's parent before allowing her to have an abortion.

I would like to remind my colleagues that what we are talking about are young girls who are in trouble, young girls who are unmarried, young girls who invariably, according to the statistics, have been impregnated by older men exploiting them. While it should be common for parents to be responsible, to be nurturing and not to be punitive, unfortunately that is not always the case or quite as simple.

In a perfect world, teenagers would be able to tell their parents that they are pregnant, but many are unable to due to fear of rejection at home, threats of physical and emotional abuse, and in the most troubling of situations, because it was a family member, such as a stepfather, that put them in that position in the first place.

These teenage girls should have a right to seek help from a trusted adult, such as a grandmother or a member of the clergy.

This bill will create a complicated patchwork of State and Federal law that will apply differently depending on the minor's state of residence and the state where the abortion is performed.

It will be nearly impossible for teenagers and physicians alike to understand.

This measure would make it a Federal crime for a caring adult other than a parent to accompany a young woman across State lines for an abortion. In addition, the Child Custody Protection Act, goes even further by mandating that doctors be fully aware and knowledgeable of the mandatory parental involvement laws in each of the 50 States, under the threat of fines and prison sentences.

The Child Custody Protection Act would make it a Federal crime for a doctor to perform an abortion on a minor who is a resident of another State unless the doctor notifies the minor's parent, in person, a minimum of 24 hours before the procedure, unless she is accompanied by a parent.

It is also disturbing that this measure, not unlike the partial-birth abortion ban law, does not include an exception for emergency circumstances where a minor's health would be threatened by this delay. It is no wonder that the constitutionality of this law is being challenged in Federal courts as we speak.

The intent of this measure is not to ensure that caring parents have access to their teenage daughters who are contemplating having an abortion. The true intent is to make it so difficult for doctors to comply with this law that they simply give up.

Instead of debating a bill that may not meet constitutional muster, we should be considering the Prevention First Act which would help to reduce the number of unintended teenage pregnancies by providing annual funding to both public and private entities to establish or expand teenage pregnancy prevention programs.

This measure would also require these entities to incorporate teenage pregnancy prevention programs that have been proven to delay sexual activity or reduce teenage pregnancy, through programs such as comprehensive sexual education.

Why are we not doing more to help the 820,000 teen girls who get pregnant each year?

I urge all my colleagues to vote against the Child Custody Protection Act, a regressive measure, which will have no impact on reducing the number of unintended teenage pregnancies and will do more harm than good.

Mr. PAUL. Mr. Speaker, in the name of a truly laudable cause (preventing abortion and protecting parental rights), today the Congress could potentially move our Nation one step closer to a national police state by further expanding the list of Federal crimes and usurping power from the States to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to be amongst those Members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across state lines for ignoble purposes.

As an obstetrician of almost 40 years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this ''medical'' procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralized and in control of the States. In the name of protecting parental rights, this bill usurps States' rights by creating yet another Federal crime.

Our Federal Government is, constitutionally, a government of limited powers, Article one, Section eight, enumerates the legislative area for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass S. 403. S. 403 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents' rights to not have their children taken across State lines for contemptible purposes? Absolutely. Can a State pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the Federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some States. To the extent the Federal and State laws could co-exist, the necessity for a Federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for Federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more Federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that ''The trend to federalize crimes that traditionally have been handled in State courts . . . threatens to change entirely the nature of our Federal system.'' Meese stated that Congress' tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a Federal police force is that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for

preserving the integrity of State sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal Government imposing its substantive edicts on the States. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to State autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate Federal law, or an ''adequate'' Federal law improperly interpreted by the Supreme Court, preempts States' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all States by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the Federal Government. There was a time when a popular bumper sticker read'' It's ten o'clock; do you know where your children are?'' I suppose we have devolved to the point where it reads'' It's ten o'clock; does the Federal Government know where your children are.'' Further socializing and burden shifting of the responsibilities of parenthood upon the Federal Government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, S. 403.

Mr. GRAVES. Mr. Speaker, I rise in strong support of this rule and the underlying bill, S. 403—the Child Custody Protection Act.

For too long, individuals have exploited State borders to disrupt and undercut important parental involvement laws that have been enacted to protect minors.

A teenage girl needs a parent's consent to get an aspirin at school. The decision to kill an unborn child is life-altering, and often results in unintended psychological and physical problems. So, I find it unconscionable that an individual would deliberately transport a minor across State lines for an abortion without a parent's consent. This type of exploitation has rendered State laws toothless, and in light of this situation, there is a strong demand for Congressional action.

In my home State of Missouri, we have a parental consent law that requires the involvement of a parent when a minor is seeking an abortion. Across the State line from my district is Kansas.

In Kansas, there is a parental notification law but not a consent law. This means that if the parent of a minor in Missouri denies permission for that minor to have an abortion in Missouri, that same minor—usually with the aid of a co-conspirator—can go to Kansas, notify that parent of the intention to have an abortion, and go forward against the will of the parent. In Illinois, it was reported that the mother of a 14-year-old from Missouri was denied the opportunity to even speak with her daughter as she waited for an abortion in an Illinois clinic just over the State line.

Congress must act to prevent the evasion of parental involvement laws. In Missouri, you can bring a civil action against any individual that assists a minor in evading the State parental consent law, but that is not enough, Mr. Speaker. Only a tough, Federal criminal statute will deter individuals from transporting teenagers across state lines in order to willfully violate the parental involvement laws of the teenager's home State.

Mr. Speaker, I was pleased to support H.R. 748, the Child Interstate Abortion Notification Act when it was considered by the House in April of last year. This rule gives us the opportunity to restore an important provision that was not included in S. 403, specifically the provision that places responsibility on the abortion provider to give a parent or guardian 24 hours' notice of a minor's abortion decision.

I urge my colleagues to pass this resolution and the Child Custody Protection Act. It is time for Congress to take action against all those who assist minors in circumventing a parent's right of involvement in the most serious decision a minor can make.

Mr. DINGELL. Mr. Speaker, the bill before us is a tangled web of legal intricacies which I found to be a muddled attempt to impose specific laws of individual States. After a careful reading of the bill, I am forced to rise in opposition to the legislation.

H.R. 748 is a two-part bill. The first part makes it a crime for anybody other than a parent to accompany a minor across State lines for an abortion if the minor's State of residence has parental notification laws. We have seen this language, known as the Child Custody Protection Act, in past Congresses, and I have hesitantly voted in favor of it. I say hesitantly because I have always been concerned that:

(1) The bill violates the Constitutional principles of federalism;

(2) There are no exceptions for another responsible adult family member to accompany the minor; and

(3) The language is so broad that it would allow a cab or bus driver to be prosecuted.

You are probably wondering, Mr. Speaker, why I voted for the bill even with these concerns. Well, as a parent, I feel strongly that parents should be involved in major decisions concerning the health and well-being of their children. The most knowledgeable resource regarding the minor's medical history is often their parent. Moreover, as is the case with any medical procedure, it is important that someone in the household be aware of the situation should there be side effects. Thus, I voted to move the process forward with the hope that my concerns would be addressed before the final legislation was sent to the President for signature. This did not happen because the Senate has never acted on the legislation.

The second part of the bill is new and would hold a doctor criminally liable for performing an abortion on a minor from another State. This, Mr. Speaker, is where the web gets really tangled. You see, in some cases, the minor would have to comply with the laws of two States, and in all cases, the doctor would have to get consent from the parent in person and a mandatory 24-hour waiting period would be instituted.

Probably the most striking scenario would be a minor who traveled between States with no parental consent law. In this case, the doctor would have to obtain consent in person from the parent, the mandatory 24-hour waiting period would be instituted, and in this specific case there would be no judicial bypass option.

This creates quite a burden on doctors, who would be required to have a near-encyclopedic knowledge of the parental involvement laws in each of the 50 States, their specific requirements and their judicial procedures.

Some States have strict parental consent laws, some have parental consent laws with reasonable bypass mechanisms, and some States have no consent laws at all. If this bill passes, we are saying to some States, ''Your law is good.'' To others we are saying, ''Your law is okay, but it is not quite good enough.'' And to still other States we are saying, ''Your law, or lack thereof, is wholly inadequate.'' This is no way to legislate in our federalist system.

While reading over the bill, Mr. Speaker, I tried to think of what precedent there is for this kind of law. It took a while, but the only law I could come up with was the Fugitive Slave Act. Going back to laws like this, Mr. Speaker, is not something this Congress should even consider.

Mr. Speaker, I often wonder why we don't focus more of our effort on preventing unwanted pregnancies. Reducing the number of abortions performed in this country is certainly a goal we can all agree on and strive for. As such, I would ask that all of my colleagues come to the table to discuss the ways we can further this mutual goal.

Mr. Speaker, I urge my colleagues to vote ''yes'' on the Scott and Jackson-Lee amendments and ''no'' on the underlying bill.

Mr. CROWLEY. Mr. Speaker, I feel like I am in a time wrap today. We already voted on and debated basically the same bill last year. We must be close to an election if this Republican Congress is bringing up an anti-choice piece of legislation that they have already passed.

While these types of bills may make good politics for some, they make bad policy for all.

We should all be in agreement on the need to lower the numbers of unintended pregnancies and abortions in the U.S.

While this bill purports to put the interests of minors and their parents first, as well as reduce the number of abortions—the facts over the last few years of the Bush Administration have demonstrated that the numbers of abortions increased from the numbers during the previous 8 years of policymaking under President Bill Clinton.

In fact, studies show the abortion rate, which hit a 24-year low when President Bush took office, and has risen throughout President Bush's first term of so-called anti-abortion policymaking.

Instead of focusing on this fact, addressing why hundreds of millions of taxpayer dollars have been spent on abstinence only programs with little result, and pushing programs to expand contraception, this majority wants to criminalize aunts and cousins. It just doesn't make any sense.

Fortunately, there are laudable programs that work with young people to help ensure that they get accurate and relevant information on how to protect themselves from pregnancy.

We should work to find common ground on real solutions to the problems of unintended pregnancies and abortions.

I urge my colleagues to join me in voting against this mean-spirited legislation.

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

The SPEAKER pro tempore (Mr. ADERHOLT). All time for debate has expired.

Pursuant to House Resolution 1039, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of Senate 403 will be followed by 5-minute votes on passage of H.R. 2679, motion to suspend the rules and adopt House Resolution 723, and motion to suspend the rules and adopt House Resolution 992.

The vote was taken by electronic device, and there were—yeas 264, nays 153, not voting 15, as follows:

[Roll No. 479]

YEAS—264

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

NAYS—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Green (WI)
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Nussle
Pombo
Strickland

□ 1800

Messrs. BUTTERFIELD, NEAL of Massachusetts, PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mrs. JOHNSON of Connecticut, and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

The SPEAKER pro tempore (Mr. KUHL of New York). The pending business is the vote on passage of H.R. 2679, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 173, not voting 15, as follows:

[Roll No. 480]

YEAS—244

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
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
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Costa
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—173

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

NOT VOTING—15

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Green (WI)
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Nussle
Pombo
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1810

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

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, September 26, 2006. As a result, I was not recorded for rollcall votes Nos. 479 and 480. Had I been present, I would have voted "aye" on rollcall Nos. 479 and 480.

CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP IMPROVE THE SECURITY SITUATION IN DARFUR, SUDAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 723, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 723, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 7, not voting 13, as follows:

[Roll No. 481]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Buyer
Duncan
Jones (NC)
McKinney
Paul
Rohrabacher
Taylor (MS)

NOT VOTING—13

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pombo
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1820

Mr. TAYLOR of Mississippi and Mr. JONES of North Carolina changed their vote from ''yea'' to ''nay.''

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

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further proceedings today in the House, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

URGING THE PRESIDENT TO APPOINT A PRESIDENTIAL SPECIAL ENVOY FOR SUDAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 992, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 992, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 15, as follows:

[Roll No. 482]

YEAS—414

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

NAYS—3

McKinney
Paul
Slaughter

NOT VOTING—15

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Neal (MA)
Ney
Pombo
Strickland
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1830

Mr. GEORGE MILLER of California changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''A resolution supporting the appointment of a Presidential Special Envoy for Sudan''.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, during rollcall vote No. 482 on H. Res. 992, I mistakenly recorded my vote as ''nay'' when I should have voted ''yea.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 817

Mr. POE. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 817.

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

There was no objection.

PERSONAL EXPLANATION

Ms. HOOLEY. Mr. Speaker, earlier today I was unavoidably detained and as a result missed rollcall 478, a privileged motion offered by the minority leader.

Had I been present, I would have voted ''aye'' on the motion.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 5631.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 1037, I call up the conference report to accompany the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1037, the conference report is considered read.

(For conference report and statement, see proceedings of the House of September 25, 2006, at page H6996.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

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

Mr. Speaker, I rise to support the conference report on H.R. 5631 which makes appropriations for the Department of Defense for fiscal year 2007. The agreement provides $377.6 billion for the United States military. In addition, $70 billion is provided in the so-called bridge fund for the operations of the war against terror. Finally, $200 million is included in emergency funding to help the Department of the Interior and the Forest Service combat wildfires.

Mr. Speaker, this conference report also carries a continuing resolution which will fund other activities of the government through November 17. It is a totally clean CR, and it merely establishes the date.

The House passed the defense bill on June 20 by a vote of 407–19. The other body completed its action on its version of the bill on September 7. By September 21, only 2 weeks after the Senate approval, we resolved conference and present a good conference report.

There was some difficulty about the total number, the top line, the 302(b) allocation, and I want to compliment the chairman of the full committee, Chairman LEWIS, for having stuck to his guns. We were able to get that top number up to the House number and this bill reflects very closely the bill as passed by the House.

I will say that a statement has been prepared in writing of the highlights of this legislation. I would advise the Members that there were no new earmarks, no new Member projects added in conference, and that in the bridge fund there are no Member projects whatsoever. It is a good conference report. It was agreed to unanimously by the conferees of both parties in both the House and the Senate.

Mr. Speaker, it is a good bill.

Mr. Speaker, I rise in strong support of the conference report on H.R. 5631, making appropriations for the Department of Defense for fiscal year 2007. This agreement provides $377.6 billion for the United States military. In addition, $70 billion is provided in the so-called ''Bridge Fund''. Finally, $200 million is included in emergency funding to help the Department of the Interior and the Forest Service combat wildfires.

This conference report also carries a continuing resolution, which will fund other activities of the government through November 17th.

The House passed the Defense appropriations bill on June 20th by a vote of 407 to 19. However, the Senate did not complete action on its version until September 7th. We reached a conference agreement on Thursday, September 21st, only two weeks after final approval by the Senate, despite having to resolve some major funding differences.

The centerpiece of this legislation is the funding for the Global War on Terror contained in title IX. This includes $17.1 billion to fully cover the fiscal year 2007 reset needs of the United States Army, and $5.8 billion to do the same for the Marine Corps.

The reset funding in this conference agreement will enable deploying units to have all the equipment they require to face the enemy in Iraq and Afghanistan. In addition, returning units can be reset and trained in order to be at full readiness for any future deployment. We owe it to our troops to ensure they have all the equipment they need to perform their missions. This funding keeps that commitment.

In addition, the conference agreement provides operating expenses for the services to conduct the Global War on Terror for the first half of fiscal year 2007. Finally, we provide funding for 10 additional C–17 aircraft in the Bridge Fund, for a total of 22 in this conference report.

Within the base bill, the conference agreement maintains the two littoral combat ships provided for the Navy in the House bill but eliminated by the Senate, as well one T–AKE ammunition ship. We have reluctantly agreed to the proposal of the Administration and the Senate to incrementally fund the two lead ships of the DDG–1000 destroyer series, formerly DD(X). However, we expect them to stay within the total funding envelop for both ships, which is currently projected at $6,582,200,000. In the future, I do not believe Congress should entertain any funding above this level.

The conference agreement also includes $2.7 billion to fully fund the procurement of 20 F–22A fighter aircraft, and $687 million for advance procurement of 20 aircraft in fiscal year 2008.

The Senate bill had eliminated procurement funding for the Joint Strike Fighter program. However, in the conference agreement we were able to restore full funding for 2 production aircraft and advance procurement for 12 additional aircraft in fiscal year 2008. Including research and development costs, the conference agreement contains $4.3 billion for the Joint Strike Fighter program, making it the largest single program in the Department of Defense.

We also responded to the emerging threat posed by North Korea and Iran by providing $9.4 billion for ballistic missile defense, an increase of $1.6 billion over fiscal year 2006. This includes funds to begin the establishment in Europe of a third ground-based interceptor site.

Mr. Speaker, there are a number of other important programs addressed in this conference report. Let me just conclude by stating that this bill provides essential funding for the war fighter in Iraq, Afghanistan, and around the world as we wage the Global War on Terror. Every member of the conference committee signed the conference report. It deserves the strong support of the House. I urge its adoption.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	24,028,651	25,423,998	25,259,649	25,392,568	25,911,349	+1,882,698
Military Personnel, Navy	19,048,651	19,135,950	19,049,454	19,050,950	19,049,454	+803
Military Personnel, Marine Corps	7,712,511	7,983,895	7,932,749	7,895,775	7,932,749	+220,238
Military Personnel, Air Force	19,805,780	20,220,539	19,676,481	20,006,359	20,285,871	+480,091
Reserve Personnel, Army	2,834,301	3,058,050	3,034,500	2,956,640	3,043,170	+208,869
Reserve Personnel, Navy	1,480,096	1,569,128	1,485,548	1,551,838	1,551,838	+71,742
Reserve Personnel, Marine Corps	467,736	507,776	498,556	492,356	498,686	+30,950
Reserve Personnel, Air Force	1,214,323	1,282,110	1,246,320	1,253,060	1,259,620	+45,297
National Guard Personnel, Army	4,418,846	4,784,471	4,693,595	4,788,971	4,751,971	+333,125
National Guard Personnel, Air Force	2,006,658	2,122,197	2,038,097	2,091,722	2,067,752	+61,094
Total, title I, Military Personnel	83,017,553	86,088,114	84,914,949	85,480,239	86,352,460	+3,334,907
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	22,031,807	23,091,606	22,292,965	22,199,406	22,397,581	+365,774
Operation and Maintenance, Navy	28,363,907	30,129,671	29,853,676	29,570,771	29,751,721	+1,387,814
Operation and Maintenance, Marine Corps	3,109,882	3,405,821	3,351,121	3,266,721	3,338,296	+228,414
Operation and Maintenance, Air Force	28,182,761	29,658,288	29,089,688	28,542,408	28,774,928	+592,167
Operation and Maintenance, Defense-Wide	18,199,977	19,989,270	19,883,790	19,832,789	19,948,799	+1,748,822
Operation and Maintenance, Army Reserve	1,751,322	2,083,312	2,064,512	1,942,388	1,957,888	+206,566
Operation and Maintenance, Navy Reserve	1,165,237	1,236,628	1,223,628	1,223,628	1,223,628	+58,391
Operation and Maintenance, Marine Corps Reserve	190,702	202,332	202,732	199,232	199,032	+8,330
Operation and Maintenance, Air Force Reserve	2,424,432	2,663,951	2,659,951	2,564,451	2,563,751	+139,319
Operation and Maintenance, Army National Guard	4,053,617	4,450,783	4,436,839	4,267,683	4,323,783	+270,166
Operation and Maintenance, Air National Guard	4,476,301	5,080,695	5,035,310	4,833,270	4,831,185	+354,884
Overseas Contingency Operations Transfer Account	---	10,000	---	---	---	---
United States Court of Appeals for the Armed Forces	11,124	11,721	11,721	11,721	11,721	+597
Overseas Humanitarian, Disaster, and Civic Aid	60,931	63,204	63,204	63,204	63,204	+2,273
Former Soviet Union Threat Reduction Account	411,394	372,128	372,128	372,128	372,128	-39,266
Total, title II, Operation and maintenance	114,433,394	122,449,410	120,541,265	118,889,800	119,757,645	+5,324,251
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	2,626,748	3,566,483	3,529,983	3,354,729	3,502,483	+875,735
Missile Procurement, Army	1,196,830	1,350,898	1,350,898	1,266,967	1,278,967	+82,137
Procurement of Weapons and Tracked Combat Vehicles, Army	1,377,698	2,301,943	2,047,804	2,092,297	1,906,368	+528,670
Procurement of Ammunition, Army	1,715,693	1,903,125	1,710,475	1,948,489	1,719,879	+4,186
Other Procurement, Army	4,548,090	7,718,602	7,005,338	7,724,878	7,004,914	+2,456,824
Aircraft Procurement, Navy	9,677,001	10,868,771	10,590,934	10,135,249	10,393,316	+716,315
Weapons Procurement, Navy	2,633,380	2,555,020	2,533,920	2,558,020	2,573,820	-59,560
Procurement of Ammunition, Navy and Marine Corps	843,323	789,943	775,893	799,943	767,314	-76,009
Shipbuilding and Conversion, Navy	8,936,959	10,578,553	10,491,653	10,393,475	10,579,125	+1,642,166
Other Procurement, Navy	5,389,849	4,967,916	5,022,005	4,731,831	4,927,676	-462,173
Procurement, Marine Corps	1,384,965	1,273,513	1,191,113	1,151,318	894,571	-490,394
Aircraft Procurement, Air Force	12,609,842	11,479,810	11,852,467	11,096,406	11,643,356	-966,486
Missile Procurement, Air Force	5,122,728	4,204,145	3,746,636	3,975,407	3,914,703	-1,208,025
Procurement of Ammunition, Air Force	1,006,718	1,072,749	1,079,249	1,046,802	1,054,302	+47,584
Other Procurement, Air Force	13,920,106	15,408,086	15,423,536	15,510,286	15,493,486	+1,573,380
Procurement, Defense-Wide	2,548,227	2,861,461	2,890,531	2,763,071	2,903,292	+355,065
National Guard and Reserve Equipment	178,200	---	500,000	340,000	290,000	+111,800
Defense Production Act Purchases	57,666	18,484	39,384	68,884	63,184	+5,518
Total, title III, Procurement	75,774,023	82,919,502	81,781,819	80,958,052	80,910,756	+5,136,733

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army.....	11,060,666	10,855,559	11,834,882	11,245,040	11,054,958	-5,708
Research, Development, Test and Evaluation, Navy.....	18,803,203	16,912,223	17,654,518	17,048,238	18,673,894	-129,309
Research, Development, Test and Evaluation, Air Force.	21,779,654	24,396,767	24,457,062	23,974,081	24,516,276	+2,736,622
Research, Development, Test and Evaluation, Defense-Wide	19,600,607	20,809,939	21,208,264	20,543,393	21,291,056	+1,690,449
Operational Test and Evaluation, Defense.....	166,774	181,520	181,520	187,520	185,420	+18,646
Total, title IV, Research, Development, Test and Evaluation.....	71,410,904	73,156,008	75,336,246	72,998,272	75,721,604	+4,310,700
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds.....	1,143,391	1,345,998	1,345,998	1,345,998	1,345,998	+202,607
National Defense Sealift Fund: Ready Reserve Force	1,078,165	1,071,932	1,071,932	616,932	1,071,932	-6,233
Pentagon Reservation Maintenance Revolving Fund.....	---	18,500	18,500	18,500	18,500	+18,500
Total, title V, Revolving and Management Funds..	2,221,556	2,436,430	2,436,430	1,981,430	2,436,430	+214,874
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance.....	1,204,349	1,046,290	1,046,290	1,046,290	1,046,290	-158,059
Procurement.....	115,362	---	---	---	---	-115,362
Research, development, test and evaluation.....	67,108	231,014	231,014	231,014	231,014	+163,906
Total, Chemical Agents 1/	1,386,819	1,277,304	1,277,304	1,277,304	1,277,304	-109,515
Drug Interdiction and Counter-Drug Activities, Defense	908,474	926,890	936,990	978,212	977,632	+69,158
Office of the Inspector General.....	207,590	216,297	216,297	216,297	216,297	+8,707
Total, title VI, Other Department of Defense Programs.....	2,502,883	2,420,491	2,430,591	2,471,813	2,471,233	-31,650
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund.....	244,600	256,400	256,400	256,400	256,400	+11,800
Intelligence Community Management Account.....	418,121	634,811	597,111	597,011	621,611	+203,490
Transfer to Department of Justice.....	(38,610)	---	(39,000)	---	(39,000)	(+390)
Total, title VII, Related agencies.....	662,721	891,211	853,511	853,411	878,011	+215,290
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005).....	(3,712,500)	(5,000,000)	(4,750,000)	(4,500,000)	(4,500,000)	(+787,500)
Indian Financing Act incentives (Sec. 8018).....	7,920	---	8,000	8,000	8,000	+80
FFRDCs (Sec. 8023).....	-45,540	---	-25,000	-53,200	-53,200	-7,660
Overseas Mil Fac Invest Recovery (Sec. 8029).....	1,000	1,000	1,000	1,000	1,000	---
Army Historical Foundation.....	2,970	---	---	---	---	-2,970
Rescissions (Sec. 8040).....	-405,723	---	-823,122	-985,327	-870,143	-464,420
Shipbuilding & Conv. Funds, Navy.....	17,820	---	---	---	---	-17,820
Travel Cards (Sec. 8065).....	45,000	51,000	51,000	51,000	51,000	+6,000
Special needs students (Sec. 8098).....	5,445	---	---	5,500	5,500	+55
Fisher House (Sec. 8075).....	2,178	---	2,500	---	2,500	+322
Other Contract Growth (Sec. 8077).....	-262,350	---	-71,100	-92,000	-158,100	+104,250
Contracted Advisory and Assistance Services (Sec.8078)	-99,000	---	-22,000	-71,000	-71,000	+28,000
Working Capital Funds Cash Balance.....	-247,500	---	---	---	---	+247,500
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8085)	5,049	---	5,400	---	5,400	+351
Various grants (Sec. 8088).....	33,017	---	13,000	---	11,100	-21,917
Travel costs (Sec. 8097).....	-91,080	---	-45,000	-85,000	-85,000	+6,080
Procurement Offsets.....	-357,390	---	---	---	---	+357,390
Army Venture Capital Funds.....	15,000	---	---	---	---	-15,000
Revised Economic Assumptions (Sec.8106).....	-763,587	---	-949,000	-1,272,300	-1,034,425	-270,838
Foreign Currency Fluctuation.....	---	---	-100,000	---	---	---
Drug Interdiction and Counter-Drug Activities (emergency).....	---	---	---	700,000	---	---
Total, Title VIII, General Provisions.....	-2,136,771	52,000	-1,954,322	-1,793,327	-2,187,368	-50,597

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
TITLE IX - ADDITIONAL APPROPRIATIONS						
Military Personnel						
Military Personnel, Army (contingency operations)	4,713,245	---	4,346,710	5,054,502	4,346,710	-366,535
Military Personnel, Navy (contingency operations)	144,000	---	229,096	114,500	143,296	-704
Military Personnel, Marine Corps (contingency operations)	455,000	---	495,456	142,320	145,576	-309,424
Military Personnel, Air Force (contingency operations)	508,000	---	659,788	129,000	351,788	-156,212
Reserve Personnel, Army (contingency operations)	138,755	---	---	90,910	87,756	-50,999
Reserve Personnel, Navy (contingency operations)	10,000	---	10,000	---	---	-10,000
Reserve Personnel, Marine Corps (contingency operations)	---	---	---	15,420	15,420	+15,420
National Guard Personnel, Army (contingency operations)	234,400	---	251,000	214,100	295,959	+61,559
National Guard Personnel, Air Force (contingency operations)	3,200	---	---	---	---	-3,200
Total, Military Personnel	6,206,600	---	5,992,050	5,760,752	5,386,505	-820,095
Operation and Maintenance						
Operation & Maintenance, Army (contingency operations)	21,348,886	---	24,280,000	24,037,232	28,364,102	+7,015,216
Operation & Maintenance, Navy (contingency operations)	1,810,500	---	1,954,145	1,284,172	1,615,288	-195,212
(Transfer out) (contingency operations)	---	---	---	(-90,000)	(-90,000)	(-90,000)
Operation & Maintenance, Marine Corps (contingency operations)	1,833,126	---	1,781,500	1,809,466	2,689,006	+855,880
Operation & Maintenance, Air Force (contingency operations)	2,483,900	---	2,987,108	1,940,553	2,688,189	+204,289
Operation & Maintenance, Defense-Wide (contingency operations)	805,000	---	2,186,673	2,383,189	2,774,963	+1,969,963
(Transfer out) (contingency operations)	---	---	---	---	(-20,000)	(-20,000)
Operation & Maintenance, Army Reserve (contingency operations)	48,200	---	---	211,600	211,600	+163,400
Operation & Maintenance, Navy Reserve (contingency operations)	6,400	---	---	8,036	9,886	+3,486
Operation & Maintenance, Marine Corps Reserve (contingency operations)	27,950	---	---	---	48,000	+20,050
Operation & Maintenance, Air Force Reserve (contingency operations)	5,000	---	---	65,000	65,000	+60,000
Operation & Maintenance, Army National Guard (contingency operations)	183,000	---	220,000	2,033,100	424,000	+241,000
Operation & Maintenance, Air National Guard (contingency operations)	7,200	---	---	200,000	200,000	+192,800
Iraq Freedom Fund (contingency operations)	4,658,686	---	4,000,000	50,000	50,000	-4,608,686
Afghanistan Security Forces Fund (contingency operations)	---	---	---	1,200,000	1,500,000	+1,500,000
Iraq Security Forces Fund (contingency operations)	---	---	---	1,400,000	1,700,000	+1,700,000
Joint IED Defeat Fund (contingency operations)	---	---	---	1,500,000	1,920,700	+1,920,700
Total, Operation and Maintenance	33,217,848	---	37,409,426	38,122,348	44,260,734	+11,042,886
Procurement 4/						
Aircraft Procurement, Army	---	---	---	556,000	---	---
(contingency operations)	232,100	---	132,400	---	1,461,300	+1,229,200
Missile Procurement, Army (contingency operations)	55,000	---	---	---	---	-55,000
Procurement of Weapons and Tracked Combat Vehicles, Army	---	---	---	1,048,280	---	---
(contingency operations)	860,190	---	1,214,672	---	3,393,230	+2,533,040
Procurement of Ammunition, Army (contingency operations)	273,000	---	275,241	---	237,750	-35,250
Other Procurement, Army	---	---	---	1,817,527	---	---
(contingency operations)	3,174,900	---	1,939,830	---	5,003,995	+1,829,095
Aircraft Procurement, Navy	---	---	---	153,700	---	---
(contingency operations)	138,837	---	34,916	---	486,881	+348,044
Weapons Procurement, Navy (contingency operations)	116,900	---	131,400	---	109,400	-7,500
Procurement of Ammunition, Navy and Marine Corps	---	---	---	99,930	---	---
(contingency operations)	38,885	---	143,150	---	127,880	+88,995
Other Procurement, Navy	---	---	---	276,500	---	---
(contingency operations)	49,100	---	28,865	---	319,965	+270,865
Procurement, Marine Corps	---	---	---	1,281,068	---	---
(contingency operations)	1,710,145	---	621,450	---	4,898,269	+3,188,124
Aircraft Procurement, Air Force	---	---	---	720,100	---	---
(contingency operations)	115,300	---	912,500	---	2,291,300	+2,176,000
Missile Procurement, Air Force	---	---	---	25,400	---	---
(contingency operations)	17,000	---	32,650	---	32,650	+15,650
Other Procurement, Air Force	---	---	---	1,220,293	---	---
(contingency operations)	17,500	---	9,850	---	1,317,607	+1,300,107

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
Procurement, Defense-Wide	---	---	---	56,255	---	---
(contingency operations)	182,075	---	121,600	---	145,555	-36,520
National Guard and Reserve Equipment (emergency)	1,000,000	---	---	---	---	-1,000,000
Total, Procurement	7,980,932	---	5,598,524	7,255,053	19,825,782	+11,844,850
Research, Development, Test and Evaluation 4/						
Research, Development, Test & Evaluation, Army (contingency operations)	13,100	---	---	---	---	-13,100
Research, Development, Test & Evaluation, Navy	---	---	---	110,000	---	---
(contingency operations)	---	---	---	---	231,106	+231,106
Research, Development, Test & Evaluation, Air Force	---	---	---	33,064	---	---
(contingency operations)	12,500	---	---	---	36,964	+24,464
Research, Development, Test and Evaluation, Defense-Wide	---	---	---	155,144	---	---
(contingency operations)	25,000	---	---	---	139,644	+114,644
Total, Research, Development, Test and Evaluation	50,600	---	---	298,208	407,714	+357,114
Revolving and Management Funds 4/						
Defense Working Capital Funds	---	---	---	373,474	---	---
(contingency operations)	2,516,400	---	1,000,000	---	---	-2,516,400
Total, Revolving and Management Funds	2,516,400	---	1,000,000	373,474	---	-2,516,400
Other Department of Defense Programs						
Drug Interdiction and Counter-Drug Activities, Defense (contingency operations)	27,620	---	---	---	100,000	+72,380
Related Agencies 5/						
Intelligence Community Management Account (contingency operations)	---	---	---	219,265	19,265	+19,265
TITLE IX General Provisions						
Additional transfer authority	---	---	---	(2,500,000)	---	---
(Contingency operations)	(2,500,000)	---	(2,500,000)	---	(3,000,000)	(+500,000)
Global war on terror efforts in Afghanistan and Iraq	---	50,000,000	---	---	---	---
Equipment Reset Transfer Authority	---	---	---	(6,700,000)	---	---
Army and Marine Corps Reset (emergency)	---	---	---	13,100,000	---	---
Predators for SOCOM (emergency)	---	---	---	65,400	---	---
O&M to assist African Union forces (emergency)	---	---	---	20,000	---	---
Total, General Provisions	---	50,000,000	---	13,185,400	---	---
Total, Title IX 4/	50,000,000	50,000,000	50,000,000	65,214,500	70,000,000	+20,000,000
TITLE X-FY 2006 WILDLAND FIRE EMERGENCY APPROPRIATIONS						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland Fire Management 6/	---	---	---	100,000	100,000	+100,000
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland Fire Management 6/	---	---	---	175,000	100,000	+100,000
Total, Title X	---	---	---	275,000	200,000	+200,000
Total for the bill (net)	397,886,263	420,413,166	416,340,489	427,329,190	436,540,771	+38,654,508
OTHER APPROPRIATIONS						
Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (P.L.109-148, Division B)						
Title I, Chapter 2 (emergency)	3,456,512	---	---	---	---	-3,456,512
Transfer authority (emergency)	(500,000)	---	---	---	---	(-500,000)
Title II, Chapter 2 (emergency)	10,000	---	---	---	---	-10,000
Title III, Chapter 2 (rescissions)	-80,000	---	---	---	---	+80,000
Total	3,386,512	---	---	---	---	-3,386,512

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006 (Public Law 109-234)						
Title I, Chapter 2 (emergency)	63,573,085	---	---	---	---	-63,573,085
Rescissions	-80,000	---	---	---	---	+80,000
Rescissions (emergency)	-39,400	---	---	---	---	+39,400
Transfer authority (emergency)	(3,250,000)	---	---	---	---	(-3,250,000)
Title II, Chapter 2 (emergency)	1,004,173	---	---	---	---	-1,004,173
Transfer authority (emergency)	(150,000)	---	---	---	---	(-150,000)
Title V, Chapter 1 (emergency)	708,000	---	---	---	---	-708,000
Total	65,165,858	---	---	---	---	-65,165,858
Total, Other Appropriations	68,552,370	---	---	---	---	-68,552,370
Net grand total (including other appropriations)	466,438,633	420,413,166	416,340,489	427,329,190	436,540,771	-29,897,862
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Lease of defense real property (permanent)	11,880	12,000	12,000	12,000	12,000	+120
Disposal of defense real property (permanent)	14,850	15,000	15,000	15,000	15,000	+150
Army Venture Capital Fund (reappropriation)	---	15,000	15,000	15,000	15,000	+15,000
O&M, Army transfer to National Park Service:						
Defense function	-1,980	---	-2,499	---	-2,499	-519
Non-defense function	1,980	---	2,499	---	2,499	+519
Title IX O&M, Navy transfer to Coast Guard, Op.Exp (By transfer) (contingency operations)	---	---	---	(90,000)	(90,000)	(+90,000)
Title IX O&M, Defense-wide transfer to Department of State (By transfer) (contingency operations)	---	---	---	---	(20,000)	(+20,000)
Tricare accrual (permanent, indefinite auth.) 2/	10,707,483	11,230,629	11,230,629	11,230,629	11,230,629	+523,146
Less Title IX FY 2006 supplemental appropriations	---	---	---	-7,926,735	---	---
Less Title X FY 2006 emergency appropriations 5/6/	---	---	---	-275,000	-200,000	-200,000
Less emergency appropriations 3/ 5/	-118,712,370	-50,000,000	-50,000,000	-57,987,765	-70,000,000	+48,712,370
Adjustment to balance with CBO's ATB estimate	2,181	---	---	---	---	-2,181
Total, scorekeeping adjustments	-107,975,976	-38,727,371	-38,727,371	-54,916,871	-58,927,371	+49,048,605
Adjusted total (includ. scorekeeping adjustments)	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
Appropriations	(359,028,380)	(381,685,795)	(378,436,240)	(373,397,646)	(378,483,543)	(+19,455,163)
Rescissions	(-565,723)	---	(-823,122)	(-985,327)	(-870,143)	(-304,420)
Total (including scorekeeping adjustments)	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
Amount in this bill	(466,438,633)	(420,413,166)	(416,340,489)	(427,329,190)	(436,540,771)	(-29,897,862)
Scorekeeping adjustments	(-107,975,976)	(-38,727,371)	(-38,727,371)	(-54,916,871)	(-58,927,371)	(+49,048,605)
Total mandatory and discretionary	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
Mandatory	244,600	256,400	256,400	256,400	256,400	+11,800
Discretionary	358,218,057	381,429,395	377,356,718	372,155,919	377,357,000	+19,138,943

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
RECAPITULATION						
Title I - Military Personnel	83,017,553	86,088,114	84,914,949	85,480,239	86,352,460	+3,334,907
Title II - Operation and Maintenance	114,433,394	122,449,410	120,541,265	118,889,800	119,757,645	+5,324,251
Title III - Procurement	75,774,023	82,919,502	81,781,819	80,958,052	80,910,756	+5,136,733
Title IV - Research, Development, Test and Evaluation	71,410,904	73,156,008	75,336,246	72,998,272	75,721,604	+4,310,700
Title V - Revolving and Management Funds	2,221,556	2,436,430	2,436,430	1,981,430	2,436,430	+214,874
Title VI - Other Department of Defense Programs	2,502,883	2,420,491	2,430,591	2,471,813	2,471,233	-31,650
Title VII - Related Agencies	662,721	891,211	853,511	853,411	878,011	+215,290
Title VIII - General Provisions (net)	-2,136,771	52,000	-1,954,322	-1,793,327	-2,187,368	-50,597
Title IX - Additional Appropriations (net)	50,000,000	50,000,000	50,000,000	65,214,500	70,000,000	+20,000,000
Title X - Wildland Fire Management (net)	---	---	---	275,000	200,000	+200,000
Total, Department of Defense	397,886,263	420,413,166	416,340,489	427,329,190	436,540,771	+38,654,508
Other defense appropriations	68,552,370	---	---	---	---	-68,552,370
Total funding available (net)	466,438,633	420,413,166	416,340,489	427,329,190	436,540,771	-29,897,862
Scorekeeping adjustments	-107,975,976	-38,727,371	-38,727,371	-54,916,871	-58,927,371	+49,048,605
Total mandatory and discretionary	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
RECAP BY FUNCTION						
Mandatory	244,600	256,400	256,400	256,400	256,400	+11,800
Discretionary:						
General purpose discretionary:						
Defense discretionary	358,216,077	381,429,395	377,354,219	370,144,545	377,354,501	+19,138,424
Nondefense discretionary	1,980	---	2,499	2,011,374	2,499	+519
Total discretionary	358,218,057	381,429,395	377,356,718	372,155,919	377,357,000	+19,138,943
Grand total, mandatory and discretionary	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
3/ Includes Title IX contingency operations funds.
4/ If enacted before October 1, 2006, funds provided in Chapters III - VI of the Senate bill will be considered FY 2006 budget authority.
5/ If enacted before October 1, 2006, $494.265M of the Senate Bill will be FY 2006 emergency funds.
6/ Pursuant to Sec. 501 of H.Con.Res.376 (H.Res.818) and Sec. 402 of S.Con.Res.83 (Sec. 7035/P.L.109-234).
7/ Excludes $42,343,850 that will be considered under Military Quality of Life and VA Appropriations.

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

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

I hope as I see those pages fluttering over there it is not an indication that we are going to have a long debate. I hope for the record that we are not going to see that.

We worked assiduously for 6 months to get this bill together. It is the tightest, toughest bill I have ever seen in the 25 years I have been on this committee. We sure don't want a lot of rhetoric to elucidate on what happened here. So I am prepared to yield back my time.

Mr. YOUNG of Florida. Mr. Speaker, I have two requests for time.

Mr. Speaker, I am happy to yield such time as he might consume to the distinguished chairman of the full Appropriations Committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, at the admonition of my dear friend from Pennsylvania, I am simply rising to compliment these two gentleman for the fabulous work they have done and to make one single point: this is the first conference report of 11 that we should have. It is my intention before the year is over to complete all of those reports.

But the point I really want to make and have the House understand, it is not the committee's intention to have an omnibus of any form. An omnibus only complicates the process, causes us to spend more money, not less, and undermines the very fine work that has been done by this committee.

Mr. Speaker, I rise in support of the FY07 Department of Defense Appropriations conference report. This is the first of 11 individual conference reports I hope to bring to the House floor for consideration this year.

The conference report funds the DoD at $377.6 billion plus a bridge fund of $70 billion for military operations in Iraq and Afghanistan.

In addition, the DoD conference report contains a clean continuing resolution that funds government operations at the lower rate of House-passed, Senate-passed, or last year's funding level through November 17th.

The underlying bill in this conference report—the DoD Appropriations bill—is the most important of our annual appropriation bills for it funds our national security. I would like to praise Chairman YOUNG and ranking member MURTHA for their fine bipartisan work. Chairman YOUNG has spoken to the specifics of the conference report so I will direct my attention to the need to complete our work this year.

As the body knows, the Appropriations Committee has made tremendous strides over the last two years in reforming the process of adopting our annual spending bills.

The Appropriations Committee has been strongly committed to bringing to this floor individual conference reports for each and every bill. We were successful in doing so last year and I hope to replicate that success again this year.

Early in this process, I made it very clear to my leadership and to our members that the Appropriations Committee would not entertain the prospect of an omnibus spending bill. This Committee has done everything in its power to ensure that this does not happen.

The Appropriations Committee passed each of the 11 spending bills through full committee by June 20th, and passed 10 of 11 bills off the House floor by June 30th. We remain ready to pass the final appropriations bill at a moment's notice.

The Appropriations Committee made a commitment to move its spending bills individually—in ''regular order''—and within the framework of the Budget Resolution. We have done that. My colleagues, the Appropriations Committee has kept its word.

Moving our spending bills individually is the only way for us to maintain fiscal discipline. If history is any guide, an omnibus spending bill would also become a vehicle for legislative mischief, a proverbial Christmas tree for unrelated legislative proposals by attaching the year's unfinished business onto must-pass legislation. The pursuit of an omnibus strategy is a budget-buster and an invitation to unrestrained spending.

Chairman COCHRAN and I urge our colleagues to avoid this approach and move forward in passing individual conference reports.

Together, we remain committed to completing our work at the earliest possible date.

I urge the adoption of this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the vice chairman of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, taking Mr. MURTHA's admonition, I rise in strong support of the bill and especially draw attention to the need to get the money out the door through the bridge fund.

Mr. Speaker, I rise in strong support of H.R. 5631, making appropriations for the Department of Defense of FY '07.

I commend the leadership of the Committee—Chairmen LEWIS and YOUNG, and Ranking Members OBEY and MURTHA—for their hard work in producing well-balanced bill that meets the needs of our warfighters today and lays the foundation for a strong national defense in the future.

This conference agreement provides $447.6 billion, including $70 billion in ''bridge funding'' to support our missions in Iraq, Afghanistan, and global war on terrorism.

The total is about $4.1 billion less than the President's budget request, but it is over $19 billion more than last year's DoD appropriations act.

Yet still, within this limited allocation, the conference report provides important resources for our warfighters:

AIRCRAFT

F/A–22 Raptor—$2.7 billion to procure 20 F–22s next year, nearly double what was requested by the Administration.

F–35 Lightening Joint Strike Fighter—almost $5 billion for development and procurement of the Joint Strike Fighter (JSF).

Hercules Cargo Planes—$787 million for nine Air Force C–130Js, and $243 million for Marine Corps KC–130Js.

SHIPS

New Assault Ship—$2.6 billion for two of the Navy's next-generation surface combat ship, the DD(X).

LHA Amphibious Assault Ship—$1.1 billion for the LHA Amphibious Assault Ship.

Attack Submarine—$2.5 billion, equal to the administration's request, for procurement of the next Virginia-class new attack-submarine.

MISSILE DEFENSE

The conference report provides $9.4 billion for missile defense programs—$110 million more than the President's budget request, and almost $1.6 billion (20%) more than current funding. We also provide for the initial deployment of a national missile defense system based in Alaska and California.

FCS

Future Combat System—Appropriates $3 billion for the Future Combat System, the Army's most high profile weapons modernization program. However, this figure is $320 million less than requested.

FORCE PROTECTION

The bill provides funds for increased protection for U.S. troops in Iraq, including $725 billion for personnel protective gear, such as body armor; $5.6 billion for more up-armored Humvees, other tactical wheeled-vehicles and other equipment expended in Iraq and Afghanistan; and $1.5 billion to counter improvised explosive devices (IEDs).

BRIDGE

While these are the highlights of this important conference report, I would like to focus on the ''Bridge Fund.'' The conference recommendation includes $70 billion in emergency funding for military operations in Iraq and Afghanistan.

IED

My colleagues, the standoff-weapon of choice for the insurgents in Iraq and Afghanistan is the IED—the roadside bomb, the suicide bomb, and recently in Afghanistan, the ''bike'' bomb.

Our enemy is aggressive, creative, and dangerous and this bridge fund contains $1.9 billion for the Joint IED Defeat Organization of the Department of Defense in order to stay one step ahead in protecting our warfighters.

CERP

The Commander's Emergency Response Program (CERP) is provided $500 million to help combatant commanders secure the peace by addressing emergency civilian needs in Afghanistan and Iraq.

Another $3.2 billion is provided to train and equip Iraqi and Afghan security forces—a vital mission that will allow American forces to hand over security responsibilities as soon as possible.

RESET—ARMY AND MARINES

Mr. Speaker, all of the resources in the ''bridge fund'' are important. But I would like to highlight the $5.8 billion to ''reset'' the Marines and the $17.1 billion provided to reset the Army. This funding is needed to fully equip deploying forces and to provide new and refurbished equipment for returning units.

Of the funds provided for the Army, $2.94 billion is for the Army Guard and Reserve, including $500 million to continue the effort initiated last year to outfit the Army National Guard with the equipment it needs for homeland defense and disaster response.

Mr. Speaker, the battle we wage in Iraq and Afghanistan is a tough battle. We're proud of the job of the Army and the Marines who are carrying the fight. But our forces are tearing up equipment at an alarming rate and without

this re-set funding, we run the risk of witnessing the return of a ''hollow Army'' that cannot serve our national interests.

WARFIGHTERS

Mr. Speaker, the very foundation of our national security is not weapons systems or vehicles or munitions. No, our primary asset in the global war against terrorism is our warfighter—the brave young men and women of our armed forces who are protecting our homeland every day.

This conference report supports an active-duty force of 482-thousand Army soldiers, 340-thousand Navy personnel, 334-thousand Air Force pilots and airmen and 175-thousand Marines.

I am pleased this bill provides for another pay hike (2.2%) for our warfighters.

SUMMARY

This House should be proud of this legislation. It provides our fighting men and women with the resources they need to be: more deployable; more agile; more flexible; more interoperable; and more lethal in the execution of their missions.

It provides for: better training; better equipment; better weapons; and better paychecks for the troops and support for their families at home.

I am pleased to support this legislation and the warfighters who proudly wear our Nation's uniform.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time. I want to say thank you very much to the members on both sides of the aisle of the subcommittee. They worked diligently in a lengthy series of hearings, oversight hearings, justification hearings. I would like to compliment the staff who have worked many, many long, hard hours in resolving the differences between the House version of this bill and the Senate version of the bill. It is a great honor to work with all of these members, men and women.

I would say that this, as has been suggested, is a good bill. I urge its passage.

Mr. BLUMENAUER. Mr. Speaker, this year's Defense Appropriations Conference Report is a step up from previous defense spending bills. It contains funding for some very inventive programs and industries located in my district and throughout Oregon that will prove vital to strengthening our national security and military preparedness.

This conference report also provides funding to the Department of Defense to begin researching and expanding its unexploded ordnance cleanup capabilities. Recently a pilot program has been implemented for the first wide area assessment which has already yielded valuable information for improving our ordnance removal methods. It is my hope that this is only the beginning of what will hopefully become a comprehensive approach to cleaning up unexploded bombs here at home as well as abroad.

Another important program that will receive funding from this bill is the Northwest Manufacturing Initiative, which gives small businesses from my area involved with defense and military applications the ability to contract on a level playing field with the rest of the defense industry. Through this program, a coordinated effort between state, local, and the private industry, the Pacific Northwest is able to make its contributions to our Nation's security. From this we can ensure that the inventive and cost-effective solutions generated locally are implemented into our national defense strategy.

Mr. JEFFERSON. Mr. Speaker, I wish to express my support for the fiscal year 2007 Defense Appropriations bill.

Today we reaffirm our support and appreciation for the members of the armed services. We have fully funded an across-the-board pay raise of 2.2 percent and increased military housing allowances. $2 billion in funding will go to countering one of the gravest threats our soldiers face in combat, the use of IEDs. An additional $3 billion will go to outfitting our service members and their combat vehicles with stronger armor. These are undoubtedly important priorities, and I support the funding levels in the conference report.

I am pleased with the commitment we have shown to both the Navy and to our Nation's shipbuilding industrial base. By funding five new ships this fiscal year, as well as continuing to adequately fund ships currently under construction like the LPD–17 and the LHA Replacement, we are ensuring the Navy will maintain its prominence on the world stage.

As our Nation is currently involved in a long-term war on multiple fronts, the importance of this defense funding cannot be understated. I am in favor of the conference report and I thank the Defense appropriations subcommittee for its hard work.

Ms. WATERS. Mr. Speaker, I rise to oppose the conference report for the Fiscal Year 2007 Defense Appropriations Act.

Among other things, this bill contains $50 billion for the war in Iraq, pushing the total amount U.S. taxpayers have paid for the Iraq war and the war in Afghanistan to more than $500 billion. The vast majority of these costs are for the Iraq war.

This conference report throws billions of dollars into the sands of Iraq, while at the same time this Administration and the Republican Congress call for drastic cuts to dozens of vital domestic programs.

This is immoral and wrong. We should be investing in schools and health care for all Americans. Certainly, we should fully fund the Department of Veterans Affairs, which the Republican-controlled Congress has under-funded by $9 billion over the past 6 years.

In 2002, in the lead-up to the war, the Administration assured the Congress and the American people that this war would be affordable.

How wrong they were! Not only is the Iraq war devastating the lives of thousands of U.S. service members and Iraqis, it is devastating our Nation's finances. The Administration must develop a plan to not only pay for this misguided endeavor but also to bring our troops home.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

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

PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4942) to establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments, as amended.

The Clerk read as follows:

H.R. 4942

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 ''Promoting Antiterrorism Capabilities Through International Cooperation Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of technologies that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial technologies in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of a program to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

SEC. 3. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 313 (6 U.S.C. 193) the following new section:

''SEC. 314. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (c)(1).

''(2) INTERNATIONAL COOPERATIVE ACTIVITIES.—The term 'international cooperative activities' includes—

''(A) coordinated research projects, joint research projects, or joint ventures;

''(B) joint studies or technical demonstrations;

''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

''(D) training of scientists and engineers;

''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

''(F) exchanges or sharing of scientific and technological information; and

''(G) joint use of laboratory facilities and equipment.

''(3) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary for Science and Technology of the Department of Homeland Security.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(b) INTERNATIONAL COOPERATIVE ACTIVITIES.—

''(1) AUTHORIZATION.—The Under Secretary is authorized to carry out international cooperative activities to support the responsibilities specified under section 302.

''(2) MECHANISMS AND EQUITABILITY.—In carrying out this section, the Under Secretary may award grants to and enter into cooperative agreements or contracts with United States governmental organizations, businesses, federally funded research and development centers, institutions of higher education, and foreign public or private entities. The Under Secretary shall ensure that funding and resources expended in international cooperative activities will be equitably matched by the foreign partner organization through direct funding or funding of complementary activities, or through provision of staff, facilities, materials, or equipment.

''(3) COOPERATION.—The Under Secretary is authorized to conduct international cooperative activities jointly with other agencies.

''(4) FOREIGN PARTNERS.—Under this section, the Under Secretary may form partnerships with United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, Singapore, and other countries as appropriate.

''(5) EXOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary may facilitate the development of information sharing and other types of cooperative mechanisms with foreign countries, including nations in Africa, to strengthen American preparedness against threats to the Nation's agricultural and public health sectors from exotic diseases.

''(c) PROGRAM AND DIRECTOR.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Program to facilitate international cooperative activities throughout the Science and Technology Directorate. The Program shall be headed by a Director, who shall be selected by and shall report to the Under Secretary.

''(2) RESPONSIBILITIES OF THE DIRECTOR.—

''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in consultation with the Department of State and in coordination with other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activities in support of homeland security research.

''(B) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(C) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with those of other components of the Department and of other relevant research agencies.

''(D) CONFERENCES AND WORKSHOPS.—The Director, periodically, shall support the planning and execution of international homeland security technology workshops and conferences to improve contact among the international community of technology developers and to help establish direction for future technology goals.

''(3) PROGRAM MANAGER AUTHORITY.—This subsection shall not be construed to limit the ability of a program manager to initiate or carry out international cooperative activities provided that such activities are appropriately coordinated with the Program established under this subsection.

''(d) BUDGET ALLOCATION.—There are authorized to be appropriated to the Secretary, to be derived from amounts otherwise authorized for the Directorate of Science and Technology, $25,000,000 for each of the fiscal years 2007 through 2010 for activities under this section.

''(e) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—

''(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Under Secretary, acting through the Director, shall transmit to the Congress a report containing—

''(A) a brief description of each partnership formed under subsection (b)(4), including the participants, goals, and amount and sources of funding; and

''(B) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

''(2) UPDATES.—At the end of the fiscal year that occurs 5 years after the transmittal of the report under subsection (a), and every 5 years thereafter, the Under Secretary, acting through the Director, shall transmit to the Congress an update of the report required under subsection (a).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by adding after the item relating to section 313 the following new item:

''Sec. 314. Promoting antiterrorism through international cooperation program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. 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 insert extraneous material on the bill.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I proudly rise in support of H.R. 4942. This is really legislation whose time has come. Let me at the very outset commend Ranking Member THOMPSON, Chairman REICHERT of the Emergency Preparedness Subcommittee, and my good friend from New Jersey, Mr. PASCRELL, for their tremendous cooperation and leadership on this legislation.

Mr. Speaker, we are engaged in a battle for survival. There is a war against international terrorism. It is a war in which we must know who our allies are, who our friends are. We have to know those who will stand with us through the tough times. We must know those who are willing to work with us and take risks with us.

The purpose of H.R. 4942 is to codify the right to assist in the sharing and developing of technologies, sharing of technologies between and among countries who share common values and who are dedicated to defeating international terrorism.

This legislation refers to certain specific allies in the global war on terrorism, such as Israel, the United Kingdom, Canada, Australia and Singapore. They have extensive experience with and technical expertise in homeland security, and we can benefit from them and they can benefit from us.

Really, the time has come for us to break down artificial barriers, artificial walls, and use the commonality of our cultures, of our traditions, of our beliefs, and use the benefit of our technological expertise to form a common bond as we go forward to defeat international terrorism.

This bill has a wide variety of support, as I believe it should. It is an aggressive step forward. It is a commonsense step forward.

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

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

Mr. Speaker, I rise in support of H.R. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act. This is a true product of bipartisan effort and collegial dedication.

□ 1845

I am heartened at the process by which this bill has moved forward.

In particular, I want to commend the hard work of both the chairman and the ranking member, Mr. KING, Mr. THOMPSON, and my counterpart, Chairman DAVID REICHERT, chairman of the Emergency Preparedness, Science, and Technology Subcommittee. Their commitment to this vitally important legislation has been unwavering, and the collaboration offered epitomizes the very best of what the Homeland Security Committee can, should, and must be. Indeed, it is a tremendous achievement to see this proposal move forward.

This legislation will help to ensure that the Department of Homeland Security works with our allies in the war on terror to develop and share the best homeland security technologies possible, and we will all be the better off because of it. This must be part of a global strategy in order to finish off terror.

H.R. 4942 will establish what we call the Science and Technology Homeland Security International Cooperative Programs Office. Its objective will be to facilitate international cooperative activities throughout the Directorate of Science and Technology within the Department of Homeland Security.

The Director of the Office, who shall report directly to the Under Secretary for Science and Technology, will be responsible for developing mechanisms and legal frameworks to allow and support international cooperative activity in support of homeland security research;

To identify and match domestic entities engaged in homeland security research with foreign entities so that they may partner in homeland security research activities;

To ensure coordination of international cooperative activities carried out by the Office with the activities of other components of the Department and other relative research agencies; and

Holding international homeland security technology workshops and conferences.

We saw in a recent trip of the Homeland Security Committee to Europe the significance of working closely with our allies. These international cooperative activities will be supported through grants, cooperative agreements, contracts with U.S. governmental organizations and businesses, federally funded research and development centers, institutions of higher education, and foreign public and private entities.

The bill seeks to strengthen ongoing partnerships as well as encourage new ones. And the bill specifically says that we should seek to partner with our allies in this global war, as the chairman has pointed out. This global war or terrorism includes our closest allies, the United Kingdom, Canada, Australia, Israel, and Singapore.

To be sure, the United States would greatly benefit from joint international homeland security development programs between the United States and our allies in the war on terror. The fact is this: Many of our allies have substantial experience dealing with terrorism. By necessity, they have become hotbeds for counterterrorism research.

The bill authorizes $25 million for international cooperation and cooperative activities for each of the fiscal years 2007 to 2010. It requires that the funds come out of the existing budget of the directorate of Science and Technology. $25 million is not a lot of money when we consider the vast array of benefits that such cooperation can produce.

Forming partnerships and working together in a way that will ultimately help secure America is the main objective of the bill, again, of global strategy, and it should always be the main objective of this body. Passage of the legislation today shows that the House takes this austere responsibility seriously.

Mr. KING of New York. Mr. Speaker, let me just concur in what the gentleman from New Jersey said about the bipartisan cooperation; and I want to especially thank him and the ranking member for the tremendous cooperation he gave us on this legislation.

I yield as much time as he may consume to the author of the legislation, the Chairman of the Emergency Preparedness Subcommittee, Sheriff REICHERT from the State of Washington.

Mr. REICHERT. Mr. Speaker, I remember the day when this legislation first kind of came to our attention. I attended a meeting with some good friends from our Israeli community, Jewish community, and we had this idea. And to watch it come from that day many months ago, just a discussion around a concept, to today when the legislation has finally come together is indeed exciting; and to know, too, that it is a bipartisan effort.

I congratulate the chairman, Mr. KING, and his wisdom and foresight in seeing that this is an important project, an important piece of legislation and moving it forward; and his good friend and my good friend, Mr. BENNIE THOMPSON, the ranking member of that committee; and also my good friend, my colleague from the subcommittee, Mr. PASCRELL; all working hard together, the staff of the Democrats and Republicans working hard on this legislation to make it come to the floor of the House of Representatives today.

As the chairman of the Committee on Homeland Security Subcommittee on Emergency Preparedness, Science and Technology, I rise today to express my strong support for H.R. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act. My subcommittee passed H.R. 4942 on March 15; and on June 14, 2006, it was approved by the full Homeland Security Committee.

I congratulate again the chairman of the full committee and the ranking member and Mr. PASCRELL for all their hard work and all members of the committee for their support.

In just over 2 weeks since the 5-year anniversary of September 11, the 9/11 Commission's recommendations have taken center stage again as a principal guide to our Nation's homeland security measures. It is important that they take that role.

In its report, the 9/11 Commission recommended, and I quote, ''the United States should engage other nations in developing a comprehensive coalition strategy against Islamist terrorism. There are several multilateral institutions in which such issues should be addressed, but the most important policies should be discussed and coordinated in a flexible contact group of leading coalition governments.''

There is no question that one of these important policies is the development of homeland security technologies that keep our country safe. H.R. 4942 implements the Commission's recommendations by applying it to the homeland security technology we develop to help our Nation's first responders prevent, prepare for, respond to, and recover from acts of terrorism, national disasters, and other emergencies.

Echoing the 9/11 Commission recommendation on international cooperation in the war on terrorism, the title of 4942 says it all: The Promoting Antiterrorism Capabilities Through International Cooperation Act.

The United States, Israel, and our allies confront a common enemy and share similar homeland security challenges. Cooperation inside our government among Federal agencies and cooperation outside our government with Israel and our allies could very well prove to be the deciding factor in the war on terror.

Specifically, H.R. 4942 enables the Department of Homeland Security's research and development arm, the Science and Technology Directorate, to coordinate international cooperative programs with our allies to advance homeland security research. The Science and Technology Directorate at the Department would coordinate joint research studies, scientist exchange programs, cooperative field exercises, and technology sharing with our strongest and most trusted allies in the war on terrorism, including Israel, the United Kingdom, Canada, Australia, Singapore.

Today, the United States cooperates with these nations to develop the best technologies to defeat our shared terrorist threat. H.R. 4942 makes those partnerships even stronger, with the force of law and the will of Congress behind them.

H.R. 4942 is modeled after a partnership created by Congress in 1977 between the United States and Israel called the Bi-national Industrial Research and Development Foundation, or the so-called BIRD Foundation.

The mission of the BIRD Foundation is to stimulate, promote, and support industrial research and development of mutual benefit to both nations. In 29 years, the BIRD Foundation has invested $225 million in 690 cooperative research and development projects mutually beneficial to the United States and Israel. The BIRD model serves as a solid foundation of international cooperation in homeland security research and development.

The international cooperation enabled by H.R. 4942 will give our Nation access to a worldwide library of lessons

learned and scientific expertise that will no doubt strengthen our own homeland security measures. It is our duty, as allies united under a common purpose, to defeat terrorism, that we join forces in the laboratory to combat our shared adversaries and meet our similar technology needs.

H.R. 4942 incorporates the wisdom of the 9/11 Commission and the BIRD Foundation partnership between the United States and Israel to strengthen our hand in developing technologies that will make us all, the United States and its allies alike, safer and more secure.

I urge my colleagues to join me in voting in favor of this critical legislation.

Mr. PASCRELL. Mr. Speaker, I yield as much time as he wishes to consume to the ranking member of Homeland Security, my friend, and a gentleman in all sense of the word, from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank my colleague from New Jersey for those kind words.

I rise this evening in strong support of H.R. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act, which Chairman KING and I introduced along with Chairman REICHERT and Ranking Member PASCRELL and other Members. I am happy to see this bill finally make it to the House floor.

I first raised the idea of this bill in January 2005, soon after I became ranking member. I know my Democratic colleagues had pushed for it in the 108th Congress as well. While it took a while to get my colleagues on board, I was glad when they finally did. The product before us today is a good one.

Personally, I expressly want to thank Chris Beck and Todd Gee from my staff and Andy Weiss from the majority staff for their hard work on this bill.

The threat of terrorism is an international one. Terrorist attacks occur all over the world, and we must promote international cooperation to stop them.

Cooperation in developing antiterrorism technology should be a top priority. The different challenges faced by our many friends around the world have resulted in new approaches that the United States should leverage to protect our citizens.

In fact, Mr. Speaker, the United States has a history of conducting scientific and technological collaborations with Israel, the United Kingdom, Canada, Australia, and others. The Department of Homeland Security has participated in some of these partnerships with foreign governments and others. This legislation will encourage and further strengthen those efforts, as well as direct the Department to look to new partners beyond those we already have.

I am especially heartened that this bill will strengthen the means for protecting our Nation's agriculture and public health from exotic diseases. Emerging diseases that can affect both animals and humans are a threat to the world's population. Active collaboration with scientists in Africa, where many of these diseases originate, should be promoted. I am glad this bill encourages that collaboration.

Too often, Mr. Speaker, the United States presents a posture of unilateralism to the world. I hope that through programs like the one authorized in this legislation we encourage a more cooperative approach.

I strongly support this legislation, and I urge my colleagues to do the same.

□ 1900

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we stated, H.R. 4942 will enable us to work with certain allies, Israel, the United Kingdom, Canada, Australia and Singapore, to engage with them in cooperative endeavors, focus on research, development, the commercialization of high-priority technologies, and enable us to prevent acts of terrorism and address the homeland security needs of Federal, State and local governments.

The gentleman from New Jersey referenced the $25 million for each of the fiscal years from 2007 to 2010. That money is to be matched in each instance by the foreign partner organizations who participate in this international cooperative activity. This is very significant legislation. It is very vital. I would certainly urge the passage of the bill.

But before I yield back my time, I would like to include for the RECORD letters exchanged between the Committee on Homeland Security and the Committee on Science regarding jurisdiction over H.R. 4942. I certainly thank the Science Committee and the gentleman from New York (Mr. BOEHLERT) for their input on this bill and thank my colleagues for their bipartisan support.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 22, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Science Committee's jurisdictional interest in H.R. 4942, the ''Promoting Antiterrorism Capabilities Through International Cooperation Act.'' The Committee on Homeland Security acknowledges your claim to jurisdiction over provisions contained in this bill, as amended, and appreciates your agreement not to request a sequential referral. The Committee on Homeland Security understands that nothing in this legislation or your decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of our response will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor. The Committee on Homeland Security will also support your request to be conferees during any House-Senate conference on this legislation.

Thank you for your cooperation as we work towards the enactment of H.R. 4942.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 21, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act, as amended by the Homeland Security Committee. The Science Committee has jurisdictional interest in this bill based on the Committee's jurisdiction over the Department of Homeland Security Science and Technology Directorate, ''DHS S&T'', and other DHS research and development (See Rule X(o)(14) which grants the Science Committee jurisdiction over ''Scientific research, development, and demonstration, and projects therefore'').

This bill would amend the Homeland Security Act of 2002 to establish a capability and office within DHS S&T to promote international ''cooperative endeavors focused on research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events.'' All of the international cooperative activities authorized by the bill relate to homeland security research (e.g., ''coordinated research projects, joint research projects, or joint ventures;'' ''training of scientists and engineers;'' and ''joint use of laboratory facilities and equipment''). In addition, the funding for such activities is to be derived from amounts otherwise authorized to DHS S&T.

The Science Committee acknowledges the importance of H.R. 4942 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Committee report and in the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. PASCRELL. Mr. Speaker, I urge passage of H.R. 4942 and thank the cosponsors and sponsors of this legislation.

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

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4942, 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.

MORE BORDER PATROL AGENTS NOW ACT OF 2006

Mr. ROGERS of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6160) to recruit and retain Border Patrol agents.

The Clerk read as follows:

H.R. 6160

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 ''More Border Patrol Agents Now Act of 2006''.

SEC. 2. BORDER PATROL AGENT ENHANCEMENT.

(a) PLAN.—In order to address the recruitment and retention challenges faced by the United States Border Patrol, the Secretary of Homeland Security shall, not later than six months after the date of the enactment of this Act, submit to the Committee on Homeland Security and the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan to determine how the Border Patrol can better recruit and retain Border Patrol agents with the appropriate skills and training to effectively carry out its mission and responsibilities.

(b) CONTENTS.—The plan shall include, at a minimum, the following components:

(1) A strategy for the utilization of the recruitment authority provided in subsection (a) of section 9702 of title 5, United States Code (as added by section 3), as well as any other strategies the Secretary determines to be important in recruiting well-qualified Border Patrol agents.

(2) A strategy for the utilization of the retention authority provided in subsection (b) of section 9702 of title 5, United States Code (as added by section 3), as well as any other strategies the Secretary determines to be important in retaining well-qualified Border Patrol agents.

(3) An assessment of the impact that current pay levels for Border Patrol agents has on the Department's ability to recruit and retain Border Patrol agents, especially in high cost-of-living areas.

(4) An assessment of whether increased opportunities for Border Patrol agents to transfer between duty stations would improve employee morale and enhance the Department's ability to recruit and retain well-qualified Border Patrol agents.

SEC. 3. RECRUITMENT AND RETENTION BONUSES FOR BORDER PATROL AGENT ENHANCEMENT.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 9702. Border Patrol agent enhancement

''(a) RECRUITMENT BONUSES FOR BORDER PATROL AGENTS.—

''(1) IN GENERAL.—In order to carry out the plan described in section 2(a) of the More Border Patrol Agents Now Act of 2006, the Secretary of Homeland Security may pay a bonus to an individual to recruit a sufficient number of Border Patrol agents.

''(2) BONUS AMOUNT.—

''(A) IN GENERAL.—The amount of a bonus under this subsection shall be determined by the Secretary, but may not exceed 25 percent of the annual rate of basic pay of the position involved as of the beginning of the period of service referred to in paragraph (3)(A).

''(B) LUMP-SUM.—A bonus under this subsection shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

''(3) SERVICE AGREEMENTS.—Payment of a bonus under this section shall be contingent upon the individual entering into a written service agreement with the United States Border Patrol. The agreement shall include—

''(A) the period of service the individual shall be required to complete in return for the bonus; and

''(B) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of such termination.

''(4) LIMITATION ON ELIGIBILITY.—A bonus under this section may not be paid to recruit an individual for—

''(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.

''(5) TERMINATION.—The authority to pay bonuses under this subsection shall terminate five years after the date of the enactment of this section.

''(b) RETENTION BONUSES FOR BORDER PATROL AGENTS.—

''(1) IN GENERAL.—In order to carry out the plan described in section 2(a) of the More Border Patrol Agents Now Act of 2006, the Secretary of Homeland Security may pay a retention bonus to a Border Patrol agent.

''(2) SERVICE AGREEMENT.—Payment of a bonus under this subsection is contingent upon the employee entering into a written service agreement with the United States Border Patrol to complete a period of service with the Border Patrol. Such agreement shall include—

''(A) the period of service the employee shall be required to complete in return for the bonus; and

''(B) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of such termination.

''(3) BONUS AMOUNT.—

''(A) IN GENERAL.—The amount of a bonus under this subsection shall be determined by the Secretary, but may not exceed 25 percent of the annual rate of basic pay of the position involved as of the beginning of the period of service referred to in paragraph (2)(A).

''(B) LUMP-SUM.—A bonus under this subsection shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

''(4) LIMITATION.—A bonus under this subsection may not be based on any period of service which is the basis for a recruitment bonus under subsection (a).

''(5) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this subsection shall expire five years after the date of the enactment of this section.

''(c) WAIVER AUTHORITY RELATING TO REEMPLOYED ANNUITANTS.—

''(1) IN GENERAL.—In order to help address the challenges faced by the United States Border Patrol, the Secretary of Homeland Security may appoint annuitants to positions within the United States Border Patrol in accordance with succeeding provisions of this subsection.

''(2) EXCLUSION FROM OFFSET.—An annuitant serving in a position within the United States Border Patrol pursuant to an appointment made under paragraph (1)—

''(A) shall not be subject to the provisions of section 8344 or 8468, as the case may be; and

''(B) shall not, for purposes of subchapter III of chapter 83 or chapter 84, be considered an employee.

''(3) LIMITATIONS.—

''(A) APPOINTMENTS.—The authority to make any appointments under paragraph (1) shall terminate five years after the date of the enactment of this subsection.

''(B) EXCLUSION.—The provisions of paragraph (2) shall not, in the case of any annuitant appointed under paragraph (1), remain in effect—

''(i) with respect to more than five years of service (in the aggregate); nor

''(ii) with respect to any service performed after the end of the ten-year period beginning on the date of the enactment of this subsection.

''(4) NO DISPLACEMENT.—No appointment under this subsection may be made if such appointment would result in the displacement of any Border Patrol employee.

''(5) DEFINITION.—For purposes of this subsection, the term 'annuitant' has the meaning given such term by section 8331 or 8401, as the case may be.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. Border Patrol agent enhancement.''.

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 and insert extraneous material on the bill under consideration.

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 today in strong support of H.R. 6160, the More Border Patrol Agents Now Act of 2006. This legislation will help Border Patrol put agents along our Nation's borders now, quickly and cost efficiently.

Securing our Nation's borders is an issue that ranks at the top of the list for many Americans. The President has responded by committing at least 6,000 new Border Patrol agents on our borders over the next 2 years. I wholeheartedly support this commitment, and the provisions in my bill will help us reach this goal.

Shockingly, the Border Patrol statistics show that an average of 33 applicants must be vetted before just one is hired. This means that 66,000 applicants must be screened before just 2,000 new agents are hired.

In addition, Border Patrol typically loses 700 agents annually to retirements and other law enforcement agencies. My bill addresses these personnel challenges.

First, it provides the Secretary of Homeland Security with the authority to pay recruitment and retention bonuses. Second, it allows the Border Patrol to rehire recently retired agents.

From the outset, my bill's incentives will encourage highly qualified individuals to become career Border Patrol agents; and once we make these investments to train each agent, we should also make sure these new agents are not recruited away by other law enforcement agencies. Therefore, retention bonuses are essential to maintaining a premier workforce.

My legislation also provides authority to the Secretary to rehire retired Border Patrol agents. While some agents hired recently will be able to work until age 60, current law requires most agents to retire at age 57. At a time when the American public is calling for a larger, stronger Border Patrol, it is wrong to overlook this talent pool. After all, most of these retired officers can provide cost-effective and valuable expertise almost immediately.

These officers could not only manage field operations and oversee agents, but also could serve as instructors. This provision would ensure the invaluable experience of knowledge of these retired agents is brought back to the field instead of going unused.

Mr. Speaker, I have toured the southwest border twice and visited the Border Patrol Training Academy in Artesia, New Mexico. I have heard firsthand about these personnel concerns from Border Patrol Chief David Aguilar and from the National Border Patrol Council.

This legislation has been crafted to directly and immediately address the Border Patrol's concerns. I am proud to note that the National Border Patrol Council has endorsed the legislation as well. The National Border Patrol Council president, T.J. Bonner, wrote: ''The council strongly supports this legislation and urges the United States House of Representatives to enact it swiftly in order to provide the Border Patrol with some of the essential tools that it needs in order to be able to recruit and retain well-qualified individuals to help secure our borders,'' and I include the entire letter for the RECORD.

NATIONAL BORDER PATROL COUNCIL
OF THE AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES,
Campo, CA, September 25, 2006.

Hon. MIKE ROGERS,
Chairman, Subcommittee on Management, Integration, and Oversight, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: The National Border Patrol Council appreciates your leadership on homeland security issues, and is especially grateful for your commitment to ensure that the Border Patrol has adequate staffing in order to carry out its vital border security mission. At your invitation, we recently met and discussed this issue at length. H.R. 6160, the ''More Border Patrol Agents Now Act of 2006,'' incorporates the Council's central recommendations regarding this matter.

This legislation will enable the Border Patrol to substantially increase its ranks immediately through the addition of retired employees who possess invaluable experience and knowledge. It will also assist the Border Patrol in its efforts to attract and retain well-qualified individuals by establishing recruitment and retention bonuses for them, as well as by requiring the Department of Homeland Security to develop a comprehensive plan to enhance recruitment and retention incentives.

On behalf of the nearly 11,000 front-line employees that it represents, the National Border Patrol Council expresses its gratitude to you for introducing this important bill. The Council strongly supports this legislation, and urges the United States House of Representatives to enact it swiftly in order to provide the Border Patrol with some of the essential tools that it needs to be able to recruit and retain well-qualified individuals to help secure our borders.

Sincerely,

T.J. BONNER,
President.

I want to especially thank Chairman TOM DAVIS of the Government Reform Committee for his leadership on this bill. I would also like to thank Mr. ISSA for his cosponsorship and his leadership on this issue as well. I urge my colleagues to vote ''yes'' on H.R. 6160, the More Border Patrol Agents Now Act for 2006.

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

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

Mr. Speaker, I want to commend Chairman ROGERS for both of us working together, along with the members of our subcommittee and also full committee. I think that this bill is about retention, recruitment and respect for the men and women of the U.S. Border Patrol.

Specifically, this bill will allow bonuses and recruitment and retention of the additional Border Patrol agents that are needed. Just today in committee we heard from the Department of Homeland Security Secretary, Mr. Chertoff, who talked about our SpyNet program that is now ongoing and was just awarded to the Boeing Company. We are going to need Border Patrol agents that can be on the border that can respond to what is seen on television on this recorded and tour system that they are going to put along the borders.

I think it is also important to recognize that the flexibility as it relates to this piece of legislation is going to be very, very important for us to make sure that we have enough border agents.

It would also allow the Department to rehire retired Border Patrol agents that are willing to serve their country. I think that is very, very important.

I think it is important that we have enough individuals on the border and also make sure that we take advantage of their full law enforcement capabilities.

I think it is important also to recognize that our Customs border protection officers who secure our borders and conduct inspections of people in vehicles and cargo are also facing staffing shortages. I think if we are going to protect our borders, I think it is important we don't leave these individuals behind. But I do want to recognize the fact that I am excited and encouraged that we are moving this bill forward today, tonight, to make sure that at least we have the individuals in question funded to the level that they need to be funded, maybe higher, but making sure that we are moving towards real security here in the United States of America.

I can tell you that it has been very, very fortunate for me to work with not only the chairman but also the full committee on this piece of legislation. We have had many hearings on it. We have also had those men and women on the front line, members of our committee have gone to the front line and met with these individuals. I think it is important as we move along with the SpyNet program that we have retired members that are willing to come back and serve. And also put forth the kind of bonuses for retention and break down on attrition on border protection.

I would also like to say that when we look at national security, Mr. Speaker, I think it is important that we work in a bipartisan way. I would like to see more of this spirit as we move on, hopefully implementing the full 9/11 recommendations. This is one part of it, and moving in that direction.

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

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

Mr. Speaker, I too want to recognize and thank my colleague from Florida. He has been a real ally in this effort to make sure that our Border Patrol have the resources they need and work in a very cordial and bipartisan way. I appreciate him.

I do want to acknowledge his concern over Border Patrol officers. I share that. It is my hope that as soon as we can get this agent issue behind us that we can turn our attention to try to make sure that these officer ranks are swelled as well.

But the thing that I want to most emphasize with my colleagues in the House is that with this legislation and with our circumstance on the border and the understaffing, time is of the essence; and so I urge my colleagues to favorably consider this legislation and vote ''aye.''

Mr. MEEK of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I thank the chairman, Chairman ROGERS, and Congressman MEEK.

Mr. Speaker, I would like to paraphrase the great Frederick Douglass, who reminded us that we may not get all that we have worked for; however, we will work for all that we get.

Clearly, we have worked to get more Border Patrol agents. It is important

that we do so. At the rate of 33 to 1, 66,000 before we can get 2,000, it will take a considerable amount of time to get the number of agents needed. So we should work and we have worked for more Border Patrol agents.

However, the record should also reflect, Mr. Speaker, that we have worked for more Customs and border protection officers. They are the people that inspect people as well as cargo at ports of entry. They are the persons who caught the Millennium Bomber. They need help, too. I thank the chairman for his indication that we will move in that direction.

This bill is not all that we have worked for, but it is all that we can get right now, and I urge my colleagues to support the bill. I thank the chairman and Congressman MEEK.

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

Mr. Speaker, I want to respond to the chairman by saying I appreciate his recognition of our Customs border protection officers and their need of being able to be a part of something good and something in protecting America.

I think that it is important that not only on the minority side but on the majority side we make a commitment to these very fine men and women. They put their lives on the line every day serving our country. These are individuals that are conducting inspections of people, vehicles, and cargo. As long as we hold them in our heart and also in our mind, as we move forward from this point on, I think it will protect America even further.

I join Mr. GREEN and also Mr. ROGERS in encouraging all of our Members to vote in the affirmative in making sure that we pass this very important piece of legislation.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the chairman for his leadership and the ranking minority member. It is clear that we have had the goal for adding Border Patrol agents for some time in this Congress.

A number of years ago when the Homeland Security Committee was first being created and we were looking at how better to protect our border, it became apparent that as we went to air marshals, we had more people leaving the Border Patrol than we could hire. When we were hiring into the Border Patrol, we were pulling them out of State and local police, and then they would move over to other agencies.

Unless we take special efforts in this Congress to do more to retain our Border Patrol and pay additional money to them, we are not going to be able to meet the hypothetical goals that we have set for ourselves.

When we debated about fencing on the border, we heard that we need to have more Border Patrol. We have had difficulty holding the Border Patrol we have and meeting the numbers of our current assessments which would only put us to a fraction of actually controlling the border.

That is why in the House, and most on our side at least support border fencing and virtual fencing, but we also support dramatic increases in the number of Border Patrol and changing and making adaptations in their pay scales and in their retention because without that, we will not have adequate Border Patrol.

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So I thank the chairman for his leadership with this because this is an important part of a comprehensive border strategy for the people who are on the ground who have in many cases jobs where they sit there for long periods of time, where they may or may not see somebody coming in through the southern border in particular in very hot environments, and to retain somebody in that job requires additional assistance. And I am glad to see that we are authorizing that, that we are starting to move ahead, because this is one of the most critical steps, along with the fencing, in controlling the Southwest border.

Mr. ROGERS of Alabama. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank Chairman ROGERS and Ranking Member MEEK both for their leadership.

This has been a committee that has found common ground in many instances, and certainly I rise to support the More Border Patrol Agents Now Act of 2006, which would help develop a plan that would give us a long-term opportunity to plan over the years for recruitment of our Border Patrol agents.

Let me tell you what else I think is needed that I hope will be included in our long-range plan, an affirmation of the Border Patrol agents, of the value of their work, the necessity of their work. Certainly we know that there have been some ups and downs. Right now, we are confronting an issue in Texas about the prosecution of Border Patrol agents and whether the facts were in order, but I think it is important that they know the rules, they have professional development, and as well there is a definitive way to recruit. But let me say to you that I hope that as we move toward legislation that addresses the question of Border Patrol agents, we will address the question of professional development, their civil service status.

And I would commend to you H.R. 4044, legislation that I wrote, that I had the endorsement of the National Border Patrol Council. Mr. T.J. Bonner is president, who is seeking to ensure that there is a civil service protection for Border Patrol agents and there is a certain elevation of their level that speaks to their compensation. So that has to be a part of the package of recruitment as well. And, of course, advancement, salary increases, these are real, hard-core issues that will help retain those that we hire.

Lastly, let me say that, in addition, we do want to ensure that they have the equipment; and I know we have had a series of amendments taken from H.R. 4044, the leadership of Mr. THOMPSON and the full committee for body armor and special weapons and night vision and computers. We have to give them the equipment that they need to ensure that they can do the job. And I know, as I see Mr. ROGERS and my good friend, the ranking member, I see the word ''accountability,'' not wasting dollars and making sure that we go in the right direction in terms of expending these dollars for our Border Patrol so that we make sure that we are an efficient department. I want to do that, too.

I close on this note: The question is always asked whether or not we are safer today than we were 5 years ago. Certainly what is missing is we have not kept up with the 9/11 Commission report in providing Border Patrol agents in the numbers that we should have provided. Certainly any statement that we make today on the floor that commends Border Patrol agents and thanks them but also talks about having more of them is a step in the right direction. And I would only ask my colleagues to realize that in being safe at home, we have to confront the issues dealing with our conflict in Iraq.

But I do rise to support this legislation. I thank the gentleman for yielding, and I ask my colleagues to support the More Border Patrol Agents Now Act of 2006. And I thank the distinguished gentleman from Florida and the full committee.

I rise in support of the More Border Patrol Agents Now Act of 2006, H.R. 6160. The More Border Patrol Agents Now Act would require the Homeland Security Secretary to develop a plan to determine how the Border Patrol can better recruit and retain Border Patrol agents. It also would establish bonuses for agents who agree to serve for a specified period of time. In addition, it would waive the offset that reemployed annuitants currently have to pay if they return to government service after retirement. The authority to provide these incentives would terminate five years after the enactment of H.R. 6160.

I agree that we should require the Homeland Security Secretary to develop a plan to determine how the Border Patrol can better recruit and retain Border Patrol agents. I also agree that we should authorize the incentives. But much more is needed to deal effectively with the retention and recruitment issues of the Border Patrol.

We also need to provide the Border Patrol with the equipment and resources they need to secure the border. I have introduced a bill that would provide the Border Patrol with the equipment and resources they need, the Rapid Response Border Protection Act of 2005, H.R. 4044.

H.R. 4044 would add 15,000 Border Patrol agents over the next five years, increasing the

number of agents from 11,000 to 26,000. With more than 8,000 miles of land and coastal borders to patrol continuously, it is evident that this increase is desperately needed, particularly if they are to be able to respond in sufficient numbers when heavily armed smugglers are encountered. H.R. 4044 also has provisions for body armor, special weapons, and night vision equipment.

H.R. 4044 is strongly endorsed by the National Border Patrol Council and the National Homeland Security Council, organizations that represent the front-line employees who enforce our immigration and customs laws.

I have said often that a piecemeal approach to immigration reform will not work. We need comprehensive immigration reform that will fix our broken immigration system, such as would be provided by my Save America Comprehensive Immigration Act, H.R. 2092. But even a good immigration system will not stop drug smugglers from crossing our borders illegally. For that, we need a Border Patrol with enough agents to patrol the entire border effectively, and they have to have the weapons and other equipment that is necessary for confrontations with heavily armed drug smugglers and the other dangerous criminals who cross the border illegally.

Nevertheless, the More Border Patrol Agents Now Act is a step in the right direction. I urge you to vote for it.

Mr. ROGERS of Alabama. Mr. Speaker, I would like to close by once again thanking Ranking Member MEEK for his support and hard work; and I urge my colleagues to vote ''aye'' on H.R. 6160.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 6160, the More Border Patrol Agents Now Act of 2006.

This legislation takes an important step toward making our borders more secure and our country safer. More agents along our Nation's borders will lead to better enforcement of our immigration laws. The President's commitment of 6,000 more Border Patrol agents in the next two years is a good start to enhancing border security, but if these agents cannot be easily hired, or if current Border Patrol agents are lost to other employment, this enhanced security cannot be maintained.

Personnel concerns should not be a factor limiting the effectiveness of the Border Patrol.

H.R. 6160 addresses some of these concerns. By streamlining the hiring process and offering recruitment and retention bonuses, H.R. 6160 takes steps to ensure that the Border Patrol will be an effective first line of defense at our borders.

Numerous times, I have met with Border Patrol agents in and around my district in Southern California. On several occasions, the issue of the age limit for new hires has been brought up. Currently, the Border Patrol is covered under law enforcement retirement provisions, meaning new hires must be under the age of 40, unless they presently serve or have previously served in a position covered by federal civilian law enforcement retirement. This precludes retired members of our armed forces from employment by the Border Patrol if they are 40 years of age or older. Because of this arbitrary provision, the Border Patrol is unable to hire extremely qualified individuals, many of whom would need little further training to be effective Border Patrol agents. It is my hope that Congress will address the age limit issue so even more qualified agents can be hired.

I want to thank Mr. ROGERS for his leadership on this issue. I would also like to thank Chairmen KING and DAVIS and both the Homeland Security and Government Reform Committees for responding to the needs of the Border Patrol Agency so it can better secure our Nation's borders.

Mr. THOMPSON of Mississippi. Mr. Speaker, the Administration requested that the Border Patrol increase its ranks by 6,000 more agents by 2008. This Congress has failed to act to meet this goal.

This bill is a good start towards ensuring we at least provide better salaries to the Border Patrol agents we already have.

But this bill only addresses part of the border security equation. It fails to address the other half—Customs and Border Protection Officers.

Mr. Speaker, we have heard that the Border Patrol and the Customs and Border Protection Officer Corps both face recruitment and retention problems.

As we know, the Border Patrol agents guard our borders, which is a tough job. But this bill overlooks the demanding and dangerous job that Customs and Border Protection Officers perform when they inspect cargo and people entering the United States at the various Ports of Entry. Both of these jobs are an important part of efforts to protect our borders, and the people doing these jobs should be justly compensated.

The only way we can address these employment issues is by exploring all options available to this Congress and the Department through the legislative and oversight process, not simply relying on an election year gimmick of passing a bill that will not likely be acted on by the Senate nor enacted into law.

A meaningful full-step forward would be having a hearing on this bill and requesting all of the stakeholders to come and testify before our Committee on how to address the employment problems in the Customs and Border Protection Directorate.

Mr. Speaker, I will support this bill because I know this is a good step towards fully securing our country. But, we will only be making real progress when we hire enough Border Patrol agents and Customs and Border Protection Officers and make sure both these groups are better paid and equipped.

Mr. WAXMAN. Mr. Speaker, border security is an issue of great concern to all Americans. It deserves serious deliberation and congressional consideration. Unfortunately, the bill before us now, H.R. 6160, the More Border Patrol Agents Now Act, was introduced yesterday and is being considered on the floor today without benefit of committee action by either the Homeland Security or Government Reform Committee.

H.R. 6160 would grant the Department of Homeland Security the ability to award Border Patrol agents lump-sum recruitment and retention bonuses of up to 25 percent of annual pay. It would also allow the Department to rehire retirees. The Department can already do this under current Governmentwide authorities as long as it works with the Office of Personnel Management, OPM, the agency which best understands hiring needs.

Giving the Department this direct authority to circumvent OPM may or may not be a good idea. Appropriate action by the committees of jurisdiction would have allowed us to determine whether or not this independent authority is needed.

In short, we should not view this bill as a magic bullet to cure the ills of the Border Patrol. The Director of the OPM already has the authority to authorize the head of an agency to pay these bonuses. So the only real effect of this measure will be to cut the Federal agency with the most expertise in Federal personnel issues out of the decisionmaking process with regard to the Border Patrol.

Mr. ROGERS of Alabama. 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. 6160.

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.

EXPRESSING THE SENSE OF THE HOUSE THAT THE BORDER PATROL IS PERFORMING AN INVALUABLE SERVICE

Mr. ROGERS of Alabama. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1030) expressing the sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents.

The Clerk read as follows:

H. RES. 1030

Whereas Border Patrol agents are a highly trained and qualified group of men and women;

Whereas Border Patrol agents protect the United States from an influx of illegal immigration, illicit drugs, counterfeit goods, and terrorists;

Whereas Border Patrol agents protect our borders in some of the most remote and dangerous areas of the country; and

Whereas Border Patrol agents continue to perform their duties under tough circumstances: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the men and women of the United States Border Patrol should be supported for their dedication to the United States and to their mission to secure our borders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. ROGERS) and the gentlewoman from California (Ms. LORETTA SANCHEZ) 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 legislation and 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, as a strong supporter of this resolution, I further ask unanimous consent that the sponsor of this legislation, the gentleman from North Carolina (Mr. JONES), be allowed to control the time in support of H. Res. 1030.

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

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Alabama and because the resolution is short, I would like to read the remainder of the resolution and then make my comments and yield time to those who would like to speak.

To continue as the Reading Clerk read:

''Whereas Border Patrol agents are a highly trained and qualified group of men and women;

''Whereas Border Patrol agents protect the United States from an influx of illegal immigration, illicit drugs, counterfeit goods, and terrorists;

''Whereas Border Patrol agents protect our borders in some of the most remote and dangerous areas of the country; and

''Whereas Border Patrol agents continue to perform their duties under tough circumstances: Now, therefore, be it

''Resolved, that it is the sense of the House of Representatives that the men and women of the United States Border Patrol should be supported for their dedication to the United States and to their mission to secure our borders.''

Mr. Speaker, the reason I wanted to come forward with this resolution, and I know that certainly Ms. SHEILA JACKSON-LEE from Texas and others in the other party as well as my own party, we have been very concerned about two Border Patrol agents, Mr. Ramos and also Mr. Compean, two Border Patrol agents that joined their colleagues, over 12,000 Border Patrol agents, who I think, in my humble opinion, have a very, very difficult job. I would compare their job, quite frankly, to our men and women in uniform overseas in Afghanistan and Iraq, because they are trying to protect the borders of those citizens of Iraq and Afghanistan and we are trying to protect the borders of the American citizen.

Mr. Compean and Mr. Ramos I have had the opportunity to talk with by telephone, and I talked to their attorneys. These men were doing their job to protect the American citizen in Texas. And a drug smuggler from Mexico was trying to flee the United States, and in his van he had over 700 pounds of marijuana. These men stopped him. There was a confrontation that took place. The drug smuggler started across the border. There were shots fired, and he was hit in the buttocks as he was trying to cross the border.

Since that time, Mr. Speaker, these two men have been found guilty in a court of law. They have the possibility of spending 20 years in a Federal pen.

I hate to say this, but the U.S. Attorney gave immunity to the drug smuggler, who still had indictments over his head here in this country. He was given immunity; and these two men, who have families, are now financially broke from trying to defend their honor and the fact that they did their job for the Border Patrol.

I felt that it was important tonight, and I know my colleagues do, which some will be speaking later, that so many times there are law enforcement all over this Nation as well as our men and women in uniform that do a very, very invaluable job for this country. They ask nothing but to be respected for the tough job that they do. Whether it is the military or the Border Patrol or law enforcement, the pay never meets the requirements that we ask of those individuals; and tonight I felt that it was important to put this resolution in.

This resolution will not have to go to the Senate, by the way. This will be a resolution of the Members of the House of Representatives that are not speaking to the charges and the penalty of Compean and Ramos, but we will be saying to the Border Patrol of this country you are appreciated by the House of Representatives. We know you have a very difficult and tough job.

Because, Mr. Speaker, we are not only talking about people who come to this country illegally, between 8,000 and 10,000 every week that come across the border illegally. We are talking about the possibility of terrorists. I have said many times on the floor of this House that I am more concerned about terrorism coming from Central and South America than I am coming from Iraq and Afghanistan, quite frankly. And these are the men and women who are in the remote areas of America trying to defend the borders to protect the American citizen.

So I am pleased tonight to say that we will have a chance tonight, or tomorrow, I guess, to vote on this resolution to say to those in the United States Border Patrol, we appreciate you. You are doing a very valuable job, a very important job for this country.

I live in North Carolina. I do not have Border Patrol in my State, but I do appreciate those that are on the border in the Southwest and other parts of the United States.

So, with that, Mr. Speaker, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1030, legislation honoring the United States Border Patrol. Without a doubt, the United States Border Patrol provides a critical service to this Nation. We rely on them to be highly trained, to be very qualified, to carry out the challenging and important job of securing our Nation's borders. And not just at the Southern border, like what we have in California.

But I was recently at a hearing that we had up in Seattle to talk about the issues going on at our northern border; and, of course, our Border Patrol was there. And the issues that they have, the things that they confront are vast, and it is such a difficult, difficult job to do.

So we really do want to honor and let them know, as the House of Representatives, that we understand that their jobs are done in difficult conditions, in the desert, forest, and with professionalism and with unfailing dedication.

So I support the work that the United States Border Patrol is doing. And for that reason I think that we should not only honor them with words but also provide our Border Patrol agents with the resources that they need to do their job.

As I said, when I was up in Seattle, one of the things we kept hearing over and over from the Border Patrol is that they need more resources. They need more people at the borders. They need more technology at the borders.

In the 9/11 Act, Congress promised to increase the numbers of Border Patrol agents, of immigration agents and of the detention beds that we need when we get these people who are coming without the right documents and that we would also provide state-of-the-art technology to help the Border Patrol actually secure the borders. But, unfortunately, time after time after time in this House, that has been voted down. We have not lived up to the promise, and the Border Patrol remains understaffed and without access to necessary space and equipment that they need.

So I expect that this House Resolution 1030 will receive broad bipartisan support. I can't imagine too many people who would vote against it, and I am looking forward to working with my colleagues who cast this vote to actually fulfill the promise of this vote, and that would be to give the much-needed resources to the United States Border Patrol.

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

Mr. JONES of North Carolina. Mr. Speaker, I would like to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of House Resolution 1030.

Let me just note that platitudes are not enough. When it really counts, the Border Patrol does need our support, and that includes building a fence, which some people who perhaps would be happy to sing the praises of the Border Patrol are not willing to help them with something that they consider to be essential to securing their job.

Tonight, we are commending the service of 12,000 men and women of the U.S. Border Patrol. They are, in fact, performing an invaluable service on our border, putting their lives on the line daily to protect us, all of us.

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They are protecting us from the effects of illegal immigration which are being felt in my State dramatically. They are protecting us from drug smugglers, human traffickers, and, yes, terrorists.

Yet, as we declare our support today for these brave people who have been protecting us, we should note that this administration, that this administration's U.S. Attorney's Office has targeted two U.S. Border Patrol agents, Ignacio Ramos and Jose Compean.

The U.S. Attorney's Office has destroyed their careers and destroyed their lives and thrown their families into turmoil. This administration, which has a questionable record on border security, has decided to throw the book at these two agents seeking the harshest possible punishment. What for? For procedural violations that should have only resulted in a reprimand and this now has been turned into felonies by the U.S. Attorney's Office.

To say that Ramos and Compean have been treated unjustly and unfairly is an understatement. Adding insult to injury, the U.S. Attorney's Office has granted immunity to the Mexican drug dealer, the smuggler who these two officers intercepted. This criminal alien was caught with 743 pounds of marijuana, and the U.S. Attorney's Office has treated this criminal as if he were a victim.

At the same time, the book was thrown at our border patrol agents. I will submit for the RECORD, Mr. Speaker, my letter to the Attorney General regarding this outrageous case. The brutal treatment of the two border guards has demoralized our Border Patrol agents. I hope as we sing our praises today, that we understand that we are, yes, grateful to all of these people who protect us at the border, including the two Border Patrol agents that are now under attack.

In the meantime, let the case of Border Patrol agents Ramos and Compean be revisited and the outrageous criminal charges against them dropped.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 21, 2006.

Hon. ALBERTO R. GONZALES,
Attorney General of the United States, Washington, DC.

DEAR MR. ATTORNEY GENERAL: I am writing today to ask you to personally intervene in the prosecution of U.S. Border Patrol Agents Compean and Ramos. This proceeding has garnered national attention calling into question the Administration's commitment to secure our borders and demoralizing the frontline men and women of the U.S. Border Patrol.

I have examined the statement by U.S. Attorney Johnny Sutton regarding the conviction of Border Patrol agents Compean and Ramos. It is disturbing to see that the limited resources available for investigation and prosecution were directed not at drug smugglers, but rather aimed at two veteran border patrol agents. These agents, who have risked their lives guarding our borders, did not follow the prescribed procedure concerning the discharge of their weapons. However, their lapse of compliance occurred during a tumultuous confrontation with an illegal immigrant, a criminal who was in the process of smuggling 743 pounds of illegal drugs into the United States. Subsequently, the agents did not fully report what had happened, which also violated standard operating procedures. Such violations certainly deserve a reprimand. Instead of a measured response, the U.S. Attorney has demanded the harshest possible punishment on two otherwise outstanding Border Patrol agents. There seems to be an uncompromising commitment to bring down these two border guards, while an illegal drug smuggler is being treated with great respect and elevated to the status of victim. If there ever was a classic example of distorted priorities, this it.

As to the specifics of the case: The two border agents intercepted a suspicious vehicle. The driver fled on foot, running toward the border. Officer Compean, armed with a shotgun, cut off the drug smuggler. A witness heard someone yell ''hit him, hit him'' and then Compean shouted for the fleeing criminal to stop. Officer Compean could have shot him at close range. Instead, he refrained from deadly force by using the butt of his shotgun. A struggle ensued with Officer Compean ending up on the ground with dirt in his eyes, rendering the Officer vulnerable and at risk. Officer Ramos, seeing his partner laying bloodied on the ground, only then shot at the assailant as he ran toward the border. The fleeing criminal was wounded in the buttocks as he raced away from the altercation. After the incident the officers did not report the discharging of their weapons and failure to do so was a violation of standard operation procedures. Furthermore, they attempted to conceal this mistake, which dug them in even deeper.

Bad decisions or mistakes are never easy to acknowledge to superiors. The desire to cover up bad decisions is a human temptation and always makes an error even worse. Nevertheless, the Herculean prosecutorial effort and huge allocation of time and resources mobilized against Officers Compean and Ramos was not justified. Nor was the prosecution's demand for a sentence that could put these two officers in prison for 20 years. This action will destroy not only their careers, but the lives of two veteran patrol agents and their families. The statement made by U.S. Attorney Sutton is not persuasive enough to warrant the severity of the penalty being sought against Officers Compean and Ramos.

Did the two officers make a mistake? Yes. Did they violate procedures, not report those errors, and then obscure the facts? Yes. Does this case justify a severe reprimand, or perhaps a month-long suspension? Yes. Does it justify the egregious legal retaliation demanded by the U.S. Attorney? NO!

Common sense should guide authorities in such matters. Throw the book at criminals who threaten our families and society, not at public servants protecting us because they've made an error and not admitted it. Of course, had the fleeing drug dealer been an honest U.S. citizen peaceably surrendering to authorities, shooting him would then justify the severe punishment sought by the U.S. Attorney's Office. But that's not what happened!

The criminal was clearly not a benign individual who Border Patrol agents erroneously targeted. An honest citizen doesn't abandon his car, run for the border, and flee from a law enforcement officer. This was not an attack on an innocent victim. He was an illegal alien, a criminal involved in smuggling 743 pounds of illicit narcotics into our country that could have ended up in the hands of our children.

The border patrol agents are heroes, good guys who protect us. In this one case they did not follow the prescribed procedures when they discharged their weapons and then tried to conceal their error. So, let these two public servants who risk their lives to protect us, be properly disciplined, not destroyed.

The American people see this case as an illustration of the Administration's inexplicable support of illegal immigration. Please demonstrate this is not true by personally intervening in this case. The sentencing of Agents Compean and Ramos should be postponed so there can be a more thorough investigation of the facts and a more rational, balanced and just response from the U.S. Attorney's Office.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of our committee, the gentlewoman from California, and we acknowledge her ongoing leadership on these issues, certainly Mr. SOUDER for his leadership, and my good friend, Mr. JONES from North Carolina.

We have had a common discussion on those very important issues. Let me applaud you for bringing this resolution to the floor of the House which gives us an opportunity to affirm our commitment and appreciation for the Border Patrol agents that serve America's front lines.

Let me share with you the good work, impressive work that our Border Patrol agents have been involved in. First of all, they have patrolled our borders since 1924. They are, in fact, the Nation's front liners.

For example, in fiscal year 2005, Border Patrol agents made almost 1.2 million arrests of people for illegally entering the country. They seized more than 12,300 pounds of cocaine, more than 1.2 million pounds of marijuana. The total street value of drugs interdicted in fiscal year 2005 was more than $1.4 billion.

We are long overdue in affirming and applauding the Border Patrol agents of America, both on the northern and southern border. The Border Patrol also is charged with the responsibility of preventing terrorists and terrorists' weapons, including weapons of mass destruction, from entering the United States.

They are there day in and day out. They are there Sunday through Sunday, 7 days a week, year in and year out, holidays and nonholidays.

The Border Patrol agents are there when we are asleep, and they are there when we are awake. But of course in terms of responding to the concerns that they have, I would be remiss if I did not mention that we have legislation, H.R. 4044, to provide more equipment, 15,000 Border Patrol agents over the next 5 years, increasing the number of agents from 11,000 to 26,000.

With more than 8,000 miles of land and coastal borders to patrol continuously, it is evident that an increase is

needed, but more importantly resources are needed and professionalism is needed.

Mr. Speaker, let me speak for a moment on professionalism. This tragedy that has occurred in Texas, my own State, cries out for relief. We are looking to address this question by getting the facts and moving, hopefully expeditiously, for hearings in this Congress.

Mr. JONES, I hope that you will encourage, as I am, the committees of jurisdiction to go ahead and hold hearings. Because what we are are fact finders. We do not misspeak, we hope. We do not pass myths and untruths, we hope. We tell the American people the truth, we hope.

I say that, because, of course, I have debated many bills on this floor where there is a great disagreement on the facts that are involved. And many of us have had our differences on the Iraq war and still believe in the misdirection of that issue.

But in this instance, I think we can find common ground that the men and women that are on the front lines, whether they are DEA, drug enforcement agents, FBI, whether they be ATF, whether they are U.S. marshals, deserve the opportunity to have their story fairly told.

And what I can glean from the facts of this case in Texas is there are questions about whether their facts have been told correctly and whether or not they have been told appropriately. So to the Border Patrol agents as we stand here and congratulate you, I know that you ask us whether there is a bite in our bark, whether or not as we stand here and affirm you, we promise that we will look into the issues of professionalism and your civil service status and your right to arbitration and your right to address your issues of workplace questions in an organized manner.

You are asking us whether we are going to provide you with the necessary new Border Patrol agents, whether or not we are going to give you the equipment that includes power boats and includes night goggles and computers and a number of other equipment, helicopters, that will give you what you need to have.

And then you ask the question, when you are in the line of duty, will we stand by you with the facts? Will we have the wherewithal to ensure that all of the facts are on the table, so that the miscarriage of justice, prosecution, ultimate incarceration, destruction of your family, does not occur on the clock of Members of the United States Congress?

So I rise to support this initiative of my friend, Mr. JONES from North Carolina, H. Res. 1030, and I enthusiastically affirm the invaluable service that the United States Border Patrol agents are performing for America as they stand in the way, in the bridge, if you will, on the northern and southern border. In the darkness of night, in the coldness of night, in the warmness of night, in the rainiest of nights, and in the greatest disasters that may face us, Border Patrol agents are there to protect us.

I ask my colleagues to support this amendment, and I ask that we be able to address the questions that are being raised in Texas in fairness and opportunity for fairness.

I rise in support of House Resolution 1030, which would express the sense of the House of Representatives that the Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents.

Border Patrol agents have patrolled our borders since 1924, and they have an impressive record of accomplishments. For instance, in FY 2005, Border Patrol Agents made almost 1.2 million arrests of people for illegally entering the country, and they seized more than 12,300 pounds of cocaine and more than 1.2 million pounds of marijuana. The total street value of drugs interdicted in FY 2005 was more than $1.4 billion. The Border Patrol also is charged with the responsibility of preventing terrorists and terrorists weapons, including weapons of mass destruction, from entering the United States.

Although we should express our support for the Border Patrol, we also should provide the Border Patrol agents with the equipment and resources they need to secure the border. We need a Border Patrol with enough agents to patrol the entire border effectively, and they have to have the weapons and other equipment that is necessary for confrontations with heavily armed drug smugglers and the other dangerous criminals who cross the border illegally.

I have introduced a bill that would provide the Border Patrol with the equipment and resources they need, the Rapid Response Border Protection Act of 2005, H.R. 4044.

H.R. 4044 would add 15,000 Border Patrol agents over the next five years, increasing the number of agents from 11,000 to 26,000. With more than 8,000 miles of land and coastal borders to patrol continuously, it is evident that this increase is desperately needed, particularly if they are to be able to respond in sufficient numbers when heavily armed smugglers are encountered. H.R. 4044 also has provisions for body armor, special weapons, and night vision equipment.

H.R. 4044 is strongly endorsed by the National Border Patrol Council and the National Homeland Security Council, organizations that represent the front-line employees who enforce our immigration and customs laws.

Nevertheless, it also is important to express our support for the hard work and dedication of the men and women in the Border Patrol, and of course I further salute all of the men and women who provide service in the securing of our Homeland at the northern and southern borders and at our ports, ports of entry and coastlines. I ask my colleagues to vote for H. Res. 1030.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr Speaker, I thank the gentleman from North Carolina for yielding me time and thank him for this resolution.

Mr. Speaker, we also want to, in addition to the Border Patrol, praise all of the people in the Department of Homeland Security, in the Coast Guard, in ICE, and Customs and Border Protection at the points of entry.

For those who may not be completely familiar, the Border Patrol are the people who are in between the points of entry. Obviously, the men and women at the point of entry, the ICE agents internally, as they pursue the investigations which often cross into the zones of the Border Patrol, and at ports of entry, and the Coast Guard which are at water points of entry, are all working together in a seamless organization.

Unfortunately, the Border Patrol often gets the least attention of those different agencies. And this resolution correctly gives them some of the credit that they are due. Often they are not only in these very hot zones in the south, at times cold in the winter, and in the north, very cold; often we forget we have a northern Border Patrol as well. That is actually, not the numbers, but a bigger percent increase than the south. They are often also alone.

One of the reasons we need a fence and virtual fencing and other technological things to help our Border Patrol agents is often there is one there, or there may be four scattered over a mile and a half, and all of a sudden there is a group of seven SUVs coming at them, as we have had in Arizona, armed to the teeth. Even when we get a tip and put a Blackhawk in, you are looking at heavily armored vehicles coming at a few agents with no warning.

It may be a case of where you may have groups of 300 to 400 illegal immigrants coming at one or two or three or four agents. They have no idea whether they are armed or not armed. There are zones along the border where there is not as much pressure on illegal immigrants, but which are huge drug-trafficking areas, not only on the south border, but on the north border, along Blaine, Washington.

Going east from there is the trafficking of so-called BC Bud, this high-grade marijuana that is basically the same as cocaine. Arms trafficking going back into Canada. The largest export right now in British, Columbia is not timber; it is not any other product other than marijuana.

And the reason cocaine and heroin and guns are going into BC where we now see violence breaking out, first RCMP officers killed in British, Columbia, are going through those zones where the Border Patrol in the north border are trying to protect it. Often one or two agents with armed, heavily armed people coming at us.

And Neely's Crossing, just east of El Paso, where they have a bulldozer on the Mexican side. The drug lords have a bulldozer on their side. It is one of the only areas of the Rio Grande which

is basically spotty puddles of water in that zone, has a gravel base. And they push additional gravel in there. Anytime we put a barrier up, they put it there.

And as they brought one vehicle across at one point, some of our Border Patrol were tipped off. As this vehicle tried to get back across on the Mexican side, it got stuck. We know there were at least, the guess is, 10 tons of marijuana. We got about a 1½ tons out.

They jumped out of their vehicles with AK–47s, armed heavily at our Border Patrol who then back up, which brings us to this fundamental question. Not only do these men and women deserve our credit for putting themselves at risk, not only do they have difficult jobs, and often are they outnumbered, but then this case that is occurring in Texas, without understanding all of the legal formalities, will have a chilling effect on the Border Patrol's willingness to defend us.

Because, if they think they are going to be prosecuted if they try to defend us, depending upon the particular angle at a given time of what someone is doing, and they are in a shootout, and the other side has guns, deliver poison into the United States in the terms of narcotics, or potentially chemical or nuclear weapons, or potentially high-risk terrorists who are willing to pay high dollars, and our Border Patrol are afraid to even risk any type of confrontation because they are going to be prosecuted by our government, how are we going to stay safe?

We need to praise them for taking the risk. We need to praise them for being willing to stay out in the cold and in the heat and be outnumbered and not know what kind of guns are at them. We certainly do not need to be prosecuting them. So I hope this resolution makes it clear where this House stands. I am sure we will have committee hearings. We may have to wait until the case goes through, but the Border Patrol needs to know that this Congress stands behind them, that we are going to get to the bottom of the type of procedures that are involved in this and make sure that they can defend not only themselves, but defend us, our children, our families and our Nation.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would just like to say to the previous speaker that I would really like to see the information on 300 or 400 people running across the border at one time.

Because I have just never heard of a case like that. Having said that, we do support the Border Patrol. We are glad that Mr. JONES has this resolution up on the floor tonight.

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

Mr. JONES of North Carolina. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. SOUDER) to respond to Ms. SANCHEZ.

Mr. SOUDER. Mr. Speaker, as the gentlewoman knows, in San Diego we used to have, I saw with my own eyes in the middle of the night, about 1,200. But as we fenced that area, we broke up the big groups there in San Diego.

And so in San Diego you no longer have the huge groups of 1,000. We thought we were down to groups of basically, I have seen 50 or 100 with my own eyes, but as the gentlewoman had probably heard, I cannot remember if you were there when Secretary Chertoff was speaking to our Homeland Security Committee this morning, but that Congressman PEARCE from New Mexico said that there are a number of cases, particularly in New Mexico right now, because as we worked on the Arizona border, pushed them into New Mexico where he said this morning that he had seen 300 to 400 at a time in New Mexico.

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That is questioning the statement of a Member from New Mexico who just saw this in the last 7 to 14 days. I myself have seen 50 to 100, and I used to see 1,200 before we built a fence in San Diego.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume, and I am just going to make a couple of comments, and then I am going to finish.

I want to first thank Ms. SANCHEZ and Ms. SHEILA JACKSON-LEE for her comments and what she stated as well as Ms. SANCHEZ and my friend, Mr. SOUDER from Indiana, and Mr. ROHRABACHER from California.

I think that we all agree that this resolution is important, and I just want to say that I would agree with the comments made by Ms. SANCHEZ that we need to make sure that the border patrol has what it needs to secure the borders for this great Nation.

I want to say to Ms. JACKSON-LEE, as well as Mr. ROHRABACHER, that we do need to make sure that these agents had been treated fairly in the process as it related to the indictment.

I would say to Mr. SOUDER, I thank you as well as other Members who serve on the Homeland Security Committee for your leadership to make sure that we do protect our borders.

The only other point I would like to make, Mr. Speaker, is that it has been made by these people who live in California and Texas and even my friend from Indiana, as well as my friends from California, that this is a very difficult job. These are men and women that are dedicated. They are not doing it for the money. They are doing it for the love of this country. And what they are doing is the same thing that our military does and that is try to make America secure.

Mr. HIGGINS. Mr. Speaker, I have every intention of voting for the resolution on the floor today because it honors the men and women of the U.S. Border Patrol.

But I think the greatest way to honor the men and women who risk their lives to protect us against terrorist attacks is by passing legislation that provides the funding and tools they need to do their job effectively. It is unfortunate, however, that my colleagues on the other side of the aisle show this appreciation only through rhetoric.

The Bush Administration has had almost six years to secure the border, the Republican Congress eleven. Yet in the past two weeks they have chosen to honor our border agents by recycling legislation that has no funding.

The sponsor of today's resolution voted "yes" only once of the last 5 border security bills proposed to enhance the resources of the Border Patrol. That vote, taken on May 2, 2005, was a $284 million emergency spending bill to secure the nation's border. It would have allowed 550 additional border patrol agents and 200 additional immigration investigators. Unfortunately, the Republicans voted "no" on motion.

Similarly, last December, my Republican colleagues voted against the Democratic Motion to Recommit for H.R. 4437 which would have:

Created 3,000 new U.S. Border Patrol agent positions every year through FY 2010 (a total of 12,000 new agents);

Added 25,000 new detention beds every year through FY 2010 (a total of 100,000 new beds) to permanently end catch-and-release;

Developed a comprehensive, technologically superior, round-the-clock, fully interoperable surveillance system to monitor every mile of the border;

Required plans to integrate high altitude monitoring technologies, radiation portal monitors, K–9 detection teams, and other technologies; and,

Make physical infrastructure enhancements, including additional checkpoints, all weather access roads, and vehicle barriers, while maintaining the speed of commerce through such points of entry.

Honoring the men and women of the Border Patrol should not only consist of rhetoric. We need comprehensive policy accompanied by dollars and resources to support the Border Patrol.

I will vote for House Resolution 1030, but I am disheartened with the lack of support that my colleagues across the aisle have repeatedly shown toward our men and women securing the border.

A pat on the back is nice. But allocating resources would go a long way to securing the border.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to support H. Res. 1030 to express a sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents. As a member of the Committee on Homeland Security, I know well the important role the Border Patrol plays in defending and protecting our homeland from foreign threats.

I strongly support this resolution because Border Security is an issue of utmost importance to my district the U.S. Virgin Islands and have in the past, proposed legislations to require the Department of Homeland Security, DHS, to establish a Border Patrol Unit in the U.S. Virgin Islands.

The security of the residents of the U.S. Virgin Islands as well as the mainland residents is greatly compromised. The U.S. V.I. contains over 175 miles of open unprotected borders which provides a viable alternative for terrorists, human smugglers and drug smugglers to

gain access to the U.S. mainland because we are only 1,600 kilometers away from the U.S mainland.

Since 1998 Mr. Speaker, close to 1000 Chinese nationals have entered the U.S. Virgin Islands to transit undetectably into the mainland. These landings have occurred mainly during the pre-dawn hours at one of the several cays on the Island of St. John. The shear number of individuals who are able to infiltrate the island is indicia of vulnerability to a possible terrorist attack.

The lack of a Border Patrol Security Unit, has placed an unreasonable burden on other Federal agencies such as the Immigration and Customs Enforcement, ICE, which has to now spend considerable amount of man-hours apprehending, processing and detaining aliens in custody. This detracts from the time ICE would have to carryout its investigatory duties.

Just last month, there was an article published in the Economist Magazine describing the V.S. V.I as "America's most vulnerable point, a lovely place" but "woefully unprepared for a terrorist attack." The article points out that "illegal aliens land in the Virgin Islands openly and regularly, yet they are rarely caught." Having a Border Patrol unit in the Virgin Islands, Mr. Speaker, will not only greatly enhance the security of the Virgin Islands, but the entire Nation as well.

I urge my colleagues to support H. Res. 1030.

Mr. JONES of North Carolina. Mr. Speaker, I have no other speakers on H. Res. 1030, and 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 agree to the resolution, H. Res. 1030.

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.

MESSAGE FROM THE SENATE

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

H.R. 5187. An act to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

H. Con. Res. 480. Concurrent resolution to correct the enrollment of the bill H.R. 3127.

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

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

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

S. 3421. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

BIODEFENSE AND PANDEMIC VACCINE AND DRUG DEVELOPMENT ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5533) to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5533

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 ''Biodefense and Pandemic Vaccine and Drug Development Act of 2006''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Biomedical Advanced Research and Development Authority; National Biodefense Science Board.
Sec. 4. Clarification of countermeasures covered by Project BioShield.
Sec. 5. Technical assistance.
Sec. 6. Procurement.

SEC. 3. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY; NATIONAL BIODEFENSE SCIENCE BOARD.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

"SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

''(a) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

''(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

''(2) IN GENERAL.—The Secretary shall coordinate and oversee the acceleration of countermeasure and product advanced research and development by—

''(A) facilitating collaboration among the Department of Health and Human Services, other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

''(B) promoting countermeasure and product advanced research and development;

''(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

''(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

''(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

''(4) DUTIES.—

''(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

''(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

''(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

''(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

''(ii) at least annually—

''(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

''(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

''(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

''(iii) carry out the activities described in section 6 of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

''(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

''(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

''(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

''(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

''(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

''(C) FACILITATING ADVICE.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

''(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

''(ii) ensure that, with respect to persons performing countermeasure and product advanced research and development funded under this section, such offices or employees provide such advice in a manner that is ongoing and that is otherwise designated to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

''(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

''(i) innovation in technologies that may assist countermeasure and product advanced research and development;

''(ii) research on and development of research tools and other devices and technologies; and

''(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

''(5) TRANSACTION AUTHORITIES.—

''(A) OTHER TRANSACTIONS.—In carrying out the functions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have authority to enter into other transactions for countermeasure and product advanced research and development.

''(B) EXPEDITED AUTHORITIES.—

''(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F–1.

''(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F–1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.

''(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F–1(b)(1)(D) to this paragraph, the phrase 'BioShield Program under the Project BioShield Act of 2004' shall be deemed to mean the countermeasure and product advanced research and development program under this section.

''(iv) AVAILABILITY OF DATA.—The Secretary may require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, relevant data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.

''(C) ADVANCE PAYMENTS; ADVERTISING.—The authority of the Secretary to enter into contracts under this section shall not be limited by section 3324(a) of title 31, United States Code, or by section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

''(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.

''(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people and are consistent with National security.

''(F) ESTABLISHMENT OF ADVANCED RESEARCH CENTERS.—The Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)), provided that such centers are consistent and complementary with the duties described in paragraph (4), and are consistent and complementary with, and deemed necessary after considering the availability of, existing federally-supported basic research programs.

''(6) VULNERABLE POPULATIONS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to the emergency health security needs of children and other vulnerable populations.

''(7) PERSONNEL AUTHORITIES.—

''(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—In addition to any other personnel authorities, the Secretary may—

''(i) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and

''(ii) compensate them in the same manner in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

''(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may—

''(i) appoint special consultants pursuant to section 207(f); and

''(ii) accept voluntary and uncompensated services.

''(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—

''(1) DISCLOSURE.—

''(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development funded by the Secretary that reveal vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

''(B) OVERSIGHT.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years to determine the relevance or necessity of continued nondisclosure.

''(2) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a working group of BARDA or to the National Biodefense Science Board under section 319M.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out advanced research and development under this section, there are authorized to be appropriated $160,000,000 for each of the fiscal years 2007 and 2008. Such authorizations are in addition to other authorizations of appropriations that are available for such purpose. Amounts appropriated under the preceding sentence are available until expended.

''(e) DEFINITIONS.—For purposes of this section:

''(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.

''(2) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

''(3) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

''(4) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.

''(5) ADVANCED RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

''(i) are conducted after basic research and preclinical development of the product; and

''(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.

''(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—

''(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

''(ii) design and development of tests or models, including animal models, for such testing;

''(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

''(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

''(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

''(6) RESEARCH TOOL.—The term 'research tool' means a device, technology, biological material, reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

''(7) PROGRAM MANAGER.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.

''(8) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

"SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the 'Board') to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

''(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—

''(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

''(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

''(C) four individuals representing academia; and

''(D) five other members as determined appropriate by the Secretary.

''(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

''(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

''(5) DUTIES.—The Board shall—

''(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats to biodefense or public health security posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;

''(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and

''(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.

''(6) MEETINGS.—

''(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006, the Secretary shall hold the first meeting of the Board.

''(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

''(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

''(9) POWERS.—

''(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

''(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(10) PERSONNEL.—

''(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

''(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

''(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(b) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for each of the fiscal years 2007 and 2008.''.

SEC. 4. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURES.—Section 319F–1(a)(2) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, or from any chemical, radiological, or nuclear agent, that may cause a public health emergency affecting national security; or'';

(2) in subparagraph (B), by striking ''treat, identify, or prevent harm'' and inserting ''diagnose, mitigate, prevent, or treat harm''; and

(3) by adding after and below subparagraph (B) the following:

''If through publication in the Federal Register the Secretary makes a determination that there is credible evidence that a biological agent has the potential to cause an epidemic or pandemic that may constitute a public health emergency, a countermeasure to such agent shall, without further administrative action, be considered a qualified countermeasure within the meaning of this paragraph.''.

(b) SECURITY COUNTERMEASURES.—Section 319F–2(c)(1)(B)(i)(I) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(1)(B)(i)(I)) is amended by striking ''to treat'' the first place such term appears and all that follows through ''from a condition'' and inserting the following: ''to diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin or from any chemical, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii), or to diagnose, mitigate, prevent, or treat harm from a condition''.

SEC. 5. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 565. TECHNICAL ASSISTANCE.

''The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.''.

SEC. 6. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting ''**AND SECURITY COUNTERMEASURE PROCUREMENTS**'' before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''BIOMEDICAL'';

(B) in paragraph (5)(B)(i), by striking ''to meet the needs of the stockpile'' and inserting ''to meet the stockpile needs'';

(C) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through ''Homeland Security Secretary'' and inserting the following: ''INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary''; and

(ii) by striking clause (ii);

(D) in paragraph (7)(C)(ii)—

(i) by amending clause (I) to read as follows:

''(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract. Provided that the specified milestones are reached, these advance payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government.''; and

(ii) by adding at the end the following:

''(VII) PROCUREMENT OF MULTIPLE PRODUCTS AND TECHNOLOGIES.—The Secretary may enter into multiple transactions for the procurement of multiple technologies and products from multiple manufacturers of security countermeasures in order to mitigate against the risks associated with dependence on a single supplier or technology.

''(VIII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

''(IX) SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

''(X) ADDITIONAL CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

''(aa) the dosing and administration requirements for countermeasures to be developed and procured;

''(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

''(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section.''; and

(E) in paragraph (8)(A), by adding at the end the following: ''In the case of such agreements by the Secretary, the Secretary may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary, and such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this section for the procurement of countermeasures.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from California (Ms. ESHOO) 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 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.

I rise today in strong support of H.R. 5533, the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

Like the NIH Reform Act that we will be considering later this evening, this legislation is the end product of a cooperative, bipartisan effort to help improve research outputs for the benefit of all Americans should the unspeakable happen here again on American soil.

As my colleagues are no doubt aware, biodefense is an area where the Federal Government must take a strong role because there is no business model that will support the investments we need without a clear path from the Federal Government. However, we also know that the expertise in this area mostly lies with the private sector, so we must make sure that we facilitate a strong working partnership.

Project BioShield was signed into law on July 21, 2004, to help encourage the development of new bioterrorism countermeasures. The legislation provided procedures for bioterrorism-related procurement, hiring and awarding of research grants in an effort to make it easier for United States Department of Health and Human Services to quickly commit substantial funds to countermeasure projects.

This past April, the Subcommittee on Health held a hearing on Project BioShield; and at this hearing our expert witnesses identified a number of barriers to fully realizing Project BioShield's potential. They highlighted the fact that there is no single point of authority within the Department of Health and Human Services for the advanced research and development of medical countermeasures to make important procurement decisions. Additionally, HHS has limited purchasing and contractual flexibility, and this inefficient structure and limited flexibility exacerbates the shortcomings of the status quo.

Drug and vaccine development is unnecessarily lengthy, often taking between 8 and 12 years, and many potential products fail prematurely following basic research due to limited funding for advanced research and development. There simply is not enough motivation for academic researchers, drug and vaccine manufacturers and other possible partners to commit substantial resources to bring new and improved products to the market quickly.

I believe that the legislation before us today helps address the problems raised in our hearing and represents a huge improvement over the status quo.

I would like to commend the chairman of our Energy and Commerce Committee, Chairman BARTON of Texas; Congressman MIKE ROGERS of Michigan; and Congresswoman ANNA ESHOO of California for their strong leadership on this legislation that builds on the achievements of the Project BioShield Act and takes further steps to identify and promote medical countermeasures to bioterrorism and other public health emergencies, including potential pandemic infectious diseases.

I urge my colleagues to support this legislation.

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

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

Mr. Speaker, I am really proud to be the Democratic sponsor of this bill; and I want to salute my friend and my colleague, Representative ROGERS, for the work that he has done. We have really enjoyed working together, and I think that the best part of this all is that our work has really produced something that is important for the American people. So I want to thank him for everything that he has done to see that the bill is on the floor today.

This legislation really addresses a very urgent issue which is critical to our Nation's security and our public health.

A month after the 9/11 attacks on New York and Washington, our country was attacked again. When we were attacked that second time, it was when envelopes of anthrax spores were mailed to several media outlets and congressional offices. The attacks killed five people, they crippled our mail service here on the Hill and cost hundreds of millions of dollars to clean up.

We are now observing the spread of a virulent new strain of Avian influenza, the so-called Asian bird flu, in Asia and around the world, causing nearly 150 deaths and threatening to become the next deadly pandemic.

Whether the threat is man-made bioterrorism or a highly infectious disease, our country is at risk, and we are losing precious time in the race to develop effective countermeasures that could save thousands or even millions of lives.

In hearings earlier this year on the Project BioShield Act, it was apparent that gaps remained in our effort to address these threats to the public health.

In particular, we learned that very few companies are willing to risk their limited resources to develop the vaccines and the antidotes to respond to chemical, biological, radiological or nuclear attacks or to a fast-spreading influenza.

Given the risks and the costs involved, it is not surprising that companies would rather pursue the next blockbuster cancer medicine or cholesterol medicine rather than take a chance on an uncertain market where the government is likely to be the only customer.

So having heard this in the hearings, we rolled our sleeves up. We understood that Project BioShield does not address the problem. While the law set aside $5.6 billion over 10 years to obtain drugs for the Strategic National Stockpile, companies receive very little compensation until they can deliver a minimum number of doses. As a result, many of these potential drugs languish in the laboratory in what is known as the ''Valley of Death.''

As with any drug, the development of biodefense drugs require efficacy trials, toxicity testing, production design and a range of other activities that are expensive but necessary to determine whether a drug will work, whether it is safe and how it will be manufactured.

The centerpiece of this legislation that we are on the floor on behalf of this evening develops a new, or places a new office within HHS, the Biomedical Advanced Research and Development Authority, BARDA, which would be a single point of Federal authority for the development of medical countermeasures.

This bill will empower BARDA to make milestone payments to drug developers at key stages of their work, helping to reduce financial risks of taking on this great challenge. In other words, we are going to get the job done.

I urge my colleagues to support this important legislation, which will ensure that our country does its best to prepare for the worst.

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

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. ROGERS), the author of the legislation.

Mr. ROGERS of Michigan. Mr. Speaker, I rise today in strong support of H.R. 5533, the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

I would like to thank Chairman BARTON and Chairman DEAL and the Energy Committee staff for their continued support on this effort.

I want to thank my colleague and friend, Congresswoman ANNA ESHOO, and her staff for your commitment, your energy, your counsel and your enthusiasm to get this bill as far as we have come. Thank you very much. It has been a joy to work with you.

And I have to say at the time of this intense pre-election partisanship, I am thankful that we might serve as an example to many, that you can reach across the aisle to pass important legislation that affects the American people so deeply as their future security, the security of their children and their families and the well-being of the United States of America. Thank you for working with us. I appreciated the opportunity to do that.

I would also like to recognize the administration and their willingness to work with us to build upon Project BioShield, of which they really led the charge. We found that it was not sufficient, it needed some improvement, but it was very forward leaning of this President to come out and establish for the first time BioShield, knowing that the threat was real from terrorists around the country and trying to develop at least a program that would deal with the bioterror threat to the

United States. They have been so willing to work with us in finding out what worked and what did not work and this second round we think improves BioShield dramatically and really has to happen if we are going to have protection against biothreats in the future.

The efforts include both offensive and defensive ways to find new developments and better treatments for those infected by bioterrorist attacks and naturally occurring attacks, as was mentioned by the mention of the bird flu.

The problems that we have discovered in looking at BioShield was that there was no single point of authority within HHS for the advanced research and development of countermeasures and quick procurement decisions, and, really, there is only one customer for these type of vaccines, and this is the place where we found some difficulty. There is really only one customer, and that customer is the people of the United States, the government of the United States. With a single source contract it is very hard to attract venture capital, very hard to get private industry excited about developing something if they did not know where the Federal Government was going to be when it came to purchasing something that we are the only ones that were going to buy it, a hard place to be.

So we came up with the single point of authority to make quick decisions; and the Valley of Death takes a long time, 8 to 12 years, to develop these vaccines, very labor intensive, a lot of intellectual power applied to coming up with the right vaccine to be the right prophylactic for what we know is a bioterrorism or natural-occurring event. That Valley of Death, because we are the single source of those contracts, was very real and stalling what we know is great research to happen for the cure and the development of these vaccines.

Also, we found that it did not motivate academic researchers, drug and vaccine manufacturers and other possible partners to commit substantial resources.

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What this bill does, Mr. Speaker, is address all those issues and gives us a framework to go forward and bring out the best in our scientific community, our academic community, our producing community to come up with the right safety net for the protection of the United States when it comes to bioterror threats and natural occurring threats in and around our societies, which we know is already here, bird flu mentioned, but we also know the real threat of bioterrorism as well.

I would hope, Mr. Speaker, that we could encourage the Senate to take our lead here and set aside any partisanship that may arise in the course of this bill in the Senate and take quick action. This really means the safety and security of every family in this country. Bioterrorism is, unfortunately, a reality in 2006 and beyond; and they need to set aside any differences they may have in the Senate and take this bill up. So I would encourage Senate Democrat leadership to do just that.

I would also commend Senator BYRD, who has created this bipartisan product, and urge they move this product as soon as possible. And I would also urge, Mr. Speaker, that this important piece of legislation be passed as quickly as possible.

Ms. ESHOO. Mr. Speaker, I just want to close. I do not think I have any other individuals to come to the floor to speak on this this evening.

I also want to thank our staffs, because they have worked exceedingly hard and exceedingly well with one another, both from Mr. ROGERS' staff, certainly mine, with Steve Keenan and Jennifer Nieto, and everyone that helped them in my office, as well as John Ford on the minority staff of the committee, as well as the majority staff. I salute all of you. I thank you. I am proud of the work we have been able to do.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5533, the "Biodefense and Pandemic Vaccine and Drug Development Act of 2006".

In an effort to respond to the new era of heightened threats to our national security and the increased risk of harm to Americans, Congress passed the "Project Bioshield Act" in July of 2004. The basic purpose of Project Bioshield was to support research that would lead to the development and availability of "countermeasures" to combat public health emergencies that threaten our national security. The main provisions of this law included: (1) flexible procedures for bioterrorism-related procurement, hiring of personnel, and awarding of research grants; (2) guaranteeing a Federal Government market for new biomedical countermeasures; and (3) permitting emergency use of unapproved countermeasures.

Building on the Project Bioshield Act, H.R. 5533 takes further steps to identify potential medical countermeasures to protect the public health and national security from biological, chemical, radiological, and nuclear threats. Additionally, this legislation ensures the rapid development of medical countermeasures against such threats, including potential pandemic infectious diseases and it seeks to expand the collaboration and coordination between government and the private sector so that we can effectively respond in the event of a public health emergency.

Since the implementation of Project Bioshield, it has become apparent that certain barriers still exist to the development of countermeasures. Many promising countermeasures are not making it through the advanced research and development stages necessary to bring products to the point of eligibility for procurement. H.R. 5533 seeks to rectify this impediment to advanced-stage countermeasure development.

This legislation seeks to streamline the countermeasure research and development process and create a single point of Federal authority by creating a new office called the Biomedical Advanced Research and Development Agency (BARDA) within the Department of Health and Human Services. BARDA would establish a "one stop shop" agency for advanced research and development of medical countermeasures, including drugs and vaccines to respond to bioterrorism and natural disease outbreaks. This agency would be responsible for directing and coordinating collaboration among HHS entities, other Federal agencies, relevant industries, academia, and other individuals with respect to countermeasure research and development.

I commend my colleagues, Representatives ESHOO and ROGERS, for their diligent and impassioned work on this issue. This is a good bill and I urge my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, please include this exchange of correspondence in the RECORD for H.R. 5533.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 26, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: I acknowledge and appreciate your willingness not to exercise your referral of H.R. 5533, Biodefense and Pandemic Vaccine and Drug Development Act of 2006. In doing so, I agree that your decision to forgo further action on the bill will not prejudice the Committee on Government Reform with respect to its jurisdictional prerogatives on this legislation or similar legislation.

Further, I recognize your right to request conferees on those provisions within the Committee on Government Reform's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include your letter and this response in the Congressional Record during floor consideration of H.R. 5533.

Sincerely

JOE BARTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC., September 26, 2006.

Hon. JOE BARTON,
Chairman, House Committee on Energy and Commerce,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On September 20, 2006, the House Committee on Energy and Commerce reported H.R. 5533, the Biodefense and Pandemic Vaccine and Drug Development Act of 2006. As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform, specifically section 3 of the bill that would exempt the Authority proposed to be created by this legislation from portions of the Federal Advisory Committee Act and the Freedom of Information Act. Section 3 would also authorize the Secretary of Health and Human Services to utilize "other transaction" procurement authority.

In the interests of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill 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.

I respectfully request your support for the appointment of outside conferees from the

Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

Mr. WAXMAN. Mr. Speaker, the bill before us would create a new agency within the Department of Health and Human Services, the Biomedical Advanced Research and Development Authority, or BARDA. I support creating this new agency. However, some provisions in the bill raise concerns because they waive a number of existing Federal statutes enacted to ensure proper government oversight. I want to express my reservations over these provisions, and urge that they be addressed in conference.

This bill contains exemptions from important federal open government laws designed to ensure accountability and transparency, like the Freedom of Information Act (FOIA) and federal procurement law. These open government laws are within the jurisdiction of the Committee on Government Reform, on which I am the ranking member, but unfortunately, the Government Reform Committee did not have an opportunity to consider the bill.

FOIA is the central law that guarantees public access to government information. It establishes the presumption that people should be able to access information held by the government. FOIA contains exemptions that prevent the disclosure of information in the case where harm could result from disclosure—including exemptions for classified information, trade secrets, information compiled for law enforcement purposes, and internal agency documents that would be exempt from discovery in litigation.

H.R. 5533 establishes a new FOIA exemption, requiring the Secretary to withhold from public disclosure "specific technical data of scientific information that is created or obtained during countermeasure research and product advanced development funded by the Secretary that reveal vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats." While this exemption appears narrow in scope, the Administration has a long record of interpreting narrow language broadly to withhold public information. Unless there is a compelling reason why the existing FOIA exemptions are inadequate—which there does not appear to be in this case—it is unwise to add new exemptions to FOIA. Moreover, the language of the new exemption is not clear. The language applies to any "advanced research and development that is funded by the Secretary," which may inappropriately extend the exemption far beyond BARDA to other research funded by the Department of Health and Human Services.

Another issue is so-called "other transaction authority." This authority is essentially a waiver from most federal procurement law—everything from competition requirements, to auditing and pricing safeguards, to the Buy America and Drug-free workplace laws. The authority was originally developed to help DOD in attracting smaller contractors to federal research and development contracts, though in practice it has not often been used to accomplish that objective. While I am not necessarily opposed to granting BARDA other transaction authority, I have yet to hear a convincing rationale for its necessity. If such a rationale exists, we should explore ways to limit its application at BARDA to those instances where it is truly needed, as opposed to the blanket grant of authority currently in H.R. 5533.

Finally, H.R. 5533 exempts all advisory committees established under the bill from section 14 of the Federal Advisory Committee Act. Section 14 was added to the FACA law because Congress decided that there was a proliferation of advisory committees and that it is important to ensure that they should continuously be reviewed to ensure their ongoing necessity. Again, there is no clear explanation for why this waiver of current law is necessary, or what interests would be protected by exempting the committees from renewal requirements.

All of these issues are within the jurisdiction of the Government Reform Committee, and I hope they can be addressed as this bill moves forward in the legislative process.

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

Mr. DEAL of Georgia. Mr. Speaker, I have no other 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. DEAL) that the House suspend the rules and pass the bill, H.R. 5533, 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.

ARROWROCK PROJECT HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4377) to extend the time required for construction of a hydroelectric project, and for other purposes.

The Clerk read as follows:

H.R. 4377

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

SECTION 1. ARROWROCK HYDROELECTRIC PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, on request of the licensee, the Commission shall—

(1) if the license for the project is in effect on the date of the enactment of this Act, extend the period for commencing construction of project works for a period of 3 years beginning on the date of enactment of this Act; or

(2) if the license for the project has been terminated before the date of enactment of this Act, reinstate the license and extend the period for commencing construction of project works for an additional 3-year period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. 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.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4377, the Arrowrock Project Hydroelectric License Extension Bill, which extends the time in the hydroelectric license to begin construction of a 15-megawatt project by 3 years from the date of passage of this bill. The facility will be built at the existing Arrowrock Dam on the Boise River in Idaho and has been designated to minimize impacts there.

Over the past decade, this project has been delayed by a number of factors not necessarily within the control of the project developer, including delays related to the bull trout being declared threatened under the Endangered Species Act. We have now solved that problem and we have been assured that the project is ready to go once the license is extended.

This project has bipartisan support. It will further develop the hydroelectric facilities at existing dams, something we promoted in the Energy Policy Act of 2005, so I urge my colleagues to support the bill.

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

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

I rise today in support of H.R. 4377, a bill which would require the Federal Energy Regulatory Commission to extend for a 3-year period the deadline for commencing construction on the proposed Arrowrock Hydroelectric Project in the State of Idaho.

The project was originally licensed in 1989, but due to extenuating circumstances, construction has not begun on the project as of this time. One reason for the delay was the need for required consultations with regard to the bull trout, a species which was listed as threatened only after the original license had been issued. The project is now moving forward with those required consultations.

The bill before us would simply extend the license to give the licensee more time in order to finalize the project and get construction under way. This measure was approved by the Energy and Commerce Committee by voice vote, along with four other hydroelectric licensing bills which we are also considering this evening.

I urge my colleagues to approve this measure.

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

Mr. OTTER. Madam Speaker, I yield back the balance of my time, and I urge the immediate passage of 4377.

The SPEAKER pro tempore (Mrs. MCMORRIS RODGERS). The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 4377.

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.

TYGART DAM PROJECT HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4417) to provide for the reinstatement of a license for a certain Federal Energy Regulatory project.

The Clerk read as follows:

H.R. 4417

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

SECTION 1. REINSTATEMENT OF LICENSE FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to project numbered 7307 of the Federal Energy Regulatory Commission, the Commission shall, upon the request of the licensee for the project, in accordance with that section (including the good faith, due diligence, and public interest requirements of that section and the procedures established under that section), extend the time required for commencement of construction of the project until December 31, 2007.

(b) APPLICABILITY.—Subsection (a) shall apply to the project upon the expiration of any extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the time required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license of the Commission for the project expires before the date of enactment of this Act, the Commission shall—

(1) reinstate the license effective as of the date of the expiration of the license; and

(2) extend the time required for commencement of construction of the project until December 31, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

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

There was no objection.

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

Madam Speaker, H.R. 4417, the Tygart Dam Project Hydroelectric License Extension Bill, extends the time in the hydroelectric license to start construction on the project until December 31, 2007. This is another project that has experienced delays. In this case, unfavorable market conditions delayed the start of the project. Today, those conditions have been resolved and the project is ready to begin. The project will be built at an existing dam, thus minimizing impacts. It is anticipated that the project will provide a substantial economic boost to the city of Grafton, West Virginia, as well as valuable hydroelectric power, and I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 4417, legislation which would require the Federal Energy Regulatory Commission to extend, upon the licensee's request and subject to compliance with commission procedures, the deadline for the commencement of construction of the proposed Tygart Dam Hydroelectric Project in West Virginia. That extension in this bill would be for a period of 1 year.

The project was originally licensed in 1989, but has not begun construction due to a lack of utility contracts in order to make the project financially viable. Those dynamics have now changed and the contractor is actively negotiating for the purchase of electricity to be produced by the facility.

The project enjoys strong local support in the community in West Virginia in which it will be located. The bill was also approved by the Energy and Commerce Committee by voice vote and is noncontroversial, and I urge approval of the legislation.

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

Mr. OTTER. Madam Speaker, I also yield back the balance of my time, and I urge the immediate passage of H.R. 4417.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 4417.

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.

SWIFT CREEK HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 244) to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

The Clerk read as follows:

S. 244

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

SECTION 1. EXTENSION OF TIME FOR THE FEDERAL ENERGY REGULATORY COMMISSION HYDROELECTRIC PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 1651, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the Senate bill now under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 244, the Swift Creek Hydroelectric License Extension Bill, authorizing the Federal Energy Regulatory Commission to extend the time specified in the project license to begin construction of the Swift Creek Hydroelectric Project for three 2-year periods, a total of 6 years.

The Swift Creek Project is a 1.5 megawatt project in Wyoming. This bill has passed the Senate with unanimous consent, and passage of the bill today will send this bill directly to the President's desk and allow the further development of clean renewable hydroelectric power. I urge my colleagues to support S. 244.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of this legislation which would authorize the Federal Energy Regulatory Commission to extend the commencement of construction deadline for the Swift Creek Hydroelectric Project in Wyoming for three 2-year periods. The license was originally issued in 1997, and the bill before us would provide a routine extension of the commencement of construction deadline.

The legislation is noncontroversial and was approved by voice vote of the

House Committee on Energy and Commerce, and so I urge the House approve the legislation.

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

Mr. OTTER. Madam Speaker, I yield back the balance of my time, and I urge the immediate passage of S. 244.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the Senate bill, S. 244.

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.

REYNOLDS CREEK HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 176) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

The Clerk read as follows:

S. 176

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11480, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the legislation now under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 176, the Reynolds Creek Hydroelectric Licensing Extension Act, which authorizes the Federal Energy Regulatory Commission to extend the time specified in the project license to begin construction of the Reynolds Creek hydroelectric project for three 2-year periods, a total of 6 years. The Reynolds Creek project is a five megawatt project on Prince of Wales Island in Alaska.

This bill has passed the Senate by unanimous consent. Passage of this bill today will send it to the President's desk and allow further development of clean, renewable hydroelectric power.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of the legislation which would authorize the Federal Energy Regulatory Commission to extend the commencement of the construction deadline for the Reynolds Creek hydroelectric project in Alaska for three 2-year periods. The license was originally issued in the year 2000, and the bill before us would provide a routine extension of the commencement of construction deadline.

The legislation is non-controversial and was approved by voice vote of the House Energy and Commerce Committee. I urge that the House approve this measure.

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

Mr. OTTER. Madam Speaker, I yield back the balance of my time and urge the immediate passage of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the Senate bill, S. 176.

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.

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF CERTAIN HYDROELECTRIC PROJECTS IN CONNECTICUT

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 971) to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes.

The Clerk read as follows:

H.R. 971

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT NUMBERED 11547.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11547, the Commission shall, upon enactment of this Act, extend the time period during which the licensee is required to commence the construction of the project to and including May 30, 2007. Thereafter the Commission shall, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 2 consecutive 2-year periods.

(b) REINSTATEMENT OF EXPIRED LICENSE.—The Commission shall reinstate the license for Federal Energy Regulatory Commission project numbered 11547 effective as of the date of its expiration, and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 2. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECTS NUMBERED 10822 AND 10823.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 10822 and 10823, the Commission shall, upon enactment of this Act, extend the time period during which the licensee is required to commence the construction of each such project to and including May 30, 2007. Thereafter the Commission shall, at the request of the licensee for each such project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 2 consecutive 2-year periods.

(b) REINSTATEMENT OF EXPIRED LICENSE.—The Commission shall reinstate the licenses for Federal Energy Regulatory Commission projects numbered 10822 and 10823 effective as of the date of their expiration, and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. Madam 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 Idaho?

There was no objection.

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

Madam Speaker, I rise in support of H.R. 971, a bill to provide license extensions of time to begin construction of three hydroelectric projects in Connecticut: the 440 kilowatt Hale project, the 373 kilowatt Collinsville Upper and the 1.1 megawatt Collinsville Lower projects. The bill extends the start time period for construction until May 30, 2007, for all three projects, and also authorizes the Federal Energy Regulatory Commission to extend the time and the start date by two additional 2-year periods.

These renewable hydroelectric projects will provide a boost to the local economy, remove river debris and enhance fishery resources by constructing fish ladders. They also provide a valuable new resource of hydroelectric energy in the New England area.

Madam Speaker, I urge my colleagues to support the bill.

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

Madam Speaker, I rise in support of the legislation which would authorize the Federal Energy Regulatory Commission to extend the commencement of construction deadline for three hydroelectric projects in the State of Connecticut. The legislation would enable the Commission to extend until May of 2007 the deadline, with the ability to issue two additional 2-year extensions, for commencing construction on the proposed Hale hydroelectric project. In addition, the bill would require the FERC to extend the commencement of construction deadlines for the Collinsville Upper hydroelectric project and the Collinsville Lower hydroelectric project.

This measure is noncontroversial and was approved by voice vote of the House Energy and Commerce Committee. It is my pleasure to urge its approval by the House.

Madam Speaker, I would say to the gentleman from Idaho, I have no additional requests for time, and seeing that he has one, we will yield back the balance of our time. I am sure these will be friendly comments.

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

Mr. OTTER. Madam Speaker, I thank the gentleman for his consideration.

Madam Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Madam Speaker, I rise today in strong support of H.R. 971, to extend the deadline for commencement of construction of certain hydroelectric plants in my State of Connecticut. I thank the gentleman for yielding time; and I also thank the chairman of the full committee, Chairman BARTON, for his leadership and work on this important legislation.

The Federal Energy Regulatory Commission has approved licenses for three hydroelectric plants in Connecticut. Unfortunately, due to reasons beyond their control, Summit Hydroelectric has been unable to begin construction on these approved projects. The delays have been caused by regulatory changes and lease negotiations with the State of Connecticut.

We know that section 13 of the Federal Power Act requires that the construction of a licensed project begin with 2 years from the date the license is issued. FERC is authorized under the law to extend this deadline upon a finding that such extension is ''not incompatible with the public interest.'' FERC did provide a one-time extension, but more time is needed, and that is why we have this legislation before us here tonight, to enable these projects to go forward.

Like two other operational hydroelectric facilities located in my district in eastern Connecticut, these facilities will benefit local communities by adding historical value, because many of the dams are of historic nature, increasing property tax revenues to the town and providing for economic stimulation.

In addition, the facilities would significantly reduce trash and pollution in the rivers. For example, one such facility is estimated to remove about three tons of trash each year from the rivers through the screening process. Each of these facilities will remove 36 tons a year of sulfur dioxide pollution, 15 tons per year of nitrogen oxide pollution, and 5,000 tons a year of carbon dioxide pollution. So these facilities are not only important to generate electricity, they are also important to clean up the rivers and to clean up the air. In addition, they will all include fish ladders that are beneficial to our native salmon migration.

Finally, Madam Speaker, we know that increasing renewable energy sources has never been more important. Hydropower serves to help lessen our dependence on imported oil, which is paramount to increasing our Nation's security and reducing pollution.

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

Madam Speaker, I thank the gentleman from Connecticut for the information that he has given us; and I appreciate his personal perspective on the continuation of the licenses for these dams and the construction.

Madam Speaker, I yield back the balance of my time and urge the immediate passage of H.R. 971.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 971.

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.

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

Mr. BARTON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

The Clerk read as follows:

H.R. 6164

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 ''National Institutes of Health Reform Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Organization of National Institutes of Health.
Sec. 3. Authority of Director of NIH.
Sec. 4. Authorization of appropriations.
Sec. 5. Reports.
Sec. 6. Certain demonstration projects.
Sec. 7. Foundation for the National Institutes of Health.
Sec. 8. Applicability.

SEC. 2. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401 of the Public Health Service Act (42 U.S.C. 281) is amended to read as follows:

''SEC. 401. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

''(a) RELATION TO PUBLIC HEALTH SERVICE.—The National Institutes of Health is an agency of the Service.

''(b) NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—The following agencies of the National Institutes of Health are national research institutes or national centers:

''(1) The National Cancer Institute.

''(2) The National Heart, Lung, and Blood Institute.

''(3) The National Institute of Diabetes and Digestive and Kidney Diseases.

''(4) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

''(5) The National Institute on Aging.

''(6) The National Institute of Allergy and Infectious Diseases.

''(7) The National Institute of Child Health and Human Development.

''(8) The National Institute of Dental and Craniofacial Research.

''(9) The National Eye Institute.

''(10) The National Institute of Neurological Disorders and Stroke.

''(11) The National Institute on Deafness and Other Communication Disorders.

''(12) The National Institute on Alcohol Abuse and Alcoholism.

''(13) The National Institute on Drug Abuse.

''(14) The National Institute of Mental Health.

''(15) The National Institute of General Medical Sciences.

''(16) The National Institute of Environmental Health Sciences.

''(17) The National Institute of Nursing Research.

''(18) The National Institute of Biomedical Imaging and Bioengineering.

''(19) The National Human Genome Research Institute.

''(20) The National Library of Medicine.

''(21) The National Center for Research Resources.

''(22) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

''(23) The National Center for Complementary and Alternative Medicine.

''(24) The National Center on Minority Health and Health Disparities.

''(25) Any other national center that, as an agency separate from any national research institute, was established within the National Institutes of Health as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

''(c) DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES.—

''(1) IN GENERAL.—Within the Office of the Director of the National Institutes of Health, there shall be a Division of Program Coordination, Planning, and Strategic Initiatives (referred to in this subsection as the 'Division').

''(2) OFFICES WITHIN DIVISION.—

''(A) OFFICES.—The following offices are within the Division: The Office of AIDS Research, the Office of Research on Women's Health, the Office of Behavioral and Social Sciences Research, the Office of Disease Prevention, the Office of Dietary Supplements, the Office of Rare Diseases, and any other office located within the Office of the Director of NIH as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006. In addition to such offices, the Director of NIH may establish within the Division such additional offices or other administrative units as the Director determines to be appropriate.

''(B) AUTHORITIES.—Each office in the Division—

''(i) shall continue to carry out the authorities that were in effect for the office before the date of enactment referred to in subparagraph (A); and

''(ii) shall, as determined appropriate by the Director of NIH, support the Division with respect to the authorities described in section 402(b)(7).

''(d) ORGANIZATION.—

''(1) NUMBER OF INSTITUTES AND CENTERS.—In the National Institutes of Health, the number of national research institutes and national centers may not exceed a total of 27, including any such institutes or centers established under authority of paragraph (2) or under authority of this title as in effect on the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

''(2) REORGANIZATION OF INSTITUTES AND CENTERS.—

''(A) IN GENERAL.—Notwithstanding subsection (b), and subject to paragraph (1), the Director of NIH may, with the approval of the Secretary, reorganize the national research institutes and the national centers, including the addition, removal, or transfer of functions of such institutes and centers, and the establishment or termination of such institutes and centers, if the Director determines that the overall mission of the National Institutes of Health, or the management and operation of programs and activities conducted or supported by the National Institutes of Health, would be more efficiently carried out under such a reorganization.

''(B) ADMINISTRATIVE UNIT.—For purposes of paragraph (1), an administrative unit within the National Institutes of Health that is established under authority of subparagraph (A) shall be considered a national research institute or a national center, without regard to whether the administrative unit is designated by the Director of NIH as such an institute or center.

''(C) PUBLIC PROCESS.—Any reorganization under subparagraph (A) shall be carried out by regulation in accordance with the procedures for substantive rules under section 553 of title 5, United States Code.

''(3) REORGANIZATION OF OFFICE OF DIRECTOR.—Notwithstanding subsection (c), the Director of NIH may, after a series of public hearings, and with the approval of the Secretary, reorganize the offices within the Office of the Director, including the addition, removal, or transfer of functions of such offices, and the establishment or termination of such offices, if the Director determines that the overall management and operation of programs and activities conducted or supported by such offices would be more efficiently carried out under such a reorganization.

''(4) INTERNAL REORGANIZATION OF INSTITUTES AND CENTERS.—Notwithstanding any conflicting provisions of this title, the director of a national research institute or a national center may, after a series of public hearings and with the approval of the Director of NIH, reorganize the divisions, centers, or other administrative units within such institute or center, including the addition, removal, or transfer of functions of such units, and the establishment or termination of such units, if the director of such institute or center determines that the overall management and operation of programs and activities conducted or supported by such divisions, centers, or other units would be more efficiently carried out under such a reorganization.

''(5) NOTICE TO CONGRESS; EFFECTIVE DATE.—A reorganization under paragraph (2), (3), or (4) may not take effect before the expiration of 90 days after the Secretary submits to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate written notice of the reorganization.

''(e) SCIENTIFIC MANAGEMENT REVIEW BOARD FOR PERIODIC ORGANIZATIONAL REVIEWS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Secretary shall establish an advisory council within the National Institutes of Health to be known as the Scientific Management Review Board (referred to in this subsection as the 'Board').

''(2) DUTIES.—

''(A) REPORTS ON ORGANIZATIONAL ISSUES.—The Board shall provide advice to the appropriate officials under subsection (d) regarding the use of the authorities established in paragraphs (2), (3), and (4) of such subsection to reorganize the National Institutes of Health (referred to in this subsection as 'organizational authorities'). Not less frequently than once each 7 years, the Board shall—

''(i) determine whether and to what extent the organizational authorities should be used; and

''(ii) issue a report providing the recommendations of the Board regarding the use of the authorities and the reasons underlying the recommendations.

''(B) CERTAIN RESPONSIBILITIES REGARDING REPORTS.—The activities of the Board with respect to a report under subparagraph (A) shall include the following:

''(i) Reviewing all programs of the National Institutes of Health (referred to in this subsection as 'NIH') in order to determine the progress and cost-effectiveness of such programs and the allocation among the programs of the resources of NIH.

''(ii) Determining pending scientific opportunities, and public health needs, with respect to research within the jurisdiction of NIH.

''(iii) For any proposal for organizational changes to which the Board gives significant consideration as a possible recommendation in such report—

''(I) analyzing the budgetary and operational consequences of the proposed changes;

''(II) estimating the level of resources needed to implement the proposed changes; and

''(III) assuming the proposed changes will be made and making a recommendation for the allocation of the resources of NIH among the national research institutes and national centers.

''(C) CONSULTATION.—In carrying out subparagraph (A), the Board shall consult with—

''(i) the heads of national research institutes and national centers whose directors are not members of the Board;

''(ii) other scientific leaders who are officers or employees of NIH and are not members of the Board;

''(iii) advisory councils of the national research institutes and national centers;

''(iv) organizations representing the scientific community; and

''(v) organizations representing patients.

''(3) COMPOSITION OF BOARD.—The membership of the Board may not exceed 21 individuals, all of whom shall be voting members. The Board shall be composed of the following:

''(A) The Director of NIH, who shall be a permanent member on an ex officio basis.

''(B) Not fewer than 9 officials who are directors of national research institutes or national centers. The Secretary shall designate such officials for membership and shall ensure that the group of officials so designated includes directors of—

''(i) national research institutes whose budgets are substantial relative to a majority of the other institutes;

''(ii) national research institutes whose budgets are small relative to a majority of the other institutes;

''(iii) national research institutes that have been in existence for a substantial period of time without significant organizational change under subsection (d);

''(iv) as applicable, national research institutes that have undergone significant organization changes under such subsection, or that have been established under such subsection, other than national research institutes for which such changes have been in place for a substantial period of time; and

''(v) national centers.

''(C) Members appointed by the Secretary from among individuals who are not officers or employees of the United States. Such members shall include—

''(i) individuals representing the interests of public or private institutions of higher education that have historically received funds from NIH to conduct research; and

''(ii) individuals representing the interests of private entities that have received funds from NIH to conduct research or that have broad expertise regarding how the National Institutes of Health functions, exclusive of private entities to which clause (i) applies.

''(4) CHAIR.—The Chair of the Board shall be selected by the Secretary from among the appointed members of the Board, except that the Secretary may select the Director of NIH as the Chair. The term of office of the Chair shall be 2 years.

''(5) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet at the call of the Chair or upon the request of the Director of NIH, but not fewer than 5 times with respect to issuing any particular report under paragraph (2)(A). The location of the meetings of the Board is subject to the approval of the Director of NIH.

''(B) PARTICULAR FORUMS.—Of the meetings held under subparagraph (A) with respect to a report under paragraph (2)(A)—

''(i) one or more shall be directed toward the scientific community to address scientific needs and opportunities related to proposals for organizational changes under subsection (d), or as the case may be, related to a proposal that no such changes be made; and

''(ii) one or more shall be directed toward consumer organizations to address the needs and opportunities of patients and their families with respect to proposals referred to in clause (i).

''(C) AVAILABILITY OF INFORMATION FROM FORUMS.—For each meeting under subparagraph (B), the Director of NIH shall post on the Internet site of the National Institutes of Health a summary of the proceedings.

''(6) COMPENSATION; TERM OF OFFICE.—The provisions of subsections (b)(4) and (c) of section 406 apply with respect to the Board to the same extent and in the same manner as such provisions apply with respect to an advisory council referred to in such subsections, except that the reference in such subsection (c) to 4 years regarding the term of an appointed member is deemed to be a reference to 5 years.

''(7) REPORTS.—

''(A) RECOMMENDATIONS FOR CHANGES.—Each report under paragraph (2)(A) shall be submitted to—

''(i) the Committee on Energy and Commerce within the House of Representatives;

''(ii) the Committee on Health, Education, Labor, and Pensions within the Senate;

''(iii) the Secretary; and

''(iv) officials with organizational authorities, other than any such official who served as a member of the Board with respect to the report involved.

''(B) AVAILABILITY TO PUBLIC.—The Director of NIH shall post each report under paragraph (2) on the Internet site of the National Institutes of Health.

''(C) REPORT ON BOARD ACTIVITIES.—Not later than 18 months after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Board shall submit to the committees specified in subparagraph (A) a report describing the activities of the Board.

''(f) ORGANIZATIONAL CHANGES PER RECOMMENDATION OF SCIENTIFIC MANAGEMENT REVIEW BOARD.—

''(1) IN GENERAL.—With respect to an official who has organizational authorities within the meaning of subsection (e)(2)(A), if a recommendation to the official for an organizational change is made in a report under such subsection, the official shall, except as provided in paragraph (2) of this subsection, make the change in accordance with the following:

''(A) Not later than 100 days after the report is submitted under subsection (e)(7)(A), the official shall initiate the applicable public process required in subsection (d) toward making the change.

''(B) The change shall be fully implemented not later than the expiration of the 3-year period beginning on the date on which such process is initiated.

''(2) OBJECTION BY DIRECTOR OF NIH.—

''(A) IN GENERAL.—Paragraph (1) does not apply to a recommendation for an organizational change made in a report under subsection (e)(2)(A) if, not later than 90 days after the report is submitted under subsection (e)(7)(A), the Director of NIH submits to the committees specified in such subsection a report providing that the Director objects to the change, which report includes the reasons underlying the objection.

''(B) SCOPE OF OBJECTION.—For purposes of subparagraph (A), an objection by the Director of NIH may be made to the entirety of a recommended organizational change or to 1 or more aspects of the change. Any aspect of a change not objected to by the Director in a report under subparagraph (A) shall be implemented in accordance with paragraph (1).

''(g) DEFINITIONS.—For purposes of this title:

''(1) The term 'Director of NIH' means the Director of the National Institutes of Health.

''(2) The terms 'national research institute' and 'national center' mean an agency of the National Institutes of Health that is—

''(A) listed in subsection (b) and not terminated under subsection (d)(2)(A); or

''(B) established by the Director of NIH under such subsection.

''(h) REFERENCES TO NIH.—For purposes of this title, a reference to the National Institutes of Health includes its agencies.''.

(b) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 3 of part E as subpart 19;

(2) by transferring subpart 19, as so redesignated, to part C of such title IV;

(3) by inserting subpart 19, as so redesignated, after subpart 18 of such part C; and

(4) in subpart 19, as so redesignated—

(A) by redesignating section 485B as section 464z–1;

(B) by striking ''National Center for Human Genome Research'' each place such term appears and inserting ''National Human Genome Research Institute''; and

(C) by striking ''Center'' each place such term appears and inserting ''Institute''.

SEC. 3. AUTHORITY OF DIRECTOR OF NIH.

(a) IN GENERAL.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (22);

(2) by striking paragraphs (12) and (13);

(3) by redesignating paragraphs (4) through (11) as paragraphs (14) through (21);

(4) in paragraph (21) (as so redesignated), by inserting ''and'' after the semicolon at the end;

(5) in the matter after and below paragraph (22) (as so redesignated), by striking ''paragraph (6)'' and inserting ''paragraph (16)''; and

(6) by striking paragraphs (1) through (3) and inserting the following paragraphs:

''(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

''(2) shall coordinate and oversee the operation of the national research institutes, national centers, and administrative entities within the National Institutes of Health;

''(3) shall, in consultation with the heads of the national research institutes and national centers, be responsible for program coordination across the national research institutes and national centers, including conducting priority-setting reviews, to ensure that the research portfolio of the National Institutes of Health is balanced and free of unnecessary, duplicative research, and takes advantage of collaborative, cross-cutting research;

''(4) shall assemble accurate data to be used to assess research priorities, including information to better evaluate scientific opportunity, public health burdens, and progress in reducing health disparities;

''(5) shall ensure that scientifically based strategic planning is implemented in support of research priorities as determined by the agencies of the National Institutes of Health;

''(6) shall ensure that the resources of the National Institutes of Health are sufficiently allocated for research projects identified in strategic plans;

''(7)(A) shall, through the Division of Program Coordination, Planning, and Strategic Initiatives—

''(i) identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis and would benefit from conducting or supporting additional research that involves collaboration between 2 or more national research institutes or national centers, or would otherwise benefit from strategic coordination and planning;

''(ii) include information on such research in reports under section 403; and

''(iii) in the case of such research supported with funds referred to in subparagraph (B)—

''(I) require as appropriate that proposals include milestones and goals for the research;

''(II) require that the proposals include timeframes for funding of the research; and

''(III) ensure appropriate consideration of proposals for which the principal investigator is an individual who has not previously served as the principal investigator of research conducted or supported by the National Institutes of Health;

''(B) may, with respect to funds reserved under section 402A(c)(1) for the Common Fund, allocate such funds to the national research institutes and national centers for conducting and supporting research that is identified under subparagraph (A); and

''(C) may assign additional functions to the Division in support of responsibilities identified in subparagraph (A), as determined appropriate by the Director;

''(8) shall, in coordination with the heads of the national research institutes and national centers, ensure that such institutes and centers—

''(A) preserve an emphasis on investigator-initiated research project grants, including with respect to research involving collaboration between 2 or more such institutes or centers; and

''(B) when appropriate, maximize investigator-initiated research project grants in their annual research portfolios;

''(9) shall ensure that research conducted or supported by the National Institutes of Health is subject to review in accordance with section 492 and that, after such review, the research is reviewed in accordance with section 492A(a)(2) by the appropriate advisory council under section 406 before the research proposals are approved for funding;

''(10) shall approve the establishment of all centers of excellence recommended by the national research institutes, other than centers recognized under section 414;

''(11) shall oversee research training for all of the national research institutes and National Research Service Awards in accordance with section 487;

''(12) may, from funds appropriated under section 402A(b), reserve funds to provide for research on matters that have not received significant funding relative to other matters, to respond to new issues and scientific emergencies, and to act on research opportunities of high priority;

''(13) may, subject to appropriations Acts, collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences;''.

(b) CERTAIN AUTHORITIES.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by striking subsections (i) and (l); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(c) ADVISORY COUNCIL FOR DIRECTOR OF NIH.—Section 402 of the Public Health Service Act, as amended by subsection (b) of this section, is amended by adding after subsection (j) the following subsection:

''(k) COUNCIL OF COUNCILS.—

''(1) ESTABLISHMENT.—The Director of NIH shall establish within the Office of the Director an advisory council to be known as the 'Council of Councils' (referred to in this subsection as the 'Council') for the purpose of advising the Director on matters related to the policies and activities of the Division of Program Coordination, Planning, and Strategic Initiatives, including making recommendations with respect to the conduct and support of research described in subsection (b)(7).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall be composed of 27 members selected by the Director of NIH with approval from the Secretary from among the list of nominees under subparagraph (C).

''(B) CERTAIN REQUIREMENTS.—In selecting the members of the Council, the Director of NIH shall ensure—

''(i) the representation of a broad range of disciplines and perspectives; and

''(ii) the ongoing inclusion of at least 1 representative from each national research institute whose budget is substantial relative to a majority of the other institutes.

''(C) NOMINATION.—The Director of NIH shall maintain an updated list of individuals who have been nominated to serve on the Council, which list shall consist of the following:

''(i) For each national research institute and national center, 3 individuals nominated by the head of such institute or center from among the members of the advisory council of the institute or center, of which—

''(I) two shall be scientists; and

''(II) one shall be from the general public or shall be a leader in the field of public policy, law, health policy, economics, or management.

''(ii) For each office within the Division of Program Coordination, Planning, and Strategic Initiatives, 1 individual nominated by the head of such office.

''(3) TERMS.—

''(A) IN GENERAL.—The term of service for a member of the Council shall be 6 years, except as provided in subparagraphs (B) and (C).

''(B) TERMS OF INITIAL APPOINTEES.—Of the initial members selected for the Council, the Director of NIH shall designate—

''(i) nine for a term of 6 years;

''(ii) nine for a term of 4 years; and

''(iii) nine for a term of 2 years.

''(C) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.''.

(d) REVIEW BY ADVISORY COUNCILS OF RESEARCH PROPOSALS.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a–1(a)(2)) is amended by inserting before the period the following: '', and unless a majority of the voting members of the appropriate advisory council under section 406, or as applicable, of the advisory council under section 402(k), has recommended the proposal for approval''.

(e) CONFORMING AMENDMENT.—Section 402(a) of the Public Health Service Act (42 U.S.C. 282(a)) is amended by striking ''Director of the National Institutes of Health'' and all that follows through ''who shall'' and inserting ''Director of NIH who shall''.

(f) RULE OF CONSTRUCTION REGARDING AUTHORITIES OF NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—This Act and the amendments made by this Act may not be construed as affecting the authorities of the national research institutes and national centers that were in effect under the Public Health Service Act on the day before the date of the enactment of this Act, subject to the authorities of the Director of NIH under section 401 of the Public Health Service Act (as amended by section 2(a) of this Act). For purposes of the preceding sentence, the terms ''national research institute'', ''national center'', and ''Director of NIH'' have the meanings given such terms in such section 401.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 402 the following:

''SEC. 402A. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated—

''(1) $29,747,874,000 for fiscal year 2007;

''(2) $31,235,268,000 for fiscal year 2008; and

''(3) $32,797,032,000 for fiscal year 2009.

''(b) OFFICE OF THE DIRECTOR.—Of the amount authorized to be appropriated under subsection (a) for a fiscal year, there are authorized to be appropriated for programs and activities under this title carried out through the Office of the Director of NIH the following amount, as applicable to the fiscal year:

''(1) $1,000,000,000 for fiscal year 2007.

''(2) $1,050,000,000 for fiscal year 2008.

''(3) $1,102,500,000 for fiscal year 2009.

''(c) TRANS-NIH RESEARCH.—

''(1) COMMON FUND.—

''(A) ANNUAL RESERVATION OF AMOUNTS.—Of the total amount appropriated under subsection (a) for fiscal year 2007 or any subsequent fiscal year, the Director of NIH shall reserve the applicable amount under subparagraph (B) for allocations under section 402(b)(7)(B) (relating to research identified by the Division of Program Coordination, Planning, and Strategic Initiatives), which reservations shall constitute an account to be known as the Common Fund.

''(B) AMOUNT OF RESERVATION.—Subject to subparagraph (C), the amount reserved by the Director of NIH under subparagraph (A) for a fiscal year shall be the sum of—

''(i) the base amount determined under subparagraph (D); and

''(ii) any additional amount determined under subparagraph (E).

Amounts reserved under the preceding sentence shall remain available until expended.

''(C) MAXIMUM RESERVATION.—

''(i) IN GENERAL.—The amount reserved by the Director of NIH under subparagraph (A) for a fiscal year shall not exceed 5 percent of the total amount appropriated under subsection (a) for such fiscal year, subject to clause (ii).

''(ii) APPLICABILITY.—Clause (i) may not apply with respect to any fiscal year beginning after the submission of recommendations under subparagraph (F).

''(iii) PRESERVATION OF RESERVATION.—For any fiscal year following the first fiscal year for which the percentage that applies for purposes of clause (i) is 5 percent, the reservation under subparagraph (A) for the fiscal year involved may not be less than 5 percent of the total amount appropriated under subsection (a) for such fiscal year. For fiscal year 2008 and each subsequent fiscal year, the percentage constituted by the reservation under subparagraph (A) relative to the total amount appropriated under subsection (a) for the fiscal year involved may not be less than the percentage constituted by the reservation under such subparagraph for the preceding fiscal year relative to the total amount appropriated under subsection (a) for such preceding fiscal year.

''(D) BASE AMOUNT.—The base amount referred to in subparagraph (B)(i) for a fiscal year is—

''(i) for fiscal year 2007, the amount reserved by the Director of NIH for fiscal year 2006 for research described in section 402(b)(7)(A)(i); and

''(ii) for fiscal year 2008 and each subsequent fiscal year, the amount reserved under subparagraph (A) for the preceding fiscal year.

''(E) ADDITIONAL AMOUNT CORRESPONDING TO INCREASES IN APPROPRIATIONS.—The additional amount referred to in subparagraph (B)(ii) is 50 percent of the amount by which the total amount appropriated under subsection (a) for the fiscal year involved exceeds the total amount appropriated under such subsection for the preceding fiscal year, except that for any fiscal year beginning after the submission of recommendations under subparagraph (F), such percentage may be adjusted by the Director of NIH, and such percentage shall be adjusted by the Director to the extent necessary for compliance with subparagraph (C)(iii).

''(F) EVALUATION.—During the 6-month period following the end of the first fiscal year for which the amount reserved by the Director of NIH under subparagraph (A) is equal to 5 percent of the total amount appropriated under subsection (a) for such fiscal year, the Secretary, acting through the Director of NIH, in consultation with the advisory council established under section 402(k), shall submit recommendations to the Congress for changes to the amount of the reservation under subparagraph (A).

''(2) TRANS-NIH RESEARCH REPORTING.—

''(A) LIMITATION.—With respect to the total amount appropriated under subsection (a) for fiscal year 2008 or any subsequent fiscal year, if the head of a national research institute or national center fails to submit the report required by subparagraph (B) for the preceding fiscal year, the amount made available for the institute or center for the fiscal year involved may not exceed the amount made available for the institute or center for fiscal year 2006.

''(B) REPORTING.—Not later than January 1, 2008, and each January 1st thereafter—

''(i) the head of each national research institute or national center shall submit to the Director of NIH a report on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

''(ii) the Secretary shall submit a report to the Congress identifying the percentage of funds made available by each national research institute and national center with respect to such fiscal year for conducting or supporting research described in clause (i).

''(C) DETERMINATION.—For purposes of determining the amount or percentage of funds to be reported under subparagraph (B), any amounts made available to an institute or center under section 402(b)(7)(B) shall be included.

''(D) VERIFICATION OF AMOUNTS.—Upon receipt of each report submitted under subparagraph (B)(i), the Director of NIH shall review and verify the accuracy of the amounts specified in the report.

''(E) WAIVER.—At the request of any national research institute or national center, the Director of NIH may waive the application of this paragraph to such institute or center if the Director finds that the conduct or support of research described in subparagraph (B)(i) is inconsistent with the mission of such institute or center.

''(d) TRANSFER AUTHORITY.—Of the total amount appropriated under subsection (a) for a fiscal year, the Director of NIH may (in addition to the reservation under (c)(1) for such year) transfer not more than 1 percent for programs or activities that are authorized in this title and identified by the Director to receive funds pursuant to this subsection. In making such transfers, the Director may not decrease any appropriation account under subsection (a) by more than 1 percent.

''(e) RULE OF CONSTRUCTION.—This section may not be construed as affecting the authorities of the Director of NIH under section 401.''.

(b) ELIMINATION OF OTHER AUTHORIZATIONS OF APPROPRIATIONS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking the first sentence of paragraph (5) of section 402(i) (as redesignated by section 3(b));

(2) by striking subsection (e) of section 403A;

(3) by striking subsection (c) of section 404B;

(4) by striking subsection (h) of section 404E;

(5) by striking subsection (d) of section 404F;

(6) by striking subsection (e) of section 404G;

(7) by striking subsection (d) of section 409A;

(8) in section 409B—

(A) in subsection (a), by striking ''under subsection (e)'' and inserting ''to carry out this section''; and

(B) by striking subsection (e);

(9) by striking subsection (e) of section 409C;

(10) in section 409D—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d);

(11) by striking subsection (e) of section 409E;

(12) by striking subsection (c) of section 409F;

(13) in section 409H, by striking—

(A) paragraph (3) of subsection (a);

(B) paragraph (3) of subsection (b);

(C) paragraph (5) of subsection (c); and

(D) paragraph (4) of subsection (d);

(14) by striking subsection (d) of section 409I;

(15) by striking section 417B;

(16) by striking subsection (g) of section 417C;

(17) in section 417D, by striking—

(A) paragraph (3) of subsection (a); and

(B) paragraph (3) of subsection (b);

(18) by striking subsection (d) of section 424A;

(19) by striking subsection (c) of section 424B;

(20) by striking section 425;

(21) by striking subsection (d) of section 434A;

(22) by striking subsection (d) of section 441A;

(23) by striking subsection (c) of section 442A;

(24) in section 445H—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a)'';

(25) by striking subsection (d) of section 445I;

(26) by striking section 445J;

(27) in section 447A—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a)'';

(28) by striking subsection (d) of section 447B;

(29) by striking subsection (g) in section 452A;

(30) by striking paragraph (7) in section 452E(b);

(31) in section 452G—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a) ENHANCED SUPPORT.—'';

(32) by striking subsection (d) of section 464H;

(33) by striking subsection (d) of section 464L;

(34) by striking paragraph (4) of section 464N(c);

(35) by striking subsection (e) of section 464P;

(36) by striking subsection (f) of section 464R;

(37) by striking subsection (d) of section 464z;

(38) in section 467—

(A) by striking the first sentence;

(B) by striking ''for such buildings and facilities'' and inserting ''for suitable and adequate buildings and facilities for use of the Library''; and

(C) by striking ''The amounts authorized to be appropriated by this section include'' and inserting ''Amounts appropriated to carry out this section may be used for'';

(39) by striking section 468;

(40) in section 481A—

(A) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking the term ''under subsection (i)(1)'' and inserting ''to carry out this section''; and

(ii) by striking ''under such subsection'' and inserting ''to carry out this section''; and

(B) by striking subsection (i);

(41) in subsection (a) of section 481B, by striking ''under section 481A(h)'' and inserting ''to carry out section 481A'';

(42) by striking subsection (c) in the section 481C that relates to general clinical research centers;

(43) by striking subsection (e) in section 485C;

(44) by striking subsection (l) in section 485E;

(45) by striking subsection (h) in section 485F;

(46) by striking subsection (e) in section 485G;

(47) by striking subsection (d) of section 487;

(48) by striking subsection (c) of section 487A; and

(49) by striking subsection (c) in the section 487F that relates to a loan repayment program regarding clinical researchers.

(c) RULE OF CONSTRUCTION REGARDING CONTINUATION OF PROGRAMS.—The amendment of a program by a provision of subsection (b) may not be construed as terminating the authority of the Federal agency involved to carry out the program.

SEC. 5. REPORTS.

(a) REPORT OF DIRECTOR OF NIH.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 4(a) of this Act, is amended—

(1) by redesignating section 403A as section 403C;

(2) in section 1710(a), by striking ''section 403A'' and inserting ''section 403C''; and

(3) by striking section 403 and inserting the following sections:

''SEC. 402B. ELECTRONIC CODING OF GRANTS AND ACTIVITIES.

''The Secretary, acting through the Director of NIH, shall establish an electronic system to uniformly code research grants and activities of the Office of the Director and of all the national research institutes and national centers. The electronic system shall be searchable by a variety of codes, such as the type of research grant, the research entity managing the grant, and the public health area of interest. When permissible, the Secretary, acting through the Director of NIH, shall provide information on relevant literature and patents that are associated with research activities of the National Institutes of Health.

''SEC. 403. BIENNIAL REPORTS OF DIRECTOR OF NIH.

''(a) IN GENERAL.—The Director of NIH shall submit directly to the Congress on a biennial basis a report in accordance with this section. The first report shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006. Each such report shall include the following information:

''(1) An assessment of the state of biomedical and behavioral research.

''(2) A description of the activities conducted or supported by the agencies of the National Institutes of Health and policies respecting the programs of such agencies.

''(3) Classification and justification for the priorities established by the agencies, including a strategic plan and recommendations for future research initiatives to be carried out under section 402(b)(7) through the Division of Program Coordination, Planning, and Strategic Initiatives.

''(4) A catalog of all the research activities of the agencies, prepared in accordance with the following:

''(A) The catalog shall, for each such activity—

''(i) identify the agency or agencies involved;

''(ii) state whether the activity was carried out directly by the agencies or was supported by the agencies and describe to what extent the agency was involved; and

''(iii) identify whether the activity was carried out through a center of excellence.

''(B) In the case of clinical research, the catalog shall, as appropriate, identify study populations by demographic variables and other variables that contribute to research on health disparities.

''(C) Research activities listed in the catalog shall include the following:

''(i) Epidemiological studies and longitudinal studies.

''(ii) Disease registries, information clearinghouses, and other data systems.

''(iii) Public education and information campaigns.

''(iv) Training activities, including National Research Service Awards and a breakdown by demographic variables and other appropriate categories.

''(v) Clinical trials, including a breakdown of participation by study populations and demographic variables and such other information as may be necessary to demonstrate compliance with section 492B (regarding inclusion of women and minorities in clinical research).

''(vi) Translational research activities with other agencies of the Public Health Service.

''(5) A summary of the research activities throughout the agencies, which summary shall be organized by the following categories:

''(A) Cancer.

''(B) Neurosciences.

''(C) Life stages, human development, and rehabilitation.

''(D) Organ systems.

''(E) Autoimmune diseases.

''(F) Genomics.

''(G) Molecular biology and basic science.

''(H) Technology development.

''(I) Chronic diseases, including pain and palliative care.

''(J) Infectious diseases and bioterrorism.

''(K) Health disparities.

''(L) Such additional categories as the Director determines to be appropriate.

''(b) REQUIREMENT REGARDING DISEASE-SPECIFIC RESEARCH ACTIVITIES.—In a report under subsection (a), the Director of NIH, when reporting on research activities relating to a specific disease, disorder, or other adverse health condition, shall—

''(1) present information in a standardized format;

''(2) identify the actual dollar amounts obligated for such activities; and

''(3) include a plan for research on the specific disease, disorder, or other adverse health condition, including a statement of objectives regarding the research, the means for achieving the objectives, a date by which the objectives are expected to be achieved, and justifications for revisions to the plan.

''(c) ADDITIONAL REPORTS.—In addition to reports required by subsections (a) and (b), the Director of NIH may submit to the Congress such additional reports as the Director determines to be appropriate.

''SEC. 403A. ANNUAL REPORTING TO INCREASE INTERAGENCY COLLABORATION AND COORDINATION.

''(a) COLLABORATION WITH OTHER HHS AGENCIES.—On an annual basis, the Director of NIH shall submit to the Secretary a report on the activities of the National Institutes of Health involving collaboration with other agencies of the Department of Health and Human Services.

''(b) CLINICAL TRIALS.—Each calendar year, the Director of NIH shall submit to the Commissioner of Food and Drugs a report that identifies each clinical trial that is registered during such calendar year in the databank of information established under section 402(j).

''(c) HUMAN TISSUE SAMPLES.—On an annual basis, the Director of NIH shall submit to the Congress a report that describes how the National Institutes of Health and its agencies store and track human tissue samples.

''(d) FIRST REPORT.—The first report under subsections (a), (b), and (c) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

''SEC. 403B. ANNUAL REPORTING TO PREVENT FRAUD AND ABUSE.

''(a) WHISTLEBLOWER COMPLAINTS.—

''(1) IN GENERAL.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing the activities of the National Institutes of Health relating to whistleblower complaints.

''(2) CONTENTS.—For each whistleblower complaint pending during the year for which a report is submitted under this subsection, the report shall identify the following:

''(A) Each agency of the National Institutes of Health involved.

''(B) The status of the complaint.

''(C) The resolution of the complaint to date.

''(b) EXPERTS AND CONSULTANTS.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

''(1) identifies the number of experts and consultants, including any special consultants, whose services are obtained by the National Institutes of Health or its agencies;

''(2) specifies whether such services were obtained under section 207(f), section 402(d), or other authority;

''(3) describes the qualifications of such experts and consultants;

''(4) describes the need for hiring such experts and consultants; and

''(5) if such experts and consultants make financial disclosures to the National Institutes of Health or any of its agencies, specifies the income, gifts, assets, and liabilities so disclosed.

''(c) FIRST REPORT.—The first report under subsections (a) and (b) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.''.

(b) STRIKING OF OTHER REPORTING REQUIREMENTS FOR NIH.—

(1) PUBLIC HEALTH SERVICE ACT; TITLE IV.—Title IV of the Public Health Service Act, as amended by section 4(b) of this Act, is amended—

(A) in section 404E(b)—

(i) by amending paragraph (3) to read as follows:

''(3) COORDINATION OF CENTERS.—The Director of NIH shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers.''; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(B) in section 404F(b)(1), by striking subparagraphs (F) and (G);

(C) by striking section 407;

(D) in section 409C(b), by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in section 409E, by striking subsection (d);

(F) in section 417C, by striking subsection (f);

(G) in section 424B(a)—

(i) in paragraph (1), by adding ''and'' after the semicolon at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3);

(H) in section 429, by striking subsections (c) and (d);

(I) in section 442, by striking subsection (j) and redesignating subsection (k) as subsection (j);

(J) in section 464D, by striking subsection (j);

(K) in section 464E, by striking subsection (e);

(L) in section 464T, by striking subsection (e);

(M) in section 481A, by striking subsection (h);

(N) in section 485E, by striking subsection (k);

(O) in section 485H—

(i) by striking ''(a)'' and all that follows through ''The Secretary,'' and inserting ''The Secretary,''; and

(ii) by striking subsection (b); and

(P) in section 494—

(i) by striking ''(a) If the Secretary'' and inserting ''If the Secretary''; and

(ii) by striking subsection (b).

(2) PUBLIC HEALTH SERVICE ACT; OTHER PROVISIONS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 399E, by striking subsection (e);

(B) in section 1122—

(i) by striking ''(a) From the sums'' and inserting ''From the sums''; and

(ii) by striking subsections (b) and (c);

(C) by striking section 2301;

(D) in section 2354, by striking subsection (b) and redesignating subsection (c) as subsection (b);

(E) in section 2356, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(F) in section 2359(b)—

(i) by striking paragraph (2);

(ii) by striking ''(b) EVALUATION AND REPORT'' and all that follows through ''Not later than 5 years'' and inserting ''(b) EVALUATION.—Not later than 5 years'';

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iv) by moving each of paragraphs (1) through (3) (as so redesignated) 2 ems to the left.

(3) OTHER ACTS.—Provisions of Federal law are amended as follows:

(A) Section 7 of Public Law 97–414 is amended—

(i) in subsection (a)—

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

(II0) in paragraph (3), by striking ''; and'' and inserting a period; and

(III) by striking paragraph (4); and

(ii) in subsection (b), by striking the last sentence of paragraph (3).

(B) Title III of Public Law 101–557 (42 U.S.C. 242q et seq.) is amended by striking section 304 and redesignating section 305 and 306 as sections 304 and 305, respectively.

(C) Section 4923 of Public Law 105–33 is amended by striking subsection (b).

(D) Public Law 106–310 is amended by striking section 105.

(E) Section 1004 of Public Law 106–310 is amended by striking subsection (d).

(F) Section 3633 of Public Law 106–310 (as amended by section 2502 of Public Law 107–273) is repealed.

(G) Public Law 106–525 is amended by striking section 105.

(H) Public Law 107–84 is amended by striking section 6.

(I) Public Law 108–427 is amended by striking section 3 and redesignating sections 4 and 5 as sections 3 and 4, respectively.

SEC. 6. CERTAIN DEMONSTRATION PROJECTS.

(a) BRIDGING THE SCIENCES.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary of Health and Human Services, acting through the Director of NIH, (in this subsection referred to as the ''Secretary'') in consultation with the Director of the National Science Foundation, the Secretary of Energy, and other agency heads when necessary, may allocate funds for the national research institutes and national centers to make grants for the purpose of improving the public health through demonstration projects for biomedical research at the interface between the biological, behavioral, and social sciences and the physical, chemical, mathematical, and computational sciences.

(2) GOALS, PRIORITIES, AND METHODS; INTERAGENCY COLLABORATION.—The Secretary shall establish goals, priorities, and methods of evaluation for research under paragraph (1), and shall provide for interagency collaboration with respect to such research. In developing such goals, priorities, and methods, the Secretary shall ensure that—

(A) the research reflects the vision of innovation and higher risk with long-term payoffs; and

(B) the research includes a wide spectrum of projects, funded at various levels, with varying timeframes.

(3) PEER REVIEW.—A grant may be made under paragraph (1) only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 3(c) of this Act) or has been reviewed by an advisory council composed of representatives from appropriate scientific disciplines who can fully evaluate the applicant.

(b) HIGH-RISK, HIGH-REWARD RESEARCH.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Director of NIH may allocate funds for the national research institutes and national centers to make awards of grants or contracts or to engage in other transactions for demonstration projects for high-impact, cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, and treatment of diseases and disorders. The head of a national research institute or national center may conduct or support such high-impact, cutting-edge research (with funds allocated under the preceding

sentence or otherwise available for such purpose) if the institute or center gives notice to the Director of NIH beforehand and submits a report to the Director of NIH on an annual basis on the activities of the institute or center relating to such research.

(2) SPECIAL CONSIDERATION.—In carrying out the program under paragraph (1), the Director of NIH shall give special consideration to coordinating activities with national research institutes whose budgets are substantial relative to a majority of the other institutes.

(3) ADMINISTRATION OF PROGRAM.—Activities relating to research described in paragraph (1) shall be designed by the Director of NIH or the head of a national research institute or national center, as applicable, to enable such research to be carried out with maximum flexibility and speed.

(4) PUBLIC-PRIVATE PARTNERSHIPS.—In providing for research described in paragraph (1), the Director of NIH or the head of a national research institute or national center, as applicable, shall seek to facilitate partnerships between public and private entities and shall coordinate with the Foundation for the National Institutes of Health.

(5) PEER REVIEW.—A grant for research described in paragraph (1) may be made only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 3(c) of this Act).

(c) REPORT TO CONGRESS.—Not later than the end of fiscal year 2009, the Director of NIH shall conduct an evaluation of the activities under this section and submit a report to the Congress on the results of such evaluation.

(d) DEFINITIONS.—For purposes of this section, the terms ''Director of NIH'', ''national research institute'', and ''national center'' have the meanings given such term in section 401 of the Public Health Service Act.

SEC. 7. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

''(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.''; and

(ii) in subparagraph (G), by inserting ''appointed'' after ''that the number of'';

(B) by amending paragraph (3)(B) to read as follows:

''(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.''; and

(C) in paragraph (5), by inserting ''appointed'' after ''majority of the'';

(2) in subsection (j)—

(A) in paragraph (2), by striking ''(d)(2)(B)(i)(II)'' and inserting ''(d)(6)'';

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including an accounting of the use of amounts transferred under subsection (l)'' before the period at the end; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

''(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge that shall not exceed the cost of providing the copy; and

''(ii) to the appropriate committees of Congress.''; and

(C) in paragraph (10), by striking ''of Health.'' and inserting ''of Health and the National Institutes of Health may accept transfers of funds from the Foundation.''; and

(3) by striking subsection (l) and inserting the following:

''(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than $500,000 and not more than $1,250,000 to the Foundation.''.

SEC. 8. APPLICABILITY.

This Act and the amendments made by this Act apply only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the matter under consideration.

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

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a big day for me, or I guess I should say a big evening for me. When I became chairman of the Energy and Commerce Committee 3 years ago, I asked the staff to do two things: number one, prepare a list of all of the major agencies and major pieces of legislation that were under the jurisdiction of the committee; and then, number two, to prepare a list of those agencies and those major bills that were not authorized.

I was extremely surprised to find out that the National Institutes of Health, which at that time we were doubling the budget of, had not been authorized in 10 years. I said that is a very, very important agency, and because there is tremendous bipartisan support for the NIH, let's make that the first agency that we bring up to speed and reauthorize and, if necessary, reform. I thought, quite frankly, that that effort might take 3 to 6 months.

Well, 3 years later, as one of the last acts of this Congress, we are bringing to the floor an NIH reauthorization bill. It is a bill that has been the result of tremendous cooperation in the stakeholder community and within this Congress, Mr. DINGELL and myself as leaders of the committee, and many, many Members on both sides of the aisle, rank and file Members in terms of input.

The bill has gone through three to four drafts. We had a very intense markup on this bill in committee last week, and the result is a work product that is before us.

Fifty-one stakeholder groups have endorsed the bill, and I will put the endorsement sheet into the record. I am not going to read all 51 out, but I do want to read some of them: the American Cancer Society, the American Heart Association, the American Physical Therapy Association, the Association of American Medical Colleges, the Association of America and Universities, the Christopher Reeve Foundation, the Federation of American Societies for Experimental Biology, the Friends of Cancer Research, the Juvenile Diabetes Research Foundation, the Lance Armstrong Foundation, the March of Dimes, the National Association of State Universities and Land Grant Colleges, the National Coalition for Cancer Research, and the Parkinson's Action Network are just a few of the national organizations that have endorsed or supported this legislation.

Why is NIH reauthorization important, beyond the mechanical aspect of trying to have funding that is authorized and is given full oversight? Well, I think when you talk about major pieces of legislation you tend to talk in abstract terms, but I want tonight to personalize it a little bit.

My brother, John Barton, died of liver cancer 6 years ago. At the time that he passed away, he was taking an experimental NIH drug that, had it worked, would have saved his life. We were told by his doctors there was an 80 percent chance it would really, really help him, but there was a 20 percent chance it would exacerbate the disease. We took that risk. He signed the protocol, took the medication and, obviously, in his case it didn't work. He is no longer with us, but that NIH research program later did make a significant breakthrough that is helping liver cancer patients today.

My father passed away 10 years ago from complications of diabetes. The NIH has invested and is investing tremendous resources in trying to find a way to combat the scourge of diabetes.

I had an aunt who passed away from breast cancer 16 years ago. As we all know, that is one of the priority areas for NIH research.

I myself had a heart attack last December 15th, but I was able to be successfully treated because of NIH research that has created what we now call these coated stents. I have a number of these stents in my heart; and, because of prior NIH research, I am able to give this floor speech.

□ 2030

So when I talk about the need to reauthorize and reform the NIH, I am talking in an academic sense, but I am also talking very personal. It helps my

family. It helps every American's family sense.

The bill before us would authorize the NIH for 13 years. It would freeze the number of existing institutes, there are 27, at 27. It would set up an internal time line controlled by the scientists and the administrators at NIH to review their internal organizations. If they want to make some changes, they can. They have to report to the Congress what those changes are.

For the first time, it would set up a common reporting system so that we know all the research that is being done at NIH and give the public an opportunity to track that research. It would set up for the first time a common fund which, over time, we would put sufficient funds in so that you could have peer-reviewed grants across the NIH structure so that the scientists in one institute that were working on, let's say, lung cancer in the Cancer Institute might work with people in the Lung Institute might work with the people at the Institute of Applied Biology. So they would all come together, and they would share their research on a merit-based research grant project.

It sets up a formal reporting system with NIH and again requires that those reports be standardized in a format that the public can easily understand and easily have access to. It gives the director of NIH some discretionary funding in which he can apply towards specific projects that he thinks are high-priority areas.

The bill before us sets up and maintains the merit-based peer review program that is already in existence at NIH, but it creates a reporting system, an accounting system of transparency that allows the public to see what is going on, and through the creation of this common fund actually gives the ability on a merit-based, peer-reviewed process to put the research dollars where they will do the most good and have the biggest impact.

So I think this is a very, very important piece of legislation. I consider it the signal achievement of the Energy and Commerce Committee in this Congress. I hope that, if we pass it this evening, that we can get the other body to take it up very quickly and also pass it over there. It will really, really help the NIH maintain its status as one of the crown jewels of the Federal Government.

I do want to thank Ranking Member DINGELL for his cooperation and his staff. John Ford of his staff has worked very, very hard working with the majority staff. Katherine Martin has worked on the majority side. And from the leadership side, Cheryl Jeager has worked very, very hard. We could not have done it at the Member level if it had not have been for the hard work at the staff level.

Again, I am very proud of this piece of legislation. I hope everybody in the body votes for it this evening.

SUPPORT FOR NIH REAUTHORIZATION

American Association for Cancer Research
American Cancer Society
American Heart Association
American Physical Therapy Association
American Society of Clinical Oncology
American Society for Microbiology
American Society for Therapeutic Radiology and Oncology
American Stroke Association
Association of American Medical Colleges (AAMC)
Association of American Universities (AAU)
American Urological Association
Autism One
Autism Society of America
Autism Speaks
California Healthcare Institute
Cancer Research and Prevention Foundation
Christopher Reeve Foundation
Coalition of Cancer Cooperatives Groups
C3: Colorectal Cancer Coalition
Community Oncology Alliance
COSAC
Cure Autism Now Foundation
Federations of American Societies for Experimental Biology (FASEB)
First Signs
Friends of Cancer Research
Generation Rescue
Intercultural Cancer Council Caucus
International Foundation for Anticancer Drug Discovery
International Myeloma Foundation
Juvenile Diabetes Research Foundation
Kidney Care Partners
Lance Armstrong Foundation
Lung Cancer Alliance
March of Dimes
Men's Health Network
National Alliance for Eye and Vision Research
National Association of State Universities and Land-Grant Colleges (NASULGC)
National Autism Association
National Coalition for Cancer Research
National Prostate Cancer Coalition
Oncology Nursing Society
Organization for Autism Research
Pancreatic Cancer Action Network
Parkinson's Action Network (PAN)
Society of Gynecologic Oncologists
Southwest Autism Research & Resource Center
The Deirdre Imus Environmental Center for Pediatric Oncology
Translating Research Across Communities (TRAC)
Unlocking Autism
University of California System
US Autism and Asperger Association

Madam Speaker, I reserve the balance of my time.

Ms. ESHOO. I yield myself such time as I might consume.

Madam Speaker, I want to start off by saluting Chairman BARTON. This is a great achievement for the chairman and for the country. JOE, you did everything for the right reasons; and you did it the right way with everyone.

This jurisdiction of NIH, which I very affectionately call the National Institutes of Hope, is really a crown jewel in the jurisdiction of the Energy and Commerce Committee. But it has been 13 years, I believe, since there has been a reauthorization; and it is extraordinary that a bill of such import has been brought to the floor and will receive the support, I think almost unanimously, of Members in the House of Representatives. And that is a tribute to you of how you have done this and how much you have cared about it.

There is the letters of endorsement from, it is really one of the greatest honor rolls of endorsers and stakeholders in the country, and the chairman made reference to them. So, to Chairman BARTON, congratulations, job well done, something really important for the people of our country.

We are considering this bill. It is the National Institutes of Health Reform Act of 2006, H.R. 6164. It is a very important piece of legislation that will reauthorize our foremost medical research center and the Federal focal point for medical research in our Nation.

The goal of the NIH is to acquire new knowledge to help prevent, to detect, to diagnose and to treat diseases and disabilities from the rarest genetic disorder to the common cold. The American people look to the NIH. They trust the NIH. They want us to make investments in it, because it does represent hope for the future.

The NIH conducts research in its own laboratories. It supports research of non-Federal scientists in universities. And I am proud that Stanford Medical School, under the great leadership of Dr. Phil Pizzo, is one of the supporters of this legislation. It supports medical schools, hospitals, and research institutions throughout the country and abroad. I think many people don't realize that, that there is a portion of this that takes place abroad. And it helps in the training of research investigators, and it fosters communication of medical health and health sciences information.

This Act is going to help to ensure the continued success of the NIH. There are many, many commendable provisions of this bill. The establishment of the common fund should serve to stimulate trans-NIH research in areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special attention and are going to benefit from additional research that involves collaboration between two or more institutes or centers.

Another significant provision of the legislation is the creation of an infrastructure to evaluate and report on the NIH research portfolio. It is very, very important, very difficult to go through and to document the contributions of the NIH in key areas, and this is going to provide for that.

The bill contains many admirable goals and provisions that are going to help NIH in its long-term battle to overcome human disease and disability.

What the bill does not address, and some Members raised this at the committee, is the issue of funding. Some of us think there could be more funding, that there is insufficient funding. This really is the largest problem facing the NIH today. After years of significant funding increases for NIH, this Congress has effectively chosen to flat-fund the agency. After adjusting for inflation, this could turn out to actually be a funding cut.

In an effort to address this problem, Representative MARKEY offered an amendment during our full committee markup last week. His amendment sought to ensure that this Congress provided a real 5 percent increase in funding for NIH, not one that could be diminished by inflation. But the amendment did not pass. It was defeated along a party line vote.

A significant increase in the number of grant applications combined with a frozen level of congressional funding has really taken its toll on the NIH. That is why some of us thought that it was very important to act and to provide more resources to ensure that NIH's funding levels don't fall any lower.

Despite the fact that this bill offers no assurances of what I just described, it is still a good bill, it is a solid bill, it makes progress, and I will support its passage, and I urge my colleagues to do that.

I also want to acknowledge the work of the Energy and Commerce Committee staff. Again, John Ford, who is a hero of so many of ours on the Democratic staff, Katherine Martin of the Republican staff, as well as Cheryl Jeager of Mr. BLUNT's staff, as well as my chief of staff, Jason Mahler. They all have had an important hand in this. We are all grateful to them.

Madam Speaker, I reserve the balance of our time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. BURGESS. Madam Speaker, it is now my pleasure to yield 3 minutes to the chairman of the Health Subcommittee, the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Madam Speaker, I would, as I rise in support of this legislation, first of all express appreciation to Chairman BARTON, who has previously spoken. Without his determination and hard work, we wouldn't be here tonight. It has been 3 long years, but he stuck by the issue, and I think the legislation that is here will be a great improvement. It will help improve research, the outcomes at NIH, by enhancing the agency's transparency by its reporting and its strategic planning for medical research.

During the 3-year development period, the Committee on Energy and Commerce and its Subcommittee on Health has held 11 hearings, had numerous interviews with NIH Institute and Center Directors, conducted consultations with NIH Director Zerhouni and Former NIH Director Harold Varmus, worked closely with experts in the area of public-sector organizational theory and design, piloted town-hall-style meetings with stakeholders, and the development of legislation to reauthorize programs of the NIH have been reached through a fully bipartisan process.

This is indeed a good day, and the National Institute of Health Reform Act I think is long overdue. That was reflected by the overwhelming vote in the committee of 42–1 as we passed this legislation out.

I would like to also join Chairman BARTON as he thanked the staff, and they have done tremendous work: Cheryl Jeager, Katherine Martin, and John Ford. They have worked long hours, and tonight we see the results of their efforts.

I hope, too, that as we pass this tonight that we will also be able to see our companion body do the same and that we will have this legislation on the President's desk by the end of this year and before the conclusion of this Congress. I urge my colleagues to join me in supporting this bill.

Ms. ESHOO. At this time I would like to yield 3 minutes to my wonderful colleague from California, Representative LOIS CAPPS, an extraordinary member of the committee and a great supporter of the NIH.

Mrs. CAPPS. Madam Speaker, I rise to also support this bill and hope that the initiatives taken in this legislation will enable the National Institutes of Health to best carry out its mission and achieve groundbreaking scientific discoveries.

Sometimes when constituents ask me what good is this place where I work, this Federal Government, I tell them just look out at Bethesda, Maryland, where the National Institutes of Health work every day, hard every day to achieve miracles that translate into lives changed in this country on a daily basis.

I also want to thank Chairman BARTON for his great efforts on this bill. He has been working tirelessly to see that this reauthorization actually did happen, and he did it in a bipartisan manner. As he demonstrated at this meeting, he added his own personal motivation for doing it, which, quite frankly, we could see more of in this House.

At the same time, we have missed some great opportunities, and I will mention two, one of which has been mentioned already by my colleague.

First, we are not providing the NIH with enough funds to carry out the amazing work that they do and that we ask them to do. The yearly increases to the NIH budget provided in this bill will probably not even keep up with inflation, especially following these last years of flat-funding the NIH.

But, in addition, during the Energy and Commerce Committee markup on the NIH Reform Act, Mr. WAXMAN and I introduced an amendment to include the language of H.R. 2231, the Breast Cancer and Environmental Research Act, which is authored by Congresswoman LOWEY. Although as Chairman BARTON pointed out during the markup, the bill's goal is to focus on structure and organization within the NIH, and I understand this, we felt that this amendment was a necessary vehicle to move legislation that has 255 bipartisan cosponsors.

The Breast Cancer and Environmental Research Act would direct the development and coordination of activities at the NIH to study the effects of the environment on the development of breast cancer. With National Breast Cancer Awareness Month upon us, let us do something really tangible to really combat the disease, instead of simply issuing proclamations or wearing ribbons. While those acts are very important, it is only through well-coordinated research that we will actually achieve our goal of eradicating this devastating disease.

The Breast Cancer Environmental Research Act fits perfectly into the new initiatives of the NIH Reform Act, considering the emphasis this bill places on trans-Institute research, transparency, and efficiency. We have very little time left in this Congress to pass legislation, and here was an opportunity to attach a related bill that enjoys wide support, but the majority said no to this opportunity.

□ 2045

So now that the NIH reauthorization has been completed in the House, I urge my colleagues to press for passage of the Breast Cancer and Environmental Research Act so we can make real a Federal commitment to an overall national strategy needed to discover the environmental correlations with breast cancer. It is time to take some real action to prevent, treat and cure this disease.

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

I would like to read a letter from Leo T. Furcht, M.D. who is the president of the Federation of American Societies for Experimental Biology. In his letter to Chairman BARTON Dr. Furcht wrote: "We thank you for your leadership in protecting the National Institutes of Health from disease-specific funding set-asides. From the FASEB perspective, directed research initiatives fail to recognize several principles inherent to the nature of medical research. Thus, we doubly appreciate your legislation's emphasis on investigator initiated competitive research."

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), an esteemed psychologist.

Mr. MURPHY. Madam Speaker, I want to commend Chairman BARTON for working so hard on moving this vitally important bill, and I am grateful for the opportunity to work with him and include in the committee report recognition of the positive impact NIH can have on patient safety by collaborating on research across institutes and centers.

It is extremely important to all of us that the 27 institutes work together. This is why the Common Fund in this legislation, where institutes will collaborate on their research efforts, is so important.

Many times the research which grabs the headlines spells out new discoveries on the molecular or cellular or genetic levels, new discoveries of pharmaceutical treatments or dynamic discoveries of the causes and treatment of

disease. But equally important to these laboratory results are the applications across disciplines. The Common Fund allows such collaborations.

We now know so much more about the cause and treatment of cancer, but we also have much to learn about how depression can exacerbate cancer and can double the cost of treatment.

Collaborating on research to improve patient safety will garner tremendous knowledge to improve the quality of care at the NIH as we work toward our Nation's next discovery.

Improving the reporting of research between the agencies of NIH can lead to a series of best practices to reduce the 90,000 American deaths caused from preventable infections acquired at health care facilities each year which contributes to $50 billion in unnecessary medical expenses. These efforts could also help to reduce the 195,000 preventable annual deaths due to medical errors.

Finally, I commend also the administration for virtually doubling the investment in NIH over the last few years. It is vitally important, and it is a great example to continue on. But this was also a time we had to reform some things in the agencies within NIH. This is an important bill, and I call upon my colleagues to support it enthusiastically. It will save more lives and more money.

Ms. ESHOO. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH), our colleague on the Energy and Commerce Committee.

Mr. RUSH. Madam Speaker, I thank the gentlewoman for yielding this time to me.

I rise in support of this important bill to reauthorize the National Institutes of Health, and I want to thank both Chairman BARTON and his committee staff and also the ranking member, Mr. DINGELL, for working with me and my staff to accommodate my objectives and address the enduring problem of racial disparities in medical research and health care.

As I said during the Energy and Commerce Committee markup, politics is the art of the doable, the art of the possible. With regard to racial health disparities, this bill reflects a thoroughly negotiated compromise, and it does four outstanding and exemplary things.

First, it mandates that the director of NIH assemble all relevant information and data on health disparities research at the institutes in his critical role as portfolio manager.

Secondly, the bill includes reporting requirements on specific demographic information for its training activities at NIH. This addresses our deep-seated desire to determine the number and percentages of people of color as researchers at NIH.

Third, the bill designates health disparities as one of the 10 major categories subject to the summary reporting requirements by which NIH must now abide.

Fourth, it strengthens the mandate to verify that clinical trials are diverse and inclusive of women and people of color.

Madam Speaker, while I don't think this bill is a perfect bill, and many of us would have preferred a more aggressive agenda to tackle health disparities, these four provisions are significant, and they are worthy of support.

Let me close the same way I concluded my remarks in the Energy and Commerce Committee. I emphasized that the bill before us, the NIH Reform Act of 2006, is indeed just the beginning and not the end. Not only do I believe we can do more to compel NIH to aggressively address racial disparities in medical research, but we can do more to address racial disparities in all aspects of health care. And while I appreciate this bill's efforts to partly address this enduring injustice, and I know that the chairman and the ranking member worked hard to accommodate my concerns, along with the concerns of my colleagues on the Energy and Commerce Committee, I hope we will continue to work on this problem in a bipartisan manner that achieves lasting results.

Mr. BURGESS. Madam Speaker, it is my great pleasure to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I rise today to echo the strong support for H.R. 6164. I want to thank Chairman BARTON and my colleagues on the other side of the aisle, Chairman DEAL, committee staff, everybody who put so much of their heart and soul into this bill, including my legislative assistant, Kelly Childress, who spent hours helping us put some of the provisions in this bill and the bill that was just before us.

This legislation does a lot of great things. The chairman of the committee stated why the NIH is our crown jewel. This bill does something very, very important. It is going to get more money to the people doing the research who come up with the solutions for so many ailments in this country. No other nation in the world has this kind of intellectual power in one place working to solve some of our most challenging health care problems. This bill accomplishes great things to that end.

I want to highlight one thing, if I may, a provision that for the first time addresses pain and palliative care. It is long overdue, but it is here. Fifty million Americans are either partially or completely disabled because of acute or chronic pain, and for the first time we elevate it in the eyes of NIH so they can study it. I always say lend me your EAR: Education, Access and Research can happen now because of this bill and because of the work of this House in a bipartisan way to reach out to 50 million Americans who suffer from pain, for people who suffer cancer and diabetes and arthritis and HIV–AIDS. The list is long. This House gives them hope tonight.

I want to say thank you to all who have put so much in it. This will make a difference in Americans' lives for now and in the future. I commend everybody who had a piece of it.

Ms. ESHOO. Madam Speaker, I am pleased to yield 4½ minutes to one of the most respected members of the Energy and Commerce Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I thank the gentlewoman, and I thank her for her excellent work on this legislation. And I thank the Members of the majority for their work on this legislation as well.

But I come to the floor in order to identify the single most glaring deficiency in the legislation. This is a promise of a 5 percent increase in the NIH budget each year. But the reality is that this 5 percent is an imaginary 5 percent because this 5 percent does not account for the reality of health care inflation.

On an average year, health care inflation is 3 to 4 percent. In some years it is 5 to 10 percent, meaning that a 5 percent increase is actually in some years an actual reduction in the amount of money which can be used for health care research.

In fact, what we have seen over the last 3 years is that while the Republicans have flatlined the NIH budget, it has actually lost 11 percent of its purchasing power in new research that targets the diseases which affect American families. Research is medicine's field of dreams from which we harvest the findings that give hope to American families, the clues that can unlock the diseases which they fear will affect their family, and there is no family that doesn't have some disease that they believe runs through their family's history. It could be Alzheimer's, Parkinson's, heart disease, cancer, diabetes, you name it; but it goes right down to some diseases that have very small numbers of Americans that are affected, like cystic fibrosis, which might only have 30,000 Americans.

What happens in a situation like this is because of the huge tax cuts which the Republicans have pushed through Congress year after year, we are incapable here in Congress of then gaining their support in order to increase above inflation by 5 percent the NIH budget.

And so who do we quote on a subject like this? Who do we quote on the subject of inflation and the impact that it has on American families? Who has been the single most articulate American on the subject of inflation in our lifetime? That person is Ronald Reagan. This is what Ronald Reagan said about inflation. He said: ''Inflation is as violent as a mugger, as frightening as an armed robber, and as deadly as a hit man.''

Mr. Speaker, we don't want the NIH research budget to be robbed by inflation. That is what is happening. It has

happened since 2003. It is going to continue. Between 12 and 16 million American baby boomers are going to contract Alzheimer's. There is a belief that if we could make a breakthrough in Alzheimer's, we could delay its onset by 7 years, saving at least 50 to $60 billion because they won't need care during those years.

This is without question in my opinion the most important budget that comes through Congress because this is, more than terrorism, the one issue that puts the fear of God in the hearts of every family. It is that one of these diseases will come into one of their family members.

My belief is that there has been a series of choices made in the last 6 years to have these massive tax cuts that makes it impossible for us to give a cost-of-living increase on top of inflation. It is wrong, and I believe that this bill, as good as it is in so many places, is deficient in the one central area which is central.

□ 2100

Mr. BURGESS. Madam Speaker, I would remind the gentleman that President Reagan was no fan of high taxes, and I would also remind this body that the Republicans in this body have been responsible for the largest increase in NIH funding in America's history, period, end of discussion; except to add that Chairman BARTON was a leader in that regard.

Madam Speaker, I reserve the balance of my time.

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

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

I want to add to the list that Chairman BARTON read about individuals and groups that support this NIH reauthorization: the American Society of Clinical Oncology, the Autism Society of America, the Colorectal Cancer Coalition, the Men's Health Network, the Society for Gynecologic Oncologists, and the Deirdre Imus Environmental Center for Pediatric Oncology. Truly a diverse group that supports this legislation.

Madam Speaker, last week, many of us had constituents from our districts come through our offices who were cancer survivors, and the question always comes up, and Mr. MARKEY asked it tonight, are we doing enough? Well, another question that we could ask, and we should ask, is do we know what we have already done?

Let me quote, Madam Speaker: ''This year, for the first time in history,'' for the first time in history, ''the absolute number of cancer deaths in the United States has decreased. We now have 10 million cancer survivors. We can detect and treat cancer at earlier stages. Targeted therapies have emerged, using specific molecular targeting to treat tumors with new agents.''

This quote was from Elias Zerhouni as he addressed our committee.

Madam Speaker, let me just add that, thanks to the tools and technologies developed by the Human Genome Project at the National Institutes of Health, changes in the genetic blueprints that are associated with all types of cancer are now known. A new generation of targeted diagnostics, therapeutics, and preventatives for all cancers will pave the way for more personalized cancer medicine.

What does this mean? It means that we are well on our way to a time when, should a person be diagnosed with cancer, their physician will be able to say whether or not certain therapeutics are appropriate. Think of the dollars that that will save. Not everyone who receives a diagnosis has to go through the same treatment. There are some genetic makeups that will be helped; there are some that will not be helped. Let us target our therapy where it does the most good. We are clearly moving in the right direction in this regard.

We heard the chairman, we heard people from the other side describe the National Institutes of Health as the crown jewel of the Federal Government. I believe that is correct, and we should all be proud of the organization's dedication to improving the health of Americans and mankind.

The bill before the full House tonight improves on that commitment by providing sustainable funding increases for medical research, granting the NIH Director more authority and increasing accountability, and it creates the Common Fund to put dollars toward trans-NIH research activities. These trans-NIH research initiatives will make historic breakthroughs in medical research.

Already, the National Cancer Institute and the National Human Genome Research Institute are collaborating on the Cancer Genome Atlas. This project will develop a useful atlas of the changes that occur in the human genetic blueprint associated with all types of cancers. This project will give medical professionals a new generation of targeted diagnostics, therapies and preventative services to treat a host of different cancers.

We are, indeed, Mr. Speaker, moving in the right direction. We are, indeed, doing good work for the American people with the reauthorization of this bill, and this bill maintains that important momentum. Be it a cure for cancer or greater understanding of the human genome or advances in heart disease, an avian flu vaccine, the National Institutes of Health has a proven record of innovation.

Mr. Speaker, this is a good bill. By increasing the authorized level by 5 percent, Chairman BARTON and Chairman DEAL have produced a bipartisan approach to capitalizing on the gains made by the NIH over the past several years.

Vote for your constituents and the future of medical care by voting in favor of H.R. 6164.

FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY,
Bethesda, MD, September 26, 2006.

Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: Please accept my thanks again for the opportunity to testify in support of your NIH reauthorization legislation on behalf of the Federation of American Societies for Experimental Biology (FASEB), The biomedical research community continues to support your vision for our nation's premier medical research agency.

I fully appreciate that one of the fundamental questions faced by your committee in producing this legislation was how to balance the responsibility of setting priorities for funding within NIH. FASEB strongly concurs with your view, as delineated in the reauthorization bill, that Congress continue to set overall funding levels for Institutes, Centers and the Common Fund, but that the selection of specific research areas to be funded remains principally the responsibility of NIH, through merit-based peer review. We believe that the NIH has the fullest understanding of not only the human and economic costs of a disease, but also of the scientific challenges and current opportunities that exist in specific areas and more broadly in biomedical research. Moreover, FASEB feels this role will only be strengthened by the portfolio management provisions of the NIH Reform Act.

We thank you for your leadership in protecting NIH from disease-specific funding set asides. From the FASEB perspective, directed research initiatives fail to recognize several principles inherent to the nature of medical research. Basic research, recognized universally as the foundation of most advances in disease-specific research, will inevitably suffer in a politically based system of allocating scarce dollars. Thus, we doubly appreciate your legislation's emphasis on investigator-initiated competitive research. ''Furthermore, earmarking by disease is not necessarily the way to produce breakthroughs in a particular area, since research in one area often produces unpredictable results that find specific use in another. There are numerous examples of the ''serendipity of science'' and there will be many more in the future. Disease specific funding runs counter to this well observed phenomenon.

In conclusion, FASEB reiterates its support for the NIH Reform Act of 2006. It is a tremendously successful balance that both improves upon the current system and preserves those aspects that have allowed NIH to achieve its global preeminence in medical research.

Sincerely,

LEO T. FURCHT,
FASEB President.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 6164, the "National Institutes of Health Reform Act of 2006". Despite certain shortcomings, this is an important piece of legislation that contains many significant and commendable goals.

I want to congratulate Chairman BARTON on crafting and moving the first National Institutes of Health (NIH) reauthorization bill in 13 years and I thank him for reaching out to stakeholders and colleagues on both sides of the aisle. In view of the numerous stakeholder endorsements of this bill, it appears that a careful balance has been struck in many of the bill's provisions.

The bill is based on several recommendations of the Institute of Medicine report, "Enhancing the Vitality of the National Institutes of

Health.'' I hope that the provisions on greater accountability and transparency will help NIH use its resources in the most effective, efficient, and equitable manner possible.

The greatest problem this Congress has created for NIH, however, is tight funding. After years of significant funding increases for NIH in its fight against disease, this Congress has effectively chosen to provide flat funding for NIH. After adjusting for inflation, this actually is a funding cut.

Further compromising NIH's funding stream is the House budget resolution, passed on a partisan basis, that has resulted in a budget allocation for the House Labor-HHS Appropriations Subcommittee that virtually guarantees the flat funding of programs in its jurisdiction, including NIH. Tax cuts for the wealthy have a higher priority than domestic programs such as education or preventing and curing diseases.

A vast increase in the number of grant applications coupled with a frozen level of funding has forced NIH into a fiscal crisis. This year, the NIH budget decreased for the first time in over 30 years. President Bush has asked that we keep NIH's funding at the same level as FY 2007, but doing so would demonstrate a lack of commitment to the goals and ideals of NIH.

We are voting today on a bill that purports to authorize a 5 percent increase in the NIH budget over each of the next 3 years. This is too small. And when the Congressional Budget Office scores this bill, it will score it as costing nothing. That is because it merely authorizes appropriations, and there is no reason to believe that there will be any increase this year, no matter what we do today.

But despite the shortcoming in authorization levels, the bill contains many useful reforms, and has the overwhelming support of those organizations in the front lines of the fight against disease. I urge my colleagues to support it.

Mr. LANTOS. Mr. Speaker, tonight's debate on the National Institutes of Health Reform Act of 2006 is extremely important to the well-being of our Nation. The National Institutes of Health (NIH) is the world's greatest medical research center with its 27 separate institutes and centers. The lives of millions of Americans are directly impacted by the work of NIH helping prevent, detect, diagnose, and treat disease and disability. Medical research conducted by NIH has a proven record and with our support NIH will provide medical miracles for tomorrow.

I am pleased that the University of California, San Francisco (UCSF), in my congressional district is a leader in providing biomedical research, educating health care professionals and providing patient care. Its medical research developed gene-splicing techniques that have revolutionized biology and opened the biotechnology industry to save lives. NIH provides essential funding for USCF's promising research to treat AIDS, cancer, and diabetes and leading the way in stem cell biology.

Mr. Speaker, this bill aims to restructure NIH and reauthorize the agency for the first time since 1993. Among its provisions are a 5 percent increase in the budget for fiscal years 2007–09, and the creation of a common fund that would finance research projects that involve multiple institutes or centers at NIH.

NIH is a beacon of hope for millions suffering from everything from the common cold to cancer, and we cannot fail in our commitment or turn our backs on those most in need of benefits of vital research.

One of the beneficiaries is my granddaughter, Charity. As many of you know, she has been diagnosed with Pulmonary Hypertension (PH), a chronic and progressive disease. Unlike systemic hypertension or ''high blood pressure'', PH is typically fatal. The blood vessel walls that make up the pulmonary artery and supply the lungs get thicker and often constrict. Reducing the capacity of the blood vessels makes them unable to carry sufficient blood to the lungs. This causes pressure to build up within the heart, which works harder to pump blood. Eventually, it cannot keep up, and there is less blood circulating through the lungs to pick up necessary oxygen. While PH is characterized as a disease of the lungs, patients ultimately die of heart failure.

This is why I joined with my dear friend, Congressman KEVIN BRADY of Texas, in introducing H.R. 3005, the Pulmonary Hypertension Research Act of 2005. This bipartisan legislation is cosponsored by almost 250 Members of Congress. Mr. BRADY and I have worked very hard for the passage of this bill. Senators MIKULSKI and CORNYN have introduced a companion bill in the Senate. Its bipartisan, bicameral support highlights this body's concern for PH patients.

The Pulmonary Hypertension Research Act requires the Director of the National Heart, Lung, and Blood Institute to expand the activities of the Institute with respect to research on Pulmonary Hypertension. Furthermore, it calls for the creation of centers of excellence to conduct research on PH, including basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of the disease. The bill also establishes a data system for the collection of data derived from patient populations with Pulmonary Hypertension and an information clearinghouse to facilitate the understanding of PH by health professionals, patients, industry, and the public.

It is my hope, Chairman BARTON, that there will be report language in the NIH reauthorization bill that directly addresses the looming specter of Pulmonary Hypertension. We need to deal with this disease during the I09th Congress and not put off our duty until next year.

NIH, impressively led by Dr. Elias Zerhouni, and the National Heart, Lung and Blood Institute, NHLBI, under the outstanding leadership of Dr. Elizabeth Nabel, are doing their utmost to tackle this issue that is so personal to me. They also are working on thousands of other diseases, which attack both large and small populations, to ensure the well being of our Nation's most vulnerable.

I particularly would like to thank Dr. Mark Gladwin at NHLBI for his tireless efforts and unbreakable optimism as Chief of the Vascular Medicine Branch. He has been an incredible example of the selfless efforts of so many thousands of investigators throughout the many branches of NIH whose sole purpose is to find a cure. They set their sights on the cure for HIV/AIDS, breast cancer, or Pulmonary Hypertension and they do not waiver from their cause.

Mr. Speaker, I urge my colleagues to join me in supporting NIH. NIH needs our support. We cannot hamper scientific progress. The lives of millions of Americans depend upon this critical Institute.

Mr. VAN HOLLEN. Mr. Speaker, I rise to today to express my strong support for H.R. 6164, the National Institutes of Health Reform Act of 2006.

I commend the Energy and Commerce Committee for bringing a bipartisan bill to this floor. It is long overdue for Congress to reauthorize the NIH—the last NIH authorization was 13 years ago. This bill authorizes 5 percent increases in funding for the NIH annually through FY 2009. In addition, it will increase the effectiveness of research efforts by reducing repetitive research and maximize strategic coordination and planning. This reauthorization will improve the transparency of research activities, accountability of research dollars and coordination of research efforts at the NIH. The reforms that are proposed in this bill will allow the NIH to continue to achieve groundbreaking scientific discoveries that will benefit millions of Americans.

While this NIH reauthorization bill provides for increased funding for each fiscal year, I am extremely disappointed that Congress has not recently followed suit the last few years. After successfully doubling the NIH budget over 5 years in a bipartisan manner that ended in 2003, funding for the NIH since 2004 has failed to keep up with inflation. And funding was cut in actual dollar terms for the first time in 36 years in 2006 by $62 million. For 2007, the President and the Republican congressional leadership have proposed a freeze in NIH funding. In addition, all 19 Institutes would receive less funding in the House version of the FY 2007 Labor-HHS-Education Appropriations bill. This is going in the wrong direction.

If Congress does not provide annual funding increases for the NIH, the reforms undertaken in the NIH Reauthorization bill will be less meaningful because we will not be able to provide the NIH and scientists the resources to discover new breakthroughs in biomedical research. Those discoveries, in turn, will lead to better ways of diagnosing and treating many diseases.

I am very proud of the fact that the National Institutes of Health has its home in my congressional district. We also have a flourishing biomedical research industry—with the help of the NIH—that is on the threshold of many new discoveries and many new cures. We have the potential for breakthroughs in so many areas. While I support the National Institutes of Health Reform Act of 2006, Congress must adequately fund the NIH at the level it deserves. Now is not the time to rest.

Mr. WAXMAN. Mr. Speaker, the NIH Reform Act of 2006 reauthorizes the authority for one of the preeminent health agencies of the Federal government, recognized for its fine work here and around the world.

This is not an agency that is broken or in need of fundamental reform. The single most important thing we could do to improve its function is to provide it with sufficient appropriations to expand its research activities and fund more grants. Instead, over the recent years of this Congress, we have consistently provided appropriations which are not sufficient to cover inflationary increases in research costs, let alone continue expansion of the work of this agency. In 2006, in fact, the budget was cut in actual dollar terms—the first time this has occurred in 36 years.

While I recognize Chairman BARTON is signaling with this legislation his belief that the growth in appropriations needs to be higher, it

is clear that what most needs to be done is to change the fiscal policies of this Administration and Congress, and the budgets they establish, so that indeed more funds can be directed to this valuable institution. Voting for higher authorizations, if in fact votes for higher appropriations do not follow, means little.

This bill establishes a ceiling in the authorization, and provides that half of all increased appropriations would go into a Common Fund in the Office of the Director. If we followed this combination, it would mean 3 more years where appropriations for the institutes won't cover inflation. I regret that our dismal record of recent years of failing to provide sufficient appropriations for the NIH has made the authorization levels in this bill seem generous. They are not.

Certainly, there are proposals in this legislation that are worthy of support, and I will support this bill moving forward. Mr. BARTON has worked hard to moderate his original proposal, and he has secured support from the community as a result of his efforts.

I do urge the Senate, however, as they consider this bill, to pay particular attention to provisions which allow the Administration to abolish institutes and offices established by law without the consent of the Congress. The bill also establishes a Scientific Management Review Board, with similar powers to change the organization of the NIH with no Congressional involvement. Although I recognize that the Secretary has authority to make these kinds of changes under current law, no Secretary has ever used it. So these provisions breathe life into an authority that has long lain dormant. In my view, it is not a wise move for the Congress to affirm and expand the authority of the Administration to undo the actions of the Congress. We should not put the Office of Women's Health, or the Office of AIDS Research, or the Office of Rare Diseases, at risk. These were established by the Congress because the Executive Branch did not recognize their need.

I will support the bill moving forward. And I look forward to its continued improvement.

Mrs. CHRISTENSEN. Mr. Speaker, I want to join my colleagues in applauding Chairman BARTON and Ranking Member DINGELL for their leadership on health matters and for ensuring that we could pass the reauthorization of NIH before we go home. I also commend my CBC colleague and friend, BOBBY RUSH, for leading the effort to preserve the integrity of the National Center for Minority Health Disparity Research.

I am pleased that the reauthorization of NIH will allow the nation's premiere research centers and institutes to continue to play a critically important role advancing efforts to beat HIV/AIDS, diabetes, and cancer, as well as racial and ethnic health disparities among men, women and children in this country.

As a physician, I know—first hand—how critically important and valuable sound research is to the medical and health care community. As the Chair of the CBC Health Braintrust, I know that racial and ethnic health disparities have and continue to leave millions of Americans in poorer health and more likely to die from preventable conditions.

Mr. Speaker, I also know that strategies to reduce and ultimately eliminate racial and ethnic disparities in chronic and acute conditions will never be successful without strong biomedical and bio-behavioral research—the very research the Center was created to lead, coordinate support and assess at NIH.

This center is the product of the hard work of many individuals in and out of Congress and embodies the promise of modern and future medicine to close the gaps in health care experienced by people of color and improve the health of all Americans as we also contribute to resolving some of the world's pressing health challenges.

It is my hope that as we reform the NIH and place more authority in the office of Director that the integrity of the scientific process will continue to be respected and protected from political and ideological interference. I urge my colleagues to support the adoption of H.R. 6164.

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

The SPEAKER pro tempore (Mr. BONNER). 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. 6164.

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. BURGESS. 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6166, MILITARY COMMISSIONS ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–688) on the resolution (H. Res. 1042) providing for consideration of the bill (H.R. 6166) to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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: motion to suspend on H. Res. 989, by the yeas and nays; motion to suspend on H. Res. 1017, by the yeas and nays; motion to suspend on H.R. 6164, by the yeas and nays; conference report on H.R. 5631, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

COMMENDING UNITED KINGDOM FOR ITS EFFORTS IN THE WAR ON TERROR

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 989, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the resolution, H. Res. 989, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 17, as follows:

[Roll No. 483]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo

Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Hinchey
Kucinich
McKinney

NOT VOTING—17

Boehlert
Castle
Costa
Davis (FL)
Evans
Feeney
Granger
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pastor
Pombo
Strickland
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2131

Mr. HINCHEY and Ms. McKINNEY changed their vote from ''yea'' to ''nay.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 483, had I been present, I would have voted "yea."

AFFIRMING SUPPORT FOR THE SOVEREIGNTY AND SECURITY OF LEBANON AND THE LEBANESE PEOPLE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 1017, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 1017, as amended, on which the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 5, not voting 16, as follows:

[Roll No. 484]

YEAS—411

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

NAYS—5

Hinchey
Kaptur
Kucinich
McDermott
Paul

NOT VOTING—16

Boehlert
Castle
Davis (FL)
Evans
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pastor
Peterson (PA)
Pombo
Schakowsky
Strickland
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2136

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

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 6164.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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. 6164, on which the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 2, not voting 16, as follows:

[Roll No. 485]

YEAS—414

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

NAYS—2

Jackson (IL)
Markey

NOT VOTING—16

Boehlert
Castle
Davis (FL)
Evans
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pastor
Paul
Pombo
Strickland
Sullivan
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2142

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 484 I was inadvertently detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the question of adoption of the conference report on the bill, H.R. 5631.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 22, not voting 16, as follows:

[Roll No. 486]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey

Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—22

Baldwin
Conyers
Duncan
Filner
Frank (MA)
Jackson-Lee (TX)
Kucinich
Lee
McDermott
McKinney
Michaud
Moore (WI)
Owens
Paul
Payne
Rangel
Schakowsky
Stark
Velázquez
Waters
Watt
Woolsey

NOT VOTING—16

Boehlert
Castle
Davis (FL)
Evans
Istook
Jefferson
Lewis (GA)
McCrery
Meehan
Millender-McDonald
Ney
Pastor
Pombo
Strickland
Thomas
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2146

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McCRERY. Mr. Speaker, on rollcall No. 486 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. JEFFERSON. Mr. Speaker, I am in favor of the conference report and I thank the Defense appropriations subcommittee for its hard work. Had I been present for the vote, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

VETERANS IDENTITY AND CREDIT SECURITY ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5835) to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5835

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 ''Veterans Identity and Credit Security Act of 2006''.

SEC. 2. 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, is amended—

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

(2) by striking the period and inserting ''; and'' at the end of paragraph (8); and

(3) by adding at the end the following:

''(9) establishing policies, procedures, and standards for agencies to follow in the event of a breach of data security involving the disclosure of sensitive personal information and for which harm to an individual could reasonably be expected to result, specifically including—

''(A) a requirement for timely notice to be provided to those individuals whose sensitive personal 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 of identity theft, fraud, or other unlawful conduct regarding such individual;

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

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

(b) AUTHORITY OF CHIEF INFORMATION OFFICER TO ENFORCE DATA BREACH POLICIES AND 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 sensitive personal information;''.

(c) INCLUSION OF DATA BREACH NOTIFICATION IN AGENCY INFORMATION SECURITY PROGRAMS.—Section 3544(b) of title 44, United States Code, is amended—

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

(2) by striking the period and inserting ''; and'' at the end of paragraph (8); and

(3) by adding at the end the following:

''(9) procedures for notifying individuals whose sensitive personal information is compromised consistent with policies, procedures, and standards established under section 3543(a)(9) of this title.''.

(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.''.

(e) SENSITIVE PERSONAL INFORMATION DEFINITION.—Section 3542(b) of title 44, United States Code, is amended by adding at the end the following new paragraph:

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

''(A) education, financial transactions, medical history, and criminal or employment history;

''(B) information 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) any other personal information that is linked or linkable to the individual.''.

SEC. 3. UNDER SECRETARY FOR INFORMATION SERVICES.

(a) UNDER SECRETARY.—Chapter 3 of title 38, United States Code, is amended by inserting after section 307 the following new section:

''§ 307A. Under Secretary for Information Services

''(a) UNDER SECRETARY.—There is in the Department an Under Secretary for Information Services, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be the head of the Office of Information Services and shall perform such functions as the Secretary shall prescribe.

''(b) SERVICE AS CHIEF INFORMATION OFFICER.—Notwithstanding any other provision of law, the Under Secretary for Information Services shall serve as the Chief Information Officer of the Department under section 310 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 307 the following new item:

''307A. Under Secretary for Information Services.''.

(c) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by striking paragraph (5) and redesignating paragraphs (6) through (11) as paragraphs (5) through (10), respectively.

SEC. 4. DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY.

(a) INFORMATION SECURITY.—Chapter 57 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—INFORMATION SECURITY

''§ 5721. Definitions

''For the purposes of this subchapter:

''(1) The term 'sensitive personal information', with respect to an individual, means any information about the individual maintained by an agency, including—

''(A) education, financial transactions, medical history, and criminal or employment history;

''(B) information 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) any other personal information that is linked or linkable to the individual.

''(2) The term 'data breach' means the loss, theft, or other unauthorized access to data containing sensitive personal information, in electronic or printed form, that results in the potential compromise of the confidentiality or integrity of the data.

''(3) The term 'data breach analysis' means the identification of any misuse of sensitive personal information involved in a data breach.

''(4) The term 'fraud resolution services' means services to assist an individual in the process of recovering and rehabilitating the credit of the individual after the individual experiences identity theft.

''(5) The term 'identity theft' has the meaning given such term under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

''(6) The term 'identity theft insurance' means any insurance policy that pays benefits for costs, including travel costs, notary fees, and postage costs, lost wages, and legal fees and expenses associated with the identity theft of the insured individual.

''(7) The term 'principal credit reporting agency' means a consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''§ 5722. Office of the Under Secretary for Information Services

''(a) DEPUTY UNDER SECRETARIES.—The Office of the Under Secretary for Information Services shall consist of the following:

''(1) The Deputy Under Secretary for Information Services for Security, who shall serve as the Senior Information Security Officer of the Department.

''(2) The Deputy Under Secretary for Information Services for Operations and Management.

''(3) The Deputy Under Secretary for Information Services for Policy and Planning.

''(b) APPOINTMENTS.—Appointments under subsection (a) shall be made by the Secretary, notwithstanding the limitations of section 709 of this title.

''(c) QUALIFICATIONS.—At least one of positions established and filled under subsection (a) shall be filled by an individual who has at least five years of continuous service in the Federal civil service in the executive branch immediately preceding the appointment of the individual as a Deputy Under Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—

''(1) of a confidential, policy-determining, policy-making, or policy-advocating character;

''(2) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or

''(3) to which such individual was appointed by the President.

''§ 5723. Information security management

''(a) RESPONSIBILITIES OF CHIEF INFORMATION OFFICER.—To support the economical, efficient, and effective execution of subtitle III of chapter 35 of title 44, and policies and plans of the Department, the Secretary shall ensure that the Chief Information Officer of the Department has the authority and control necessary to develop, approve, implement, integrate, and oversee the policies, procedures, processes, activities, and systems of the Department relating to that subtitle, including the management of all related mission applications, information resources, personnel, and infrastructure.

''(b) ANNUAL COMPLIANCE REPORT.—Not later than March 1 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the Department's compliance with subtitle III of chapter 35 of title 44. The information in such report shall be displayed in the aggregate and separately for each Administration, office, and facility of the Department.

''(c) REPORTS TO SECRETARY OF COMPLIANCE DEFICIENCIES.—(1) At least once every month, the Chief Information Officer shall report to the Secretary any deficiency in the compliance with subtitle III of chapter 35 of title 44 of the Department or any Administration, office, or facility of the Department.

''(2) The Chief Information Officer shall immediately report to the Secretary any significant deficiency in such compliance.

''(d) DATA BREACHES.—(1) The Chief Information Officer shall immediately provide notice to the Secretary of any data breach.

''(2) Immediately after receiving notice of a data breach under paragraph (1), the Secretary shall provide notice of such breach to the Director of the Office of Management and Budget, the Inspector General of the Department, and, if appropriate, the Federal Trade Commission and the United States Secret Service.

''(e) BUDGETARY MATTERS.—When the budget for any fiscal year is submitted by the President to Congress under section 1105 of title 31, the Secretary shall submit to Congress a report that identifies amounts requested for Department implementation and remediation of and compliance with this subchapter and subtitle III of chapter 35 of title 44. The report shall set forth those amounts both for each Administration within the Department and for the Department in the aggregate and shall identify, for each such amount, how that amount is aligned with and supports such implementation and compliance.

''§ 5724. Congressional reporting and notification of data breaches

''(a) QUARTERLY REPORTS.—(1) Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter.

''(2) Each report submitted under paragraph (1) shall identify, for each data breach covered by the report, the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach.

''(b) NOTIFICATION OF SIGNIFICANT DATA BREACHES.—(1) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that the Secretary determines is significant, the Secretary shall provide notice of such breach to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(2) Notice under paragraph (1) shall be provided promptly following the discovery of such a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

''§ 5725. Data breaches

''(a) INDEPENDENT RISK ANALYSIS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall ensure that, as soon as possible after the data breach, a non-Department entity conducts an independent risk analysis of the data breach to determine the level of risk associated with the data breach for the potential misuse of any sensitive personal information involved in the data breach.

''(2) If the Secretary determines, based on the findings of a risk analysis conducted under paragraph (1), that a reasonable risk exists for the potential misuse of sensitive information involved in a data breach, the Secretary shall provide credit protection services in accordance with section 5726 of this title.

''(b) NOTIFICATION.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall provide to an individual whose sensitive personal information is involved in that breach notice of the data breach—

''(A) in writing; or

''(B) by email, if—

''(i) the Department's primary method of communication with the individual is by email; and

''(ii) the individual has consented to receive such notification.

''(2) Notice provided under paragraph (1) shall—

''(A) describe the circumstances of the data breach and the risk that the breach could lead to misuse, including identity theft, involving the sensitive personal information of the individual;

''(B) describe the specific types of sensitive personal information that was compromised as a part of the data breach;

''(C) describe the actions the Department is taking to remedy the data breach;

''(D) inform the individual that the individual may request a fraud alert and credit security freeze under this section;

''(E) clearly explain the advantages and disadvantages to the individual of receiving

fraud alerts and credit security freezes under this section; and

''(F) includes such other information as the Secretary determines is appropriate.

''(3) The notice required under paragraph (1) shall be provided promptly following the discovery of a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

''(c) REPORT.—For each data breach with respect to sensitive personal information processed or maintained by the Secretary, the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the findings of any independent risk analysis conducted under subsection (a)(1), any determination of the Secretary under subsection (a)(2), and a description of any credit protection services provided under section 5726 of this title.

''(d) FINAL DETERMINATION.—Notwithstanding sections 511 and 7104(a) of this title, any determination of the Secretary under subsection (a)(2) with respect to the reasonable risk for the potential misuse of sensitive information involved in a data breach is final and conclusive and may not be reviewed by any other official, administrative body, or court, whether by an action in the nature of mandamus or otherwise.

''(e) FRAUD ALERTS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall arrange, upon the request of an individual whose sensitive personal information is involved in the breach to a principal credit reporting agency with which the Secretary has entered into a contract under section 5726(d) and at no cost to the individual, for the principal credit reporting agency to provide fraud alert services for that individual for a period of not less than one year, beginning on the date of such request, unless the individual requests that such fraud alert be removed before the end of such period, and the agency receives appropriate proof of the identity of the individual for such purpose.

''(2) The Secretary shall arrange for each principal credit reporting agency referred to in paragraph (1) to provide any alert requested under such subsection in the file of the individual along with any credit score generated in using that file, for a period of not less than one year, beginning on the date of such request, unless the individual requests that such fraud alert be removed before the end of such period, and the agency receives appropriate proof of the identity of the individual for such purpose.

''(f) CREDIT SECURITY FREEZE.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall arrange, upon the request of an individual whose sensitive personal information is involved in the breach and at no cost to the individual, for each principal credit reporting agency to apply a security freeze to the file of that individual for a period of not less than one year, beginning on the date of such request, unless the individual requests that such security freeze be removed before the end of such period, and the agency receives appropriate proof of the identity of the individual for such purpose.

''(2) The Secretary shall arrange for a principal credit reporting agency applying a security freeze under paragraph (1)—

''(A) to send a written confirmation of the security freeze to the individual within five business days of applying the freeze;

''(B) to refer the information regarding the security freeze to other consumer reporting agencies;

''(C) to provide the individual with a unique personal identification number or password to be used by the individual when providing authorization for the release of the individual's credit for a specific party or period of time; and

''(D) upon the request of the individual, to temporarily lift the freeze for a period of time specified by the individual, beginning not later than three business days after the date on which the agency receives the request.

''§ 5726. Provision of credit protection services

''(a) COVERED INDIVIDUAL.—For purposes of this section, a covered individual is an individual whose sensitive personal information that is processed or maintained by the Department (or any third-party entity acting on behalf of the Department) is involved, on or after August 1, 2005, in a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of this title.

''(b) NOTIFICATION.—(1) In addition to any notice required under subsection 5725(b) of this title, the Secretary shall provide to a covered individual notice in writing that—

''(A) the individual may request credit protection services under this section;

''(B) clearly explains the advantages and disadvantages to the individual of receiving credit protection services under this section;

''(E) includes a notice of which principal credit reporting agency the Secretary has entered into a contract with under subsection (d), and information about requesting services through that agency;

''(C) describes actions the individual can or should take to reduce the risk of identity theft; and

''(D) includes such other information as the Secretary determines is appropriate.

''(2) The notice required under paragraph (1) shall be made as promptly as possible and without unreasonable delay following the discovery of a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of this title and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

''(3) The Secretary shall ensure that each notification under paragraph (1) includes a form or other means for readily requesting the credit protection services under this section. Such form or other means may include a telephone number, email address, or Internet website address.

''(c) AVAILABILITY OF SERVICES THROUGH OTHER GOVERNMENT AGENCIES.—If a service required to be provided under this section is available to a covered individual through another department or agency of the Government, the Secretary and the head of that department or agency may enter into an agreement under which the head of that department or agency agrees to provide that service to the covered individual.

''(d) CONTRACT WITH CREDIT REPORTING AGENCY.—Subject to the availability of appropriations and notwithstanding any other provision of law, the Secretary shall enter into contracts or other agreements as necessary with one or more principal credit reporting agencies in order to ensure, in advance, the provision of credit protection services under this section and fraud alerts and security freezes under section 5725 of this title. Any such contract or agreement may include provisions for the Secretary to pay the expenses of such a credit reporting agency for the provision of such services.

''(e) DATA BREACH ANALYSIS.—The Secretary shall arrange, upon the request of a covered individual and at no cost to the individual, to provide data breach analysis for the individual for a period of not less than one year, beginning on the date of such request.

''(f) PROVISION OF CREDIT MONITORING SERVICES AND IDENTITY THEFT INSURANCE.—During the one-year period beginning on the date on which the Secretary notifies a covered individual that the individual's sensitive personal information is involved in a data breach, the Secretary shall arrange, upon the request of the individual and without charge to the individual, for the provision of credit monitoring services to the individual. Credit monitoring services under this subsection shall include each of the following:

''(1) One copy of the credit report of the individual every three months.

''(2) Fraud resolution services for the individual.

''(3) Identity theft insurance in a coverage amount that does not exceed $30,000 in aggregate liability for the insured.

''§ 5727. Contracts for data processing or maintenance

''(a) CONTRACT REQUIREMENTS.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that—

''(1) the contractor shall not, directly or through an affiliate of the contractor, disclose such information to any other person unless the disclosure is lawful and is expressly permitted under the contract;

''(2) the contractor, or any subcontractor for a subcontract of the contract, shall promptly notify the Secretary of any data breach that occurs with respect to such information.

''(b) LIQUIDATED DAMAGES.—Each contract subject to the requirements of subsection (a) shall provide for liquidated damages to be paid by the contractor to the Secretary in the event of a data breach with respect to any sensitive personal information processed or maintained by the contractor or any subcontractor under that contract.

''(c) PROVISION OF CREDIT PROTECTION SERVICES.—Any amount collected by the Secretary under subsection (b) shall be deposited in or credited to the Department account from which the contractor was paid and shall remain available for obligation without fiscal year limitation exclusively for the purpose of providing credit protection services in accordance with section 5726 of this title.

''§ 5728. Authorization of appropriations

''There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''SUBCHAPTER III—INFORMATION SECURITY

''5721. Definitions.
''5722. Office of the Under Secretary for Information Services.
''5723. Information security management.
''5724. Congressional reporting and notification of data breaches.
''5725. Data breaches.
''5726. Provision of credit protection services.
''5727. Contracts for data processing or maintenance.
''5728. Authorization of appropriations.''.

(c) DEADLINE FOR REGULATIONS.—Not later than 60 days after the date of the enactment

of this Act, the Secretary of Veterans Affairs shall publish regulations to carry out subchapter III of chapter 57 of title 38, United States Code, as added by subsection (a).

SEC. 5. REPORT ON FEASIBILITY OF USING PERSONAL IDENTIFICATION NUMBERS FOR IDENTIFICATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report containing the assessment of the Secretary with respect to the feasibility of using personal identification numbers instead of Social Security numbers for the purpose of identifying individuals whose sensitive personal information (as that term is defined in section 5721 of title 38, United States Code, as added by section 4) is processed or maintained by the Secretary.

SEC. 6. DEADLINE FOR APPOINTMENTS.

(a) DEADLINE.—Not later than 180 days after the date of the enactment of this Act—

(1) the President shall nominate an individual to serve as the Under Secretary of Veterans Affairs for Information Services under section 307A of title 38, United States Code, as added by section 3; and

(2) the Secretary of Veterans Affairs shall appoint an individual to serve as each of the Deputy Under Secretaries of Veterans Affairs for Information Services under section 5722 of such title, as added by section 4.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter until the appointments described in subsection (a) are made, the Secretary of Veterans Affairs shall submit to Congress a report describing the progress of such appointments.

SEC. 7. INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—Title 38, United States Code, is amended by inserting after chapter 78 the following new chapter:

"CHAPTER 79—INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

''Sec.
''7901. Programs; purpose.
''7902. Scholarship program.
''7903. Education debt reduction program.
''7904. Preferences in awarding financial assistance.
''7905. Requirement of honorable discharge for veterans receiving assistance.
''7906. Regulations.
''7907. Termination.

"§ 7901. Programs; purpose

''(a) IN GENERAL.—To encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements, the Secretary shall carry out programs in accordance with this chapter to provide financial support for education in computer science and electrical and computer engineering at accredited institutions of higher education.

''(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

''(1) Scholarships for pursuit of doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

''(2) Education debt reduction for Department personnel who hold doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

"§ 7902. Scholarship program

''(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary shall establish a scholarship program under which the Secretary shall, subject to subsection (d), provide financial assistance in accordance with this section to a qualified person—

''(A) who is pursuing a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education; and

''(B) who enters into an agreement with the Secretary as described in subsection (b).

''(2)(A) Except as provided under subparagraph (B), the Secretary may provide financial assistance under this section to an individual for up to five years.

''(B) The Secretary may waive the limitation under subparagraph (A) if the Secretary determines that such a waiver is appropriate.

''(3)(A) The Secretary may award up to five scholarships for any academic year to individuals who did not receive assistance under this section for the preceding academic year.

''(B) Not more than one scholarship awarded under subparagraph (A) may be awarded to an individual who is an employee of the Department when the scholarship is awarded.

''(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section an individual shall enter into an agreement to accept and continue employment in the Department for the period of obligated service determined under paragraph (2).

''(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 7901(a) of this title. In no event may the period of service required of a recipient be less than the period equal to two times the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

''(3) An agreement entered into under this section by a person pursuing an doctoral degree shall include terms that provide the following:

''(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 7906 of this title.

''(B) That the individual will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the individual under this section.

''(C) Any other terms and conditions that the Secretary determines appropriate for carrying out this section.

''(c) AMOUNT OF ASSISTANCE.—(1) The amount of the financial assistance provided for an individual under this section shall be the amount determined by the Secretary as being necessary to pay—

''(A) the tuition and fees of the individual; and

''(B) $1500 to the individual each month (including a month between academic semesters or terms leading to the degree for which such assistance is provided or during which the individual is not enrolled in a course of education but is pursuing independent research leading to such degree) for books, laboratory expenses, and expenses of room and board.

''(2) In no case may the amount of assistance provided for an individual under this section for an academic year exceed $50,000.

''(3) In no case may the total amount of assistance provided for an individual under this section exceed $200,000.

''(4) Notwithstanding any other provision of law, financial assistance paid an individual under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(d) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) An individual who receives financial assistance under this section shall repay to the Secretary an amount equal to the unearned portion of the financial assistance if the individual fails to satisfy the requirements of the service agreement entered into under subsection (b), except in certain circumstances authorized by the Secretary.

''(2) The Secretary may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

''(3) An obligation to repay the Secretary under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.

''(e) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of a individual for service or payment under this section (or an agreement under this section) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

''(f) INTERNSHIPS.—(1) The Secretary may offer a compensated internship to an individual for whom financial assistance is provided under this section during a period between academic semesters or terms leading to the degree for which such assistance is provided. Compensation provided for such an internship shall be in addition to the financial assistance provided under this section.

''(2) An internship under this subsection shall not be counted toward satisfying a period of obligated service under this section.

''(g) INELIGIBILITY OF INDIVIDUALS RECEIVING MONTGOMERY GI BILL EDUCATION ASSISTANCE PAYMENTS.—An individual who receives a payment of educational assistance under chapter 30, 31, 32, 34, or 35 of this title or chapter 1606 or 1607 of title 10 for a month in which the individual is enrolled in a course of education leading to a doctoral degree in information security is not eligible to receive financial assistance under this section for that month.

"§ 7903. Education debt reduction program

''(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary shall establish an education debt reduction program under which the Secretary shall make education debt reduction payments under this section to qualified individuals eligible under subsection (b) for the purpose of reimbursing such individuals for payments by such individuals of principal and interest on loans described in paragraph (2) of that subsection.

''(2)(A) For each fiscal year, the Secretary may accept up to five individuals into the program established under paragraph (1)who did not receive such a payment during the preceding fiscal year.

''(B) Not more than one individual accepted into the program for a fiscal year under subsection (A) shall be a Department employee as of the date on which the individual is accepted into the program.

''(b) ELIGIBILITY.—An individual is eligible to participate in the program under this section if the individual—

''(1) has completed a doctoral degree a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education during the five-year period preceding the date on which the individual is hired;

''(2) is an employee of the Department who serves in a position related to information security (as determined by the Secretary); and

''(3) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education.

''(c) AMOUNT OF ASSISTANCE.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to an individual under this section may not exceed $82,500 over a total of five years, of which not more than $16,500 of such payments may be made in each year.

''(2) The total amount payable to an individual under this section for any year may not exceed the amount of the principal and interest on loans referred to in subsection (b)(3) that is paid by the individual during such year.

''(d) PAYMENTS.—(1) The Secretary shall make education debt reduction payments under this section on an annual basis.

''(2) The Secretary shall make such a payment—

''(A) on the last day of the one-year period beginning on the date on which the individual is accepted into the program established under subsection (a); or

''(B) in the case of an individual who received a payment under this section for the preceding fiscal year, on the last day of the one-year period beginning on the date on which the individual last received such a payment.

''(3) Notwithstanding any other provision of law, education debt reduction payments under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(e) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to an individual under this section for a year only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the individual during the year.

''(f) NOTIFICATION OF TERMS OF PROVISION OF PAYMENTS.—The Secretary shall provide to an individual who receives a payment under this section notice in writing of the terms and conditions that apply to such a payment.

''(g) COVERED COSTS.—For purposes of subsection (b)(3), costs relating to a course of education or training include—

''(1)) tuition expenses; and

''(2) all other reasonable educational expenses, including fees, books, and laboratory expenses;

''§ 7904. Preferences in awarding financial assistance

''In awarding financial assistance under this chapter, the Secretary shall give a preference to qualified individuals who are otherwise eligible to receive the financial assistance in the following order of priority:

''(1) Veterans with service-connected disabilities.

''(2) Veterans.

''(3) Persons described in section 4215(a)(B) of this title.

''(4) Individuals who received or are pursuing degrees at institutions designated by the National Security Agency as Centers of Academic Excellence in Information Assurance Education.

''(5) Citizens of the United States.

''§ 7905. Requirement of honorable discharge for veterans receiving assistance

''No veteran shall receive financial assistance under this chapter unless the veteran was discharged from the Armed Forces under honorable conditions.

''§ 7906. Regulations

''The Secretary shall prescribe regulations for the administration of this chapter.

''§ 7907. Termination

''The authority of the Secretary to make a payment under this chapter shall terminate on July 31, 2017.''.

(b) GAO REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the scholarship and education debt reduction programs under chapter 79 of title 38, United States Code, as added by subsection (a).

(c) APPLICABILITY OF SCHOLARSHIPS.—Section 7902 of title 38, United States Code, as added by subsection (a), shall apply with respect to financial assistance provided for an academic semester or term that begins on or after August 1, 2007.

(d) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such title, and at the beginning of part V of such title, are amended by inserting after the item relating to chapter 78 the following new item:

''79. Information Security Education Assistance Program ..... 7901''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I rise in strong support of H.R. 5835, and I yield myself such time as I may consume.

Mr. Speaker, having moved H.R. 5835, as amended, the Veterans Identity Credit Security Act of 2006, I, along with Ranking Member LANE EVANS and Acting Ranking Member BOB FILNER, Chairman DAVIS, and Ranking Member WAXMAN of the Committee on Government Reform, Chairman WALSH and Ranking Member EDWARDS on the Appropriations Subcommittee on Military Quality of Life and Veterans Affairs, and other members of this body introduced this legislation on July 19, 2006.

Since 2000, the Veterans' Affairs Committee and our subcommittees have held 16 hearings on information technology at the Department of Veterans Affairs, and as a subset, information security issues. These hearings have covered a variety of IT issues, including the budget, organization, authorities, actions VA has taken regarding its IT programs, and of course information security.

Last year, the House passed H.R. 4061 to address problems in IT at the VA. The Senate and the administration can best be described as having stiff-armed us in our proposals to centralize the IT architecture at the VA, opting for more of what they call now a federated model, or what I will also refer to as an incremental approach. That is how they wanted to proceed. Then bad things happened.

This summer, we held 8 hearings in response to the May 3 theft of a loaned lap-top belonging to the VA that held the sensitive personal data of 26.5 million veterans and 2.2 million Guard and Reserve component servicemembers and families. We heard from 23 witnesses during our hearings. These witnesses included the VA's Secretary, the Inspector General, the General Counsel, as well as others from academia, the Government Accountability Office, and experts in data security, information technology management, and identity theft.

Mr. Speaker, I applaud Secretary of Veterans Affairs Jim Nicholson for his stated commitment to making the VA the gold standard in information security. H.R. 5835, as amended, will provide the Secretary with some of the tools needed to make the VA that gold standard and set an example for the Federal Government.

H.R. 5835, as amended, provides the chief information officer the authority to enforce information security in the Department. It also requires a monthly briefing to the Secretary on VA's compliance with the Information Security Management Act of 2002, which we refer to as FISMA.

Mr. Speaker, Chairman TOM DAVIS of the Committee on Government Reform and I have worked together cooperatively, and our staffs, on a provision in the bill, and the Committee on Government Reform has waived consideration of H.R. 5835. Included in this bill is a part of Chairman DAVIS' work product, and I want to thank him for his cooperation, along with Mr. WAXMAN.

I would, in addition, also like to thank Chairman MIKE OXLEY of the Committee on Financial Services, who has waived consideration on this bill, and the committee will continue to work with these two committees on this legislation as we move forward with the Senate.

Mr. Speaker, the letters that I have here in my hand between the two committees and the Veterans' Affairs Committee regarding H.R. 5835, in which they have waived jurisdiction, are submitted as follows for the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, September 12, 2006.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing regarding your committee's jurisdictional interest in H.R. 5835, the Veterans Identity and Credit Security Act of 2006, and would appreciate your cooperation in waiving consideration of the bill by the Committee on Government Reform in order to allow expedited consideration of the legislation next week under suspension of the rules.

I acknowledge your committee's jurisdictional interest in section 2 of H.R. 5835, as ordered reported by the Committee on Veterans' Affairs. Any decision by the Committee on Government Reform to forego further action on the bill will not prejudice the Committee on Government Reform with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of this letter and your response in the Congressional Record when the legislation is considered by the House.

Thank you for your assistance.

Sincerely,

STEVE BUYER,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 12, 2006.

Hon. STEVE BUYER,
Chairman, House Committee on Veterans Affairs, Washington, DC.

DEAR STEVE:, On July 20, 2006, the House Veterans' Affairs Committee reported H.R. 5835, the ''Veterans Identity and Credit Security Act of 2006.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform including Section 2 of the bill regarding federal agency data breach notification amendments under the Federal Information Security Management Act (FISMA).

In the interest of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I do so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation. I understand this will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 26, 2006.

Hon. STEVE BUYER,
Committee on Veterans Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to confirm our mutual understanding with respect to the consideration of H.R. 5835, the Veterans Identity and Credit Security Act of 2006. This bill was introduced on July 19, 2006, and referred to the Committees on Veterans Affairs and Government Reform. I understand that committee action has already taken place on the bill and that floor consideration is likely in the near future.

Portions of section 4 of the bill as reported involve remedies for breaches in data security. Some of these remedies, such as a credit security freeze, fall within the jurisdiction of this Committee and could have caused the referral of this bill to the Committee on Financial Services. However, given the importance and timeliness of this bill, and your' willingness to work with us regarding these issues as the legislative process continues, proceedings on this bill in this Committee will not be necessary. However, 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 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.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, September 26, 2006.

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

DEAR CHAIRMAN OXLEY, Thank you for your recent letter regarding your committee's jurisdictional interest in H.R. 5835, the Veterans Identity and Credit Security Act of 2006. I appreciate all of your efforts to expedite consideration of this important legislation.

I acknowledge your committee's jurisdictional interest in portions of section 4 of the bill as ordered reported by the Committee on Veterans' Affairs, which involve remedies for breaches in data security. I further acknowledge that some of these remedies, such as a credit security freeze, fall within the jurisdiction of your committee, and could have been referred to the Committee on Financial Services. I appreciate your cooperation in allowing speedy consideration of the legislation. We will continue to work with your Committee regarding these issues as the legislative process continues.

I agree that your decision to forego further action on the bill will not prejudice the Committee on Financial Services with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House. Thank you for your assistance.

Sincerely,

STEVE BUYER,
Chairman.

Mr. Speaker, H.R. 5835, as amended, requires notification to Congress and individuals in the event of a data breach. The bill would require the VA to conduct a data breach analysis, and if the Secretary deems necessary, to provide credit protection at the request of affected individuals. This protection may include a credit freeze, identity theft insurance and/or credit monitoring.

The bill also requires a report on the feasibility of using an independent number for identification in lieu of the Social Security Number.

This bill also includes a scholarship and loan repayment program to provide the Secretary with a recruitment and retention tool to attract qualified people in the area of information technology and information security to work at the VA.

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

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

As Chairman BUYER stated, a near catastrophe occurred in early May of this year when a lap-top containing 26 million names and data, Social Security data and some medical data, was stolen from a VA employee's home. Now, this theft of data was not just human error, it was not just an accident, it was not just bad luck. As Mr. BUYER had been pointing out for many years, this was a systemic problem, a problem of incredibly bad management of cyberinformation at the VA, a lack of cybersecurity, a lack of centralization of responsibility for cybersecurity, and it could have resulted in identity theft for millions of our Nation's veterans.

We were lucky. Apparently, the laptop was recovered before the names were stolen. Although I don't have 100 percent confidence in that judgment, that is what we think right now. But the Committee on Veterans' Affairs, under the leadership of Chairman BUYER, saw this as a wake-up call, a time to change failed policies, a time to change directions. Under the leadership of Chairman BUYER, the Committee on Veterans' Affairs took this wake-up call as an opportunity to change the way things were going, to change a backward culture, and to bring the VA into the 21st century.

Now, Mr. BUYER had been saying such things about the need for cybersecurity and the need for centralization for many years. I have to say, Mr. BUYER, that I admire your persistence and your lack of discouragement when people did not pay attention. We should have. But we are now, and we thank you for doing all that work at a time when people did not pay much attention.

I think you have, you have set up a model here in the bill that other Departments in the government should be looking at. You have set up a model where we can in fact say to the people who our government is serving, we are protecting your identity, we are protecting your data, we are making sure that if there is any breach of that, we will take these steps to make sure you don't have any losses, either material or psychological. And that was a real problem in the VA which you recognized.

When this data was stolen, there was incredible fear throughout the country, because the VA did not have the steps ready to take to assure the veterans that they would not suffer any material or other loss. So, Mr. BUYER, I thank you for working not only in a bipartisan manner, but bicameral and bicommittee. You brought everybody into the process.

The committee held hours and hours of hearings. We checked out all the expertise in the country. Our chairman, Mr. BUYER, brought expertise from all around the Nation. I think we took the role of oversight that is appropriate for every committee in this Congress, that is, we had a problem with the executive branch, we went to work to make sure that we had the knowledge, we had the information, we had the attention of the executive branch; and this bill is a result of that effort.

I think Mr. BUYER described what was in the bill. I just want to point out that it establishes data breach notification requirements, it makes substantive changes to how the VA addresses information technology, and it clarifies how the VA is to comply with the Federal Information Security Management Act of 2002.

□ 2200

Most importantly, it provides veterans with the tools that they can use immediately to protect themselves in the case of future data breaches. If a veteran's data is compromised, they can immediately request that a fraud alert be placed on their credit files for a period of 1 year, as well as a credit security freeze.

It also mandates that the VA undertake an independent analysis of any data breach, and if it is determined that a reasonable risk of misuse exists, then the VA will provide a range of remediation services, including making available data breach analysis, credit reports, credit monitoring services, and identity theft insurance.

Finally, and again, Mr. BUYER, your creativity here was very important, knowing that an agency like the VA, which does not have the background or information or expertise, you said let's create a scholarship fund so we can train people in this area and that the VA can fund and then draw on that new expertise to improve its services in the cybersecurity area.

So, again, I think this is a model for other agencies to look at, the way you looked at a problem and not only tried to solve it, but moved us forward with a real creative program of scholarship and loan forgiveness that I think will help students in our Nation and, of course, help our Federal Government.

The VA Secretary, Mr. Nicholson, has stated that the goal now is to make the VA the gold standard in data security. I hope he takes advantage of this bill to allow him to reach that goal.

I thank Chairman BUYER for the way he undertook the oversight, the bipartisan way we approached this bill, the drawing on all the Members for their ideas and their expertise, and I urge us all to support this bill.

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

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

Mr. Speaker, I will cherish the sincerity of the compliment from Mr. FILNER. I do not question his commitment nor his motive to the service of veterans in this country. I think members of the committee over the last 14 years have recognized that Mr. FILNER and I have had some real battles, but at the same time, when it comes to this particular issue on IT, there is no difference. We walk together in lockstep.

It is not just Mr. FILNER and I. It is the entire committee over the years we have taken this on, even when I chaired the oversight investigations. So I appreciate the commitment on both sides on improving the IT infrastructure.

I also want to compliment the Government Reform Committee, because they have taken this issue on over the years.

Mr Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Government Reform Committee, and thank him for his cooperation in working with our committee. He introduced his own bill on notification provisions. He worked with us and waived jurisdiction. We incorporated that in our bill.

Mr. TOM DAVIS of Virginia. Chairman BUYER, I thank you and Mr. FILNER for your leadership on this.

Secure information is the lifeblood of effective government policy and management, yet Federal agencies continue to hemorrhage vital data. Recent losses of personal information compel us to ask, what is being done to protect the sensitive digital identities of millions of Americans, and how can we limit the damage when personal data goes astray?

As we all now know, a Department of Veterans Affairs employee reported the theft of computer equipment from his home, equipment that stored more than 26 million records containing personal information. VA leadership delayed acting on the report for almost 2 weeks while millions were at risk of serious harm from identity theft and the agency struggled to determine the exact extent of the breach.

But this is only one in a long string of personal information breaches in the public and private sectors, including financial institutions, data brokerage companies, and academic institutions. Just last week, we learned the Census Bureau cannot account for 1,100 laptops issued to employees. These breaches illustrate how far we have to go to reach the goal of strong, uniform government-wide information security policies and procedures.

On our committee, we focused on government-wide information management security for a long time. The Privacy Act and the E-Government Act of 2002 outline the parameters for the protection of personal information. These recent incidents highlight the importance of establishing and following security standards for safeguarding personal information. They also highlight the need for the proactive security breach notification requirements for organizations, including Federal agencies, that deal with sensitive personal information.

Congress has been working on requirements for the private sector, but Federal agencies present unique requirements and challenges, and these incidents demonstrate that we need to strengthen laws and rules protecting personal information held by Federal agencies.

Given the VA incident, and in order to get a more complete picture of the problems before pursuing legislation, our Committee sent a request to every Cabinet agency seeking information about data breaches.

The results are in, and they are troubling. We have learned there has been a wide range of incidents involving data loss or theft, privacy breaches and security incidents. In almost all of these cases, Congress and the public would not have learned of such events unless we had requested the information. This history of withholding incidents has to stop.

Our committee bill, which has been incorporated as a manager's amendment in section 2, requires that timely notice be provided to individuals whose sensitive personal information could be compromised by a breach of data security at a Federal agency.

Despite the volume of sensitive information held by agencies, until now there has been no requirement that people be notified if their information is compromised. Under this legislation, the administration must establish practices, procedures, and standards for the agencies to follow if sensitive personal information is lost or stolen and there is reasonable risk of harm to an individual; and we provide a clear definition of the type of sensitive information we are trying to protect. We also give the agency CIOs the authority when appropriate and authorized to ensure that agency personnel comply with the information security laws that are already on the books.

Finally, we ensure that costly equipment containing potentially sensitive information is accounted for and secure. Half of the lost Census Bureau computers simply weren't returned by departing or terminated employees. The agency did not track computer equipment, nor were employees held accountable for failing to return it. This is taxpayer-funded equipment containing sensitive information, and we have to know who has it at all times.

Each year our committee releases information security score cards. This year the VA earned an F, the second consecutive year and fourth time in the past 5 years the Department received a failing grade, and the government overall got a D-plus.

Our Federal Government has sensitive personal information on every citizen, health records, tax returns, military records. If our government can't secure this information, who can? We need to ensure the public knows when its sensitive personal information has been lost or compromised in some way.

I again want to commend my colleagues, Chairman BUYER, Ms. PRYCE, Mr. SWEENEY, Mr. FILNER, all who recognize the importance of securing personal information held by agencies. I appreciate their work in supporting this issue. The provisions we have included in this bill are a great first step. If new policies and procedures are not forthcoming quickly or if they fail to have the teeth to get the job done, we will revisit the matter.

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

Mr. Speaker, again, to have the chairman of another committee testify to working together is really I think a good model. So thank you again, Mr. Chairman.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH), the ranking member of our Economic Opportunities Subcommittee of the VA committee, a lady who has left much of her fingerprints on this bill. We thank you for your expertise, your real ability to stick to the issues here.

Ms. HERSETH. Mr. Speaker, I want to thank Mr. FILNER for yielding. I would like to congratulate both Chairman BUYER and Ranking Member Filner for their hard work in bringing this urgently needed bill to the House floor. I appreciated working with them both in the many oversight hearings to review the VA's information technology management system.

The Veterans Identity and Credit Security Act is the result of judicious bipartisan work by members and staff of the House Veterans' Affairs Committee, working closely with those on the Government Reform Committee; and it is an important step towards safeguarding the personal information of our Nation's veterans.

Now, I share the frustration of my colleagues regarding the repeated failures of the VA's information technology management and the theft in May of the personal data of as many as 26.5 million veterans and servicemembers from a VA employee's home.

While we are all relieved the laptop containing this data has been recovered and authorities have found no evidence that the data has been accessed, the data breach raised serious concerns about the VA's information security. It is clear that we dodged a bullet.

Perhaps the most frustrating aspect of the security breach was the previous recommendations and warnings by the General Accounting Office and the VA's Inspector General were not given adequate consideration. The Department's inexcusable and unacceptable inaction was disrespectful to the brave men and women who serve the country.

As my colleagues have outlined, the Veterans Identity and Credit Security Act would require the VA to report to Congress after any data theft and to provide credit monitoring and fraud remediation services to affected individuals. The bill creates an Under Secretary for Information Services, sets conditions of contracting with the VA for work dealing with sensitive personal information, and establishes a scholarship program for students pursuing doctorates in information technology, security or computer engineering.

I believe these important changes to the VA's information technology management structure are essential to better protecting the personal information of our Nation's veterans and their families. While there is no perfect solution, given the magnitude of this problem, not only for the VA but so many other Federal agencies, as the gentleman from Virginia just described, this legislation is an important step in the right direction.

I encourage my colleagues to support it.

Mr. BUYER. Mr. Speaker, the gentleman from South Carolina has requested 2 minutes of me, and I have great fear that the slowest talking man from the First District of South Carolina may not make the mark. But let's see how he does.

I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN), the chairman of the Health Subcommittee of the Committee on Veterans' Affairs.

Mr. BROWN of South Carolina. Mr. Speaker, I thank my friend, the chairman, for yielding me this time; and I hope I can make it in 2 minutes.

This is an important issue, one which the committee has addressed not only by this legislation, but also through hearings and meetings of members of the committees, officials from the VA, and representatives of our Nation's veterans organizations.

As chairman of the Committee's Subcommittee on Health, I led the committee's effort to understand the health-related impact of the recent loss of computers by the Veterans Administration. While this summer's computer loss regrettably saw the theft of VA data, this incident did not see the security of veterans health records compromised.

Indeed, recent events, such as the VA's response to Katrina, have shown the value of electronic medical records. During the aftermath of that disaster, VA doctors and nurses were able to treat without interruption patients transferred from VA facilities in New Orleans because of the VA's reliance on electronic medical records. All patient records were backed up, secured, transported and were back online and available almost immediately.

That said, we should not let the benefits of portable electronic records of any kind conflict with the need to keep them secure. Medical records contain a great deal of confidential personal information; and if those records get in the hands of the wrong people, it would pose a real problem and even in some cases, perhaps a national security risk.

For that reason, Congress needs to remain vigilant in order to ensure against the loss of all information by the VA. The VA itself needs to be proactive in maintaining the integrity of the health records. Lastly, our soldiers and their families need to continue to feel secure with VA having guardianship over those records.

In closing, I thank the chairman and the ranking member for their leadership on this issue and for introducing this important legislation. I urge all Members to support H.R. 5835.

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

Mr. BUYER. Mr. Speaker, I am so proud of my friend from South Carolina for delivering those remarks within the limits of time.

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Chairman, I want to congratulate you for your leadership and really appreciate all the hard work. This has been a difficult thing to get to the floor. Also I want to thank Mr. FILNER and Ms. HERSETH and again the staffs on both sides that have worked so very, very hard to, like I say, get this thing done.

I rise in strong support of H.R. 5835, and I would like to highlight section 7 of the bill. This section would create a scholarship and debt reduction program at VA to encourage recruitment of new personnel with Ph.D.s in information security, computer engineering or electrical engineering from an accredited institution of higher learning. This is so we can attract and secure the best talent possible at the VA's IT department.

This section would allow the Secretary to award scholarships or repayment of education debts to future VA employees. The scholarships would not exceed $200,000, or $50,000 per year, per person. Debt reduction payments would not exceed $82,500 over a total of 5 years of participation, or $16,500 per year in the program. The recipients would also be required to agree to a period of obligated service at the Department of not less than 2 years for every 1 year of tuition paid.

This is a great way to attract talented people at the VA. I urge my colleagues to support H.R. 5835.

□ 2215

Mr. BUYER. I appreciate the chairman's contribution to the bill. He chairs the Economic Opportunity Subcommittee on Veterans Affairs.

At this time, I yield 2 minutes to Mr. MURPHY of Pennsylvania, who also worked with us on the bill. He had his own bill, H.R. 6109, dealing with encryption; and we worked with the gentleman. We have three legacy platforms which are basically older operating systems. We were not able to achieve everything the gentleman has been seeking, but I want to appreciate the gentleman's sincerity and his effort and want to continue to work with the gentleman.

Mr. MURPHY. Mr. Speaker, I am in support of H.R. 5835 and commend the distinguished chairman for his hard work for veterans.

We all know veterans deserve the best from the Federal Government following their service. Unfortunately, on two separate occasions there were some major breaches which raised the risk of identity theft and fraud. In May, the VA announced a laptop computer containing personal information of 26 million veterans and spouses had been stolen; and, in August, a desktop with personal and health information of 38,000 veterans was stolen from a subcontractor performing insurance collections for VA medical centers in Pittsburgh and Philadelphia.

These losses are totally unacceptable. Identity theft touches the lives of more than 10 million Americans per year, and our veterans deserve better protection of their records. The bill before us would provide better protections, and these are important steps, and we should support the underlying bill.

In addition to H.R. 5835, I introduced last week H.R. 6109, the Stop Endangering the Records of Veterans, or the SERV Act. This bill would require the VA to physically secure and encrypt all veterans' personal records held by the Department. The VA announced in August that it will add enhanced encryption systems to all the Department's laptop and desktop computers. Today may not be the day for Congress to pass the requirements of H.R. 6109, since a great deal of technical work is currently taking place to define how these encryptions should take place with the system, but I look forward to joining Chairman BUYER and my colleagues in energetic oversight of the VA's implementation of encryption standards on this data.

Mr. Speaker, America's veterans have given blood, sweat, and tears for our Nation from the world wars to the current operations in Iraq and Afghanistan. They have earned peace of mind when it comes to their critical personal information. Today, the House is helping to ensure the mistakes of this year will not happen again.

Again, I commend the leadership of Chairman BUYER and all the members of the Veterans Committee, and I urge my colleagues to support H.R. 5835.

Mr. BUYER. At this time, I would like to yield 1 minute to the gentleman from San Diego, California (Mr. BILBRAY), who helped us work on the provisions of the bill.

Mr. BILBRAY. Mr. Speaker, I rise in support of the bill and would like to thank the chairman of the committee for this legislation, and I would like to thank the ranking member, my old friend, Mr. FILNER from San Diego.

Let me just say, sincerely, I think this is what America wants, this is what our veterans need. I think it is a great bipartisan cooperative effort.

The fact is that there are challenges under today's new technology opportunities we have that can be used or abused, and hopefully this bill will be able to tighten up the procedures to make sure we reflect those new realities.

Mr. Speaker, I in no little way want to praise both sides of the aisle for doing what is right for our veterans. Hopefully, we have been able to avoid a major problem in the past and with this legislation will make sure that no major problem occurs.

The identity and the personal records of our veterans are cherished possessions that we hold in the Federal Government, and we want to maintain those for the veterans and not allow it to leak out.

I thank very much both the ranking member but, most importantly, the chairman of the full committee.

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

Mr. FILNER. Mr. Speaker, again, I think this is an incredibly good bill. It shows the way we ought to work as a Congress and as a committee. Again, I thank one more time Mr. BUYER for his leadership and urge passage of the bill.

I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I want to thank you for allotting the time for us to bring this bill to the floor. This is bipartisan legislation. It reflects proposals introduced in this Chamber over the past months. I thank the Members and staff who contributed to this legislation. I am especially grateful for the support of LANE EVANS and BOB FILNER in moving this bill through the committee and to the floor.

I want to thank Chairman DAVIS and Ranking Member WAXMAN of the Government Reform Committee in our work on the FISMA component of the bill. I also would like to thank Chairman OXLEY and Ranking Member FRANK of the Financial Services Committee for their assistance in moving this bill to the floor, as well as the Appropriations Subcommittee on Military Quality of Life and Veterans Affairs Chairman WALSH and Ranking Member EDWARDS, and to recognize again that information security is crucial to our veterans and have provided valuable support for this legislation.

I also commend Mr. BILIRAKIS and Mr. STRICKLAND, the chairman and ranking member of the Subcommittee on Oversight and Investigations, for their oversight of IT at the VA. I am indebted to the chairmen and ranking members of the committee's Subcommittees on Health, Disability Assistance and Memorial Affairs and Economic Opportunity for their help in reviewing the VA's data security and coming up with this legislation.

Mr. Speaker, several Members introduced legislation after the May 3 loss, including Representatives HOOLEY, SALAZAR, and BILBRAY from the Committee on Veterans Affairs. Representatives BLACKBURN, ANDREWS, DRAKE, CAPITO, and GRANGER also introduced legislation, and all of this legislation was taken into account to create this product that has come to the floor. So this is a pretty good work product, to also include that of the gentleman from Pennsylvania.

I also want to thank the Subcommittee on Oversight and Investigations; the staff director, Art Wu; and minority staff director, Lynn Sistek, for their work on this legislation.

Mr. Speaker, I urge my colleagues to support our veterans by passing H.R. 5835, the Veterans Identity and Credit Security Act of 2006. This legislation will safeguard the sensitive personal information of veterans, and help lay the groundwork for a national solution

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 5835, the Veterans Identity and Credit Security Act.

Earlier this year, millions of veterans saw their economic security threatened when several VA computers were stolen from a Veterans Administration (VA) employee's home. While it appears that no veteran was a victim of ID theft, the VA was ill-prepared to deal with the lost of this highly personal and confidential information.

While I am pleased to support this bill, which will help safeguard veterans' personal information in the future, I urge this Congress to immediately pass legislation that will protect all Americans from ID theft, not just our veterans. The threat of ID theft is too important to ignore any longer.

Data security is an issue that we have labored over for months, and while this will protect America's veterans from breaches of data security, the American public wants Congress to act to protect its private information as well.

As many of my colleagues have outlined during the debate today, this bill takes several steps to empower the VA to combat ID theft. It creates a new Office of the Under Secretary for Information Services within the Department. The bill also requires the VA to notify affected individuals when sensitive, personal information held by VA is lost, stolen, or otherwise compromised. In addition, the bill requires the VA to provide services to alleviate any loss those individuals might suffer, if the Secretary of VA determines there is a risk that the compromised information could be used in a criminal manner. Another important provision in the bill requires contractors to pay damages to VA if the compromised information was under the contractors' control. The combination of these provisions represents a well thought through piece of legislation.

Mr. Speaker, having ones identity stolen can unleash a lifetime of problems for its victims. It can impair buying a home, applying for jobs and loans as well as a host of other problems.

I am pleased to support this bill to help protect our veterans from these personal and economic pitfalls. I urge my colleagues to support this bill.

Mr. STEARNS. Mr. Speaker, I rise to support H.R. 5835, the Veterans Identity and Credit Security Act of 2006. I was deeply concerned that nearly 27 million veterans may have been affected by a data security breach of record proportions, that could have compromised sensitive, personal information. Twenty-six-and-a-half million veterans, and 2.2 million Guards, Reservists, and active duty servicemembers, were at risk. Fortunately, we recovered the stolen laptop and forensic analysis revealed the data was uncompromised. While it turned out that no veterans' information was jeopardized, it was a lesson in carelessness that cannot be repeated. We have learned from this incident what steps we must take to (a) change the organizational structure

and requirements at the VA, and (b) design a meaningful package of action items we will deliver for veterans should a breach ever occur again. Now we must implement them.

Unfortunately, data breaches like this highlight the need for legislation I have authored: H.R. 4127, the Data Accountability and Trust Act (DATA). This bill, which the Energy and Commerce Committee has passed, goes to the heart of this problem of the critical need to protect consumers' personal information. Let's fix this.

I thought, and Chairman BUYER agreed, that while we are instructing the VA when they must notify veterans, let's not limit ourselves to notification by ''snail mail''. I appreciate the Chairman's incorporating my language into H.R. 5835. The standard of business practice is—if a consumer or veteran in this case prefers—to communicate in writing by e-mail, because it is immediate and portable. What if a veteran is now in the Florida National Guard, serving in Iraq, and suffers a breach? We would not want him or her to wait for a hard copy letter to make its way. Secondary to providing better service to the veteran, this would save tremendous money to the VA, money better spent on veterans health care and services: I understand the May 2006 notification mailing cost the VA about $7 million.

Through both of my Committee seats, I will continue to take an active role in ensuring that veterans, and all consumers, feel confident and secure about their financial and personal information. And, thank you, Chairman BUYER, for your steadfast leadership on this issue for years.

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in strong support of H.R. 5835, the Veterans Identity and Credit Security Act of 2006, as amended, and thank Chairman BUYER for his leadership in bringing this legislation to the floor. I also want to thank my colleagues from other Committees and across the aisle for the bipartisan effort that brought this bill to the floor. This is an important piece of legislation that aims to improve information security at the Department of Veterans Affairs (VA), and may set VA as an example for other federal departments and agencies.

H.R. 5835, as amended, provides the tools for VA to improve information security and strengthens the role of the Chief Information Officer (CIO). The legislation, requires the Secretary to provide the CIO with the authority over VA information technology (IT) to include information security, personnel, resources, and infrastructure. These authorities include oversight of the activities, policies, processes, and systems of VA IT.

Last October, as Chairman of the Subcommittee on Oversight and Investigations, I joined Chairman BUYER, Ranking Member EVANS, Subcommittee on Oversight and Investigations Ranking Member STRICKLAND and other distinguished Members to introduce H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act, to centralize the authority of the CIO. Last November, the House unanimously passed H.R. 4061 with a vote of 408–0. I remember Chairman BUYER standing on this floor, sharing the failures of VA IT projects and the millions of dollars spent on major IT programs that have failed to assist in making the delivery of benefits to veterans faster, safer, and more efficient. I stand here today because of another VA failure in IT, with another piece of legislation to reform VA IT and ask members to unite and show support for our veterans by passing H.R. 5835, as amended.

Since 2000, there have been 16 hearings of the House Committee on Veterans' Affairs and its Subcommittees on VA IT. This summer alone the Committee on Veterans' Affairs held eight hearings on IT and information security, two of which were at the Subcommittee level. The House Committee on Veterans Affairs has been anything but lax in its review of VA IT, and I am confident that oversight of VA IT will continue following my retirement.

It has been an honor to serve in this body and as a member of the House Committee on Veterans' Affairs for the past 24 years, and passing H.R. 5835, would be another way for me to honor and protect the veterans I have served during my time in Congress. I urge my colleagues to vote in favor of H.R. 5835, as amended.

Mr. MICHAUD. Mr. Speaker, I rise today in strong support of H.R. 5835, the Veterans Identity and Credit Security Act.

Earlier this year, VA experienced a major breach in the data security of millions of veterans. Their very identities and financial lives were put at risk. Thanks to the efforts of law enforcement, and a great deal of luck, this breach did not turn into a disaster.

While for many, this breach came as a surprise, the reality is that VA leadership has been warned repeatedly that VA's information security program is weak and could be compromised. The Veterans Affairs Committee has been calling on the VA to make changes. The VA's Inspector General and the GAO have issued report after report raising significant concerns about weaknesses in the security of VA's data and information systems. The sad reality is that this data breach, while larger than any other, was not unique.

We do a disservice to the men and women who have served our Nation and their families if we allow VA's information security policies and practices to continue as the status quo.

H.R. 5835 moves the VA toward greater IT security. It will create a clear line of responsibility through the Office of the Under Secretary for Information Security. It will put in place policies to improve IT security, notification and remediation. In cases of identity theft, this bill will help veterans recover their identities and their lives.

I also believe that the provisions in this bill supporting further education in IT security are innovative and extremely important for addressing this challenge in the future.

I want to congratulate the members of the Veterans Affairs Committee, especially Chairman BUYER and Mr. FILNER, for working quickly to move this important legislation forward.

I urge my colleagues to support this bill.

Mr. SWEENEY. Mr. Speaker, I rise in strong support of the Managers Amendment to H.R. 5835, the Veterans Identity and Credit Security Act of 2006.

Over the past 5 months, data security incidents at the Department of Veterans Affairs, State Department and Census Bureau have raised concern over the use of secure data at these and other Federal agencies.

The VA learned that an employee took home electronic records of 26.5 million veterans and 2.2 active-duty soldiers from the VA, which he was not authorized to do.

A hacker at the State Department gave thieves access to a finite amount of information, access to data and passwords.

The census bureau lost track of over 1,000 laptops, some of which contained sensitive personal information.

Americans secure information was put at extreme risk and raised concerns about data security in the Federal Government to a whole new level.

GAO reports released in July 2005 and again in March of 2006, revealed despite progress in implementing Federal requirements to protect information and systems, the 24 major Federal agencies' experienced continued pervasive weaknesses in information security policies and practices. Their flaws put Federal operations, citizens personal financial data and assets at risk of fraud, misuse, disclosure and destruction.

That is why I introduced H.R. 5820, the Federal Agency Data Privacy Protection Act, legislation that adds security measures to all Federal agencies data usage and administration. This manager's amendment includes a number of provisions included in my legislation.

It is important that we protect the sensitive information Americans provide to us so that we can assist them and we must provide the best possible responses to personal information being placed at risk. It is critical that we provide proper protections to individuals who may be affected by these thefts.

This amendment also extends the definition of what constitutes secure data so that we can provide the best protection for all personal information used by Federal agencies.

Americans place their trust in the Federal Government to protect the information they provide. In this age of technology, we have an obligation to protect that information and serve the people of this Nation. I urge my colleagues support on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H.R. 5835, to amend Title 38, United States Code 106–348, to improve information management within the Department of Veterans Affairs, and for other purposes.

In June, the Defense Department revealed that the personal information of about 2.2 million National Guard and Reserve troops was stolen from a government employee's house. In August of this year, the Department of Veterans Affairs reported that a subcontractor's missing laptop contained personal information of some 16,000 veterans and their families who were treated in VA medical centers in Pittsburgh and Philadelphia.

Even more astonishing is the fact that earlier this month, the Commerce Department reported that 1,100 of its laptops were missing from the last five years, some containing personal data from the U.S. Census Bureau.

These incidences of missing sensitive personal data are no small matters of concern. All of us as citizens of this great country expect to enjoy the privilege of privacy when it comes to our often sensitive personal data. As we are all well aware, such information can be easily mishandled and misused to the detriment of anyone who becomes so-victimized.

This reason alone is why it is crucial to provide sufficient safeguards to prevent or at the very least minimize the degree to which the privacy of sensitive personal data of our veterans as well as all the citizens of this country may become compromised.

H.R. 5835 provides safeguards to: Amend FISMA (Federal Information Security Management Act) to authorize the Director of OMB to establish data breach policies for agencies to follow in the event of a breach of data security involving the disclosure of sensitive personal information and which harm to an individual could reasonably be expected to result; Amend FISMA to clarify authority of Chief Information Officer to enforce data breach policies and develop and maintain IT inventories; Amend FISMA to define sensitive personal information as "any information about an individual maintained by an agency, including: education, financial transactions, medical history, criminal or employment history; information 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 any other personal information that is linked or linkable to the individual;

Create the position of Under Secretary for Information Services in the VA and mandates that this individual serve as the VA's CIO;

Mandate that the office of the Under Secretary for Information Services shall consist of the three Deputy Under Secretaries (at least one of whom is to be a career employee);

Call for the VA to ensure that the CIO has the authority and control necessary to execute responsibilities under FISMA and requires an annual FISMA compliance report to be submitted to the Committees on Veterans' Affairs of the House and Senate, the House Government Reform Committee, and the Senate Homeland Security and Governmental Affairs Committee; it also requires a monthly report from the VA CIO to the VA Secretary regarding compliance deficiencies; and to require immediate notification by the CIO to the VA Secretary of any data breach, and notice by the VA to the Director of OMB, VA IG, and if appropriate, to the FTC and Secret Service;

Require quarterly reports from the VA to the Committees on Veterans' Affairs of the House and Senate on any data breach that occurred in the previous quarter and to also require prompt notice in the event of a significant data breach;

Require the VA to undertake, as soon as possible after a data breach, an independent risk analysis (conducted by a non-VA entity). The Secretary shall then make a determination, based upon this analysis, if there exists a reasonable risk for potential misuse of the compromised data. If the Secretary does determine that this potential exists, then the VA is required to provide credit protection services. In the event of any data breach, the VA shall notify all affected individuals of the breach and inform them that they may request, at no charge, a fraud alert and a credit security freeze for a period of one year. The notification is to clearly spell out the advantages and disadvantages to requesting these actions;

Require the VA to provide credit protection services, including data breach analysis, credit monitoring services and identity theft insurance, to covered individuals (defined as individuals whose sensitive personal information is involved in a data breach, on or after August 1, 2005 for which the Secretary determines a reasonable risk exists for the potential misuse of the sensitive personal information). Authorizes the VA to contract with other government agencies and credit reporting agencies to provide these services;

Require that when the VA enters into a contract that the contractor shall not compromise any sensitive personal information. In the event of a breach, the contractor shall pay liquidated damages (which will then be used by the VA to provide credit protection services);

Require the VA to submit a report not later than 180 days after enactment concerning the feasibility of using Personal Identification Numbers for identification purposes in lieu of Social Security numbers;

Require the President to nominate the Under Secretary for Information Services and the VA to appoint the Deputy Under Secretaries within 180 days of enactment. Requires a report on the progress of the nomination and appointments every 30 days.

All of these measures are essential pieces to ensuring that the privacy of personal sensitive data of all of our citizens is not compromised. We are far behind in taking action to ensure that integrity of information in this nation. This bill is an important first step.

I urge my colleagues to support this resolution.

Mr. WAXMAN. Mr. Speaker, I support the goal of H.R. 5835 to strengthen security of personal data held by the Government, but believe that more should be done. For the Department of Veterans Affairs, this bill provides more training for employees on privacy issues, independent risk analysis of data breaches, credit freezes for persons whose data has been compromised, and more. This is an important step in light of recent data losses at the VA.

But the detailed requirements in this bill only apply to the Department of Veterans Affairs. For the rest of the Government, none of this is required, even though our committee's inquiries have uncovered serious breaches in other Federal agencies. For example, the Department of Commerce recently reported the loss of more than 1,000 laptop computers, some containing census information. To protect the privacy of personal information, we should require increased training, accountability, and reporting in all Federal agencies, not just the VA.

I am also concerned about the procedures under which this bill has come to the floor. Although primarily a VA bill, this bill also includes amendments to the Federal Information Security Management Act, FISMA, a government-wide law, in the jurisdiction of the Committee on Government Reform. Some of these provisions were in the reported version of this bill, and some were just added by amendment today from a bill introduced yesterday. None of these government-wide provisions were considered in the Committee of Government Reform.

H.R. 5835 now includes 2 different definitions of "sensitive personal information"—one applying to the entire government under FISMA, and another applying to the Department of Veterans Affairs. Had this bill proceeded through the regular committee process, inconsistencies like this could have been resolved and a clearer, more comprehensive bill reported to the floor. I hope that Congress will consider additional legislation to clarify the patchwork of laws and regulations currently in place and extend stronger data security requirements to the entire Federal Government.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, although the Rules of the House of Representatives do not allow me to co-sponsor H.R. 5835, the Veterans Identity and Security Act of 2006, I wish to express my full support for this bill. My district is home to tens of thousands of veterans from every branch of the military, and this legislation will be extremely helpful to my constituents. The recent loss of data affecting over 26.5 million current and former service members was extremely unfortunate, and it became clear that the Department's data security and notification practices needed an overhaul. I believe this legislation will enable the Department of Veterans Affairs to better protect the personal identification data of those who have served and are serving our country, and I am pleased that we are taking steps to prevent these incidents in the future.

As our country increasingly relies on electronic information storage and communication, it is imperative that our Government amend our information security laws accordingly. This legislation will help in this effort, and I am wholeheartedly supportive.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time and urge all Members to support this legislation.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 5835, 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. BUYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 5835.

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

There was no objection.

ENCOURAGING ALL OFFICES OF THE HOUSE OF REPRESENTATIVES TO HIRE DISABLED VETERANS

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1016) encouraging all offices of the House of Representatives to hire disabled veterans.

The Clerk read as follows:

H. RES. 1016

Whereas the men and women of our armed forces play a central role in preserving our Nation's freedom;

Whereas disabled veterans have sacrificed greatly for their country;

Whereas one way for our Nation to repay its debt to those disabled veterans is to help disabled veterans return to their previous lifestyle;

Whereas Congress relies on knowledgeable staff to help formulate policy;

Whereas disabled veterans provide unique perspectives on a range of issues, especially regarding national security;

Whereas Members who are veterans or reservists have played a leading role throughout the history of Congress; and

Whereas Congress wishes to give disabled veterans the opportunity to work in their government as a benefit to those disabled veterans as well the members of Congress on whose staffs they will serve: Now, therefore, be it

Resolved, That the House of Representatives encourages the Members, committees, and all other offices of the House to hire disabled veterans, and to use the resources that the Committee on House Administration will direct the Chief Administrative Officer to provide to find qualified disabled veterans to fill positions in these offices.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Pennsylvania (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Speaker, I also thank the gentleman from California (Mr. ROHRABACHER) for introducing this fine resolution.

I rise in support of H. Res. 1016, which encourages all offices of the House of Representatives to hire disabled veterans, and I ask all my colleagues to support this important bill.

Throughout history, our Nation has depended on the brave men and women of the military to secure our freedom, frequently at their own peril. Millions of those who fight valiantly for our country will return with injuries that threatened their livelihood and that of their families.

After completing their service to our country, our Nation's disabled veterans often return to face another challenge: diminished prospects for employment due to the injuries they suffered in battle.

By recruiting these exceptional individuals for employment in the House, we are both rewarding these heroes for their sacrifices they have made for their country and securing experienced, dedicated employees to work in House offices. By providing a congressional career path to disabled veterans, we are offering these courageous individuals an opportunity to serve the public in a new capacity.

I ask the Members to honor our Nation's veterans both by supporting this important resolution and by hiring disabled veterans.

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

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

Mr. Speaker, I am pleased to join the chairman in support of this resolution introduced this week by the gentleman from California (Mr. ROHRABACHER), encouraging all Members, committees, and offices of the House to hire disabled veterans. This Congress absolutely should give preference to disabled veterans as long as there are disabled veterans.

First, this resolution reminds all Members and other House employees that this Congress has a moral and ethical obligation to support American disabled veterans. Unfortunately, we know too well that the ranks of America's disabled veterans are growing every day. One way for the House to fulfill its obligation is to help disabled veterans return to their pre-war lifestyles. Their former jobs may be gone or their disabilities may preclude them from performing that function again.

I am sure there are many disabled veterans whose knowledge, skills, and abilities could help Members better serve their constituencies. This would allow disabled veterans to continue their service to their country as civilians, while providing for themselves and their families. This could take place anywhere in the country since a large percentage of congressional staff positions are located in districts throughout America. There are also opportunities here on Capitol Hill as well.

Second, the resolution states that the Committee on House Administration will facilitate employment opportunities for disabled veterans by directing the House Chief Administration Officer to provide resources to guide qualified disabled veterans to potential positions. A suitable Web site, for example, could enable disabled veterans to employment opportunities in the House.

Whatever the committee may decide, I am pleased that this resolution apprises all Members of the need of our disabled veterans and the rest of the community to take action. Mr. Speaker, I urge all Members to support this resolution. The ranks of American disabled veterans are growing every day, and the end of the current conflict is not in sight. The House should do everything possible to help our disabled veterans to rebuild their lives.

If qualified disabled veterans are interested in working here, we should encourage Members, our committees, and our support offices to embrace these brave men and women who have served in Iraq and elsewhere around the world and who have sacrificed their futures for our country. I urge an ''aye'' vote

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

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), who is in every way a true patriot and also the author of this wonderful resolution.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of my resolution, H. Res. 1016. I would like to thank Mr. EHLERS for his help in support of this bill, as well as Mr. BRADY and Members on both sides of the aisle. It has taken considerable time and effort to get this bill to the floor, and I appreciate their help in bringing this matter tonight and making sure we get this done before the end of the session.

Mr. Speaker, the war in Iraq and Afghanistan is being fought by American military personnel; and, as we know, many of them have been killed or wounded. In fact, there have been 21,263 wounded American military personnel during this conflict in Afghanistan and Iraq. That includes 468 amputees.

To better illustrate that point, imagine every Member of this House plus 33 others have been wounded in Iraq or Afghanistan and that the wounds were serious enough to require amputation, and sometimes that meant amputating more than one limb. It is hard to comprehend the level of sacrifice and the recovery from such a loss.

These brave warriors and their families must learn an entirely new way of life. Sometimes readjusting, finding one's place is as traumatic and as hurtful as the wound itself. Many of them worry about how they will work and what kind of life they can provide for themselves and for their families.

My resolution, H. Res. 1016, will enable us, Members of the United States Congress, to help disabled veterans directly. We should serve as an example to other government agencies and to private-sector employers. We need to send an unmistakable message that every disabled veteran should have the opportunity to work at a decent-paying job and that they can this way adjust and bring themselves back into this community as they heal and come home.

This resolution coordinates the House Administration Committee and the CAO to find qualified disabled veterans to fill open positions in our House offices.

Congress has two important obligations when sending America's defenders into harm's way.

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The first is to ensure that those soldiers have the necessary training, equipment and resources to get the job done and come home safely.

The second is to ensure that when these heroes come home, especially if they have been severely wounded, that their wounds are cared for and once they are healed, there are adequate avenues available to ensure them a decent life, especially the personal and professional satisfaction of a real job.

I would challenge my colleagues to achieve the following goal: by the end of the next year, every congressional office should employ at least one disabled veteran. Not only would these veterans benefit from these jobs, but we would benefit greatly from the unique perspective that these heroes would bring to our offices.

Mr. Speaker, I want to thank Mr. Clifford Heinz for bringing to my attention disturbing news stories regarding returning veterans. I also thank the majority whip, Mr. BLUNT, for his hard work in helping to move this resolution to the floor for the vote.

We must ensure that the returning veterans from this war are treated with the dignity and honor, that it is the dignity and honor that they have earned and deserve. This resolution is an important first step in what I know will be a continued effort by this Congress to say thank you to the disabled

veterans who have paid a price beyond the call of duty and never fully repaid.

Mr. Speaker, I ask my colleagues to support this resolution and to take seriously the challenge of personally hiring a disabled veteran for their office. I ask them to support H. Res. 1016.

Mr. BRADY of Pennsylvania. Mr. Speaker, it is my pleasure to yield to Mr. FATTAH from the great State of Pennsylvania for such time as he may consume.

Mr. FATTAH. Mr. Speaker, I thank the gentleman from Pennsylvania, and also the chairman of my former committee, the House Administration Committee, for their fine work in bringing this resolution to the floor.

On Sunday I spoke at the VFW post in my district, the Charles Young Post, as they celebrated 76 years of providing a service to veterans, returning veterans from a host of wars and conflicts, in Philadelphia.

I have been over to Walter Reed visiting with soldiers who have been wounded in the Iraqi war, and it is true that they are receiving great medical care, but they do need employment. And I thank the gentleman who is the prime sponsor of this who I have also served with for many years, for fighting for this to come to the floor because it is something that is tangible that we can do.

I just wanted to rise in support of it. House Administration is a committee where these issues are dealt with, and I think the committee should be commended for bringing this to the floor. And I hope all Members heed what I think is a reasonable challenge, that each of us should reach out to returning veterans.

Many have disabilities that are visible, and others have other challenges. We do know, as has been stated by a former President, Ronald Reagan, that one of the best things that could ever happen in terms of addressing some of the social challenges that people face is a good job. So providing a good job for veterans who return, many of whom are disabled, I think is a rightful thing for this House to consider, in all of its various offices both here on the Hill and at home in our district offices.

I thank the gentleman for yielding me this time, and I thank the chairman for the great guidance he has given to my former committee.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank Mr. ROHRABACHER for the resolution and the chairman of our committee. It is a pleasure working with you.

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

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

I once again reiterate the requests that various individuals have made here, that every Member of this Congress take this resolution seriously, that they vote for it; and, furthermore, that they act on it and hire a disabled veteran to work in their offices.

I thank the gentleman from California for bringing this to our attention. I urge support by every Member of the House for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 1016 to encourage all offices of the House of Representatives to hire disabled veterans.

The men and women of our Armed Forces play a central role in preserving our Nation's freedom. In this role, these men and women gain very valuable skills, and knowledge which is crucial to the successful operations and functions of our military. The vast array of valuable skills that disabled veterans possess include those in intelligence, medicine, law and beyond. Such knowledge is not to be undervalued.

There are over 3 million living disabled veterans in this country, a number which unfortunately continues to rise as we remain engaged in the Iraq and Afghanistan conflicts. Let us respect and honor the invaluable service of all past and future disabled veterans by ensuring that they may continue to use their unique talents, knowledge and skills.

Congress relies on knowledgeable staff to help formulate policy. Disabled veterans provide unique perspectives on a range of issues, especially regarding national security.

Disabled veterans have sacrificed greatly for this country. It is indeed no sacrifice at all for us to take advantage of the unique education and experience that our veterans will bring as administrative, legislative and support staff to the House offices.

This Nation can repay its debt to those disabled veterans by helping disabled veterans continue to support the many important functions of our government, as well as continue to serve their country. Such a partnership is a win-win situation, and yet I am inclined to think that it is we who will benefit most from the contributions.

Mr. Speaker, we must ensure that when our veterans become disabled as a result of their military service, their service and skills do not dry up like a raisin in the sun but continue to bear fruit that can serve this great Nation well. By employing disabled veterans, we show that we have confidence in and value their skills.

We all know that it is exceedingly difficult to gain employment as a disabled individual, let alone as a veteran adjusting to civilian life. This is simply one step we can make as a legislative body to ease the transition and assist a population in need.

I am virtually certain that we all value the time and service of all of our veterans who have faithfully served to protect the interests of this great Nation and its citizens. We certainly would like to express that sentiment here today by passage of H.R. 1016 to encourage all offices of the House of Representatives to hire disabled veterans.

I urge my colleagues to support this resolution.

Mr. EHLERS. 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 Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 1016.

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.

GENERAL LEAVE

Mr. EHLERS. 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 subject of this bill.

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

There was no objection.

GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2005

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1215) to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1215

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 ''Green Chemistry Research and Development Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''green chemistry'' means chemistry and chemical engineering to design chemical products and processes that reduce or eliminate the use or generation of hazardous substances while producing high quality products through safe and efficient manufacturing processes;

(2) the term ''Interagency Working Group'' means the interagency working group established under section 3(c); and

(3) the term ''Program'' means the Green Chemistry Research and Development Program described in section 3.

SEC. 3. GREEN CHEMISTRY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall establish a Green Chemistry Research and Development Program to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for green chemistry research, development, demonstration, education, and technology transfer through—

(A) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) green chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories; and

(D) to the extent practicable, encouragement of consideration of green chemistry in—

(i) the conduct of Federal chemical science and engineering research and development; and

(ii) the solicitation and evaluation of all proposals for chemical science and engineering research and development;

(2) examine methods by which the Federal Government can create incentives for consideration and use of green chemistry processes and products;

(3) facilitate the adoption of green chemistry innovations;

(4) expand education and training of undergraduate and graduate students, and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering;

(5) collect and disseminate information on green chemistry research, development, and technology transfer, including information on—

(A) incentives and impediments to development and commercialization;

(B) accomplishments;

(C) best practices; and

(D) costs and benefits;

(6) provide venues for outreach and dissemination of green chemistry advances such as symposia, forums, conferences, and written materials in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(7) support economic, legal, and other appropriate social science research to identify barriers to commercialization and methods to advance commercialization of green chemistry; and

(8) provide for public input and outreach to be integrated into the Program by the convening of public discussions, through mechanisms such as citizen panels, consensus conferences, and educational events, as appropriate.

(c) INTERAGENCY WORKING GROUP.—The President shall establish an Interagency Working Group, which shall include representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, the Environmental Protection Agency, and any other agency that the President may designate. The Director of the National Science Foundation and the Assistant Administrator for Research and Development of the Environmental Protection Agency shall serve as co-chairs of the Interagency Working Group. The Interagency Working Group shall oversee the planning, management, and coordination of the Program. The Interagency Working Group shall—

(1) establish goals and priorities for the Program, to the extent practicable in consultation with green chemistry researchers and potential end-users of green chemistry products and processes; and

(2) provide for interagency coordination, including budget coordination, of activities under the Program.

(d) AGENCY BUDGET REQUESTS.—Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget which identifies its activities that contribute directly to the Program and states the portion of its request for appropriations that is allocated to those activities. The President shall include in his annual budget request to Congress a statement of the portion of each agency's or department's annual budget request allocated to its activities undertaken pursuant to the Program.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Interagency Working Group shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. This report shall include—

(1) a summary of federally funded green chemistry research, development, demonstration, education, and technology transfer activities, including the green chemistry budget for each of these activities; and

(2) an analysis of the progress made toward achieving the goals and priorities for the Program, and recommendations for future program activities.

SEC. 4. MANUFACTURING EXTENSION CENTER GREEN SUPPLIERS NETWORK GRANT PROGRAM.

Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the enabling of supply chain manufacturers to continuously improve products and processes, increase energy efficiency, identify cost-saving opportunities, and optimize resources and technologies with the aim of reducing or eliminating the use or generation of hazardous substances.''.

SEC. 5. UNDERGRADUATE EDUCATION IN CHEMISTRY AND CHEMICAL ENGINEERING.

(a) PROGRAM AUTHORIZED.—(1) As part of the Program activities under section 3(b)(4), the Director of the National Science Foundation shall carry out a program to award grants to institutions of higher education to support efforts by such institutions to revise their undergraduate curriculum in chemistry and chemical engineering to incorporate green chemistry concepts and strategies.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost sharing in cash from non-Federal sources, to match the Federal funding.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricular revisions to the courses of study offered by the applicant in chemistry and chemical engineering; and

(B) a description of the source and amount of cost sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1), the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curriculum changes in accordance with subsection (a)(1); and

(B) the amount of cost sharing to be provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 8, from sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this section $7,000,000 for fiscal year 2006, $7,500,000 for fiscal year 2007, and $8,000,000 for fiscal year 2008.

SEC. 6. STUDY ON COMMERCIALIZATION OF GREEN CHEMISTRY.

(a) STUDY.—The Director of the National Science Foundation shall enter into an arrangement with the National Research Council to conduct a study of the factors that constitute barriers to the successful commercial application of promising results from green chemistry research and development.

(b) CONTENTS.—The study shall—

(1) examine successful and unsuccessful attempts at commercialization of green chemistry in the United States and abroad; and

(2) recommend research areas and priorities and public policy options that would help to overcome identified barriers to commercialization.

(c) REPORT.—The Director shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings and recommendations of the study within 18 months after the date of enactment of this Act.

SEC. 7. PARTNERSHIPS IN GREEN CHEMISTRY.

(a) PROGRAM AUTHORIZED.—(1) The agencies participating in the Program shall carry out a joint, coordinated program to award grants to institutions of higher education to establish partnerships with companies in the chemical industry to retrain chemists and chemical engineers in the use of green chemistry concepts and strategies.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost sharing from non-Federal sources by members of the partnerships.

(3) In order to be eligible to receive a grant under this section, an institution of higher education shall enter into a partnership with two or more companies in the chemical industry. Such partnerships may also include other institutions of higher education and professional associations.

(4) Grants awarded under this section shall be used for activities to provide retraining for chemists or chemical engineers in green chemistry, including—

(A) the development of curricular materials and the designing of undergraduate and graduate level courses; and

(B) publicizing the availability of professional development courses of study in green chemistry and recruiting graduate scientists and engineers to pursue such courses.

Grants may provide stipends for individuals enrolled in courses developed by the partnership.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application at such time, in such manner, and containing such information as shall be specified by the Interagency Working Group and published in a proposal solicitation for the Program. The application shall include at a minimum—

(A) a description of the partnership and the role each member will play in implementing the proposal;

(B) a description of the courses of study that will be provided;

(C) a description of the number and size of stipends, if offered;

(D) a description of the source and amount of cost sharing to be provided; and

(E) a description of the manner in which the partnership will be continued after assistance under this section ends.

(2) The evaluation of the applications submitted under paragraph (1) shall be carried out in accordance with procedures developed by the Interagency Working Group and shall consider, at a minimum—

(A) the ability of the partnership to carry out effectively the proposed activities;

(B) the degree to which such activities are likely to prepare chemists and chemical engineers sufficiently to be competent to apply green chemistry concepts and strategies in their work; and

(C) the amount of cost sharing to be provided.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—(1) From sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(A) $7,000,000 for fiscal year 2006;

(B) $7,500,000 for fiscal year 2007; and

(C) $8,000,000 for fiscal year 2008.

(2) The sums authorized by paragraph (1) are in addition to any funds the National Science Foundation is spending on green chemistry through its ongoing chemistry and chemical engineering programs.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $5,000,000 for fiscal year 2006;

(2) $5,500,000 for fiscal year 2007; and

(3) $6,000,000 for fiscal year 2008.

(c) DEPARTMENT OF ENERGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Department of Energy for carrying out this Act—

(1) $7,000,000 for fiscal year 2006;
(2) $7,500,000 for fiscal year 2007; and
(3) $8,000,000 for fiscal year 2008.

(d) ENVIRONMENTAL PROTECTION AGENCY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—
(1) $7,000,000 for fiscal year 2006;
(2) $7,500,000 for fiscal year 2007; and
(3) $8,000,000 for fiscal year 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Oregon (Mr. WU) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. 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 subject of this bill.

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

There was no objection.

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

Mr. Speaker, today I rise in support of H.R. 1215, the Green Chemistry Research and Development Act. I would like to thank the gentleman from Georgia (Mr. GINGREY) for his leadership on this important legislation which passed the House in the 108th Congress by an overwhelming vote of 402–14. In fact, I appreciate it so much I am sorry I didn't think of introducing the bill myself.

When I was a college student studying science, the only green chemistry I ever saw was the mold that grew on the neglected food in our dorm refrigerator. Today, we know that green chemistry is about doing chemistry cleaner and smarter in an environmentally sound way.

When businesses innovate by using green chemical processes, they cannot only save money, but also avoid the cost of cleaning up toxic pollutants, providing a safer work environment for their employees, and providing safer products to consumers. Everyone wins.

However, the adoption of green chemistry by the traditional chemical industry has been slow because there are only a few widely accepted processes and a shortage of trained experts in green chemistry. And for too long, the Federal investments in green chemistry research and development have been too small and two unfocused.

To provide that much-needed focus, H.R. 1215, the Green Chemistry Research and Development Act, will establish a research and development program to promote and coordinate Federal green chemistry, research, development, demonstration, education and technology transfer activities within the National Science Foundation, the Environmental Protection Agency, the National Institute of Standards and Technology, and the Department of Energy.

The program will support research and development grants including grants for university-industry-nonprofit partnerships, support green chemistry research at Federal labs, promote education through curricula development and fellowships, and serve as a green chemistry information resource.

H.R. 1215 does not authorize the expenditure of new money. Instead, the bill obtains funding for the program from sums already authorized to be appropriated at the four agencies involved.

H.R. 1215 is an important first step in focusing Federal support for green chemistry. It expands green chemistry education, develops more green chemistry processes, and modestly and responsibly increases the Federal investment in green chemistry.

The emphasis on both training the next generation of chemical professionals and retraining conventional chemists and chemical engineers is critical to innovation in the traditional chemical manufacturing sector.

I am pleased to support the Green Chemistry Research and Development Act. Again, I thank Mr. GINGREY for his hard work on this important piece of legislation, and I urge my colleagues to support H.R. 1215.

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

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

Mr. Speaker, I am pleased to support H.R. 1215, the Green Chemistry Research and Development Act. This legislation codifies the ongoing efforts throughout the Federal Government to encourage the development of products and manufacturing processes that are safer, contain fewer toxic compounds, and make better use of recycled materials. I am especially pleased that the bill includes my amendment to authorize a training program at the National Science Foundation. This new program creates partnerships between companies in the chemical industry and colleges and universities to provide professional development training to practicing chemists and chemical engineers in the use of green chemistry concepts and strategies.

During our committee's hearing on last year's version of this bill, it became clear that too few professionals in these fields are exposed to green chemistry in their undergraduate and graduate courses. This lack of training becomes an important barrier to the adoption and use of green chemistry in industrial products and processes.

The partnerships between the academic community and industry that this bill promotes will ensure the courses of study that are put in place are relevant to industry and are designed to provide practicing chemists and chemical engineers with the skills and knowledge they will need to employ green chemistry concepts in their work.

The requirement for cost sharing helps to reinforce the engagement and commitment of companies to the program.

H.R. 1215 provides a good starting point for a Federal effort to promote green chemistry. I urge Members to support this legislation.

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

Mr. EHLERS. Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Georgia, the author of the bill, Mr. GINGREY.

Mr. GINGREY. Mr. Speaker, I rise today to support H.R. 1215, a bill that provides for the implementation of a Green Chemistry Research and Development program.

First, I want to take this opportunity to thank Dr. EHLERS, Mr. WU, Chairman BOEHLERT, Ranking Member GORDON, and all of the Science Committee members and staff who worked hard to bring this important bipartisan legislation through committee and to the House floor today.

Mr. Speaker, chemists can design chemicals to be safe just like they can design them to have other properties, like color and texture. As chemists design products and the processes by which those products are manufactured, they can and should factor in the possible creation of any hazardous by-products.

This technique of considering not only the process in which products are produced but also the environment in which they are created is the basic definition of green chemistry. It is a method of designing chemical products and processes that at the very least reduce the use or generation of hazardous substances.

Green chemistry represents an ever-growing field of science that is demonstrating much promise. This legislation gives Congress the opportunity to support these important efforts by encouraging additional research and enhanced collaboration.

I want to take a moment to outline several reasons why I believe my colleagues should support this legislation. The first is the simple fact that preventing pollution and waste from the start of a design process is often cheaper than cleaning it up later.

Developing new products and processes are an integral component of a variety of industries.

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Industries that span fabrics to fuel cells and the innovation created by this enhanced research will subsequently spur economic growth.

Mr. Speaker, since the heart of green chemistry is design processes that utilize as many benign materials as possible as well as designing them to be conducted at or near room temperature and pressure, working conditions and safety for our employees can be vastly improved.

Unfortunately, despite all the promise of green chemistry, the Federal Government invests very little in this area. This legislation allows coordination of Federal green chemistry research and development within several

Federal agencies such as the National Science Foundation, the Environmental Protection Agency, the National Institute of Standards and Technology, and the Department of Energy.

H.R. 1215 will encourage universities and academic institutions, as Mr. WU just mentioned, to train future workers in this exciting technology. This coordinated program will support research and development grants for partnerships between universities, industry and nonprofits. It will also promote education through curriculum development and fellowships that will collect and disseminate information about green chemistry.

Finally and most importantly, Mr. Speaker, H.R. 1215 is a fiscally responsible piece of legislation in step with the current reality of our budgetary constraints. This legislation funds these programs by obtaining sums already authorized to the above-mentioned agencies. It does not authorize the expenditure of any new money. Let me say that again. This legislation does not appropriate new funds but rather refocuses the budget of these agencies.

Chemical companies, pharmaceutical corporations, carpet and rug manufacturers and biotechnology businesses have endorsed H.R. 1215, showing a broad range of support for the merits of this legislation. All of these companies and corporations realize the advancement of green chemistry is a positive not only for their businesses but also our country's environment, our economy, and our Nation's health.

Mr. Speaker, I encourage my colleagues to vote for this innovative, insightful, and responsible piece of legislation that will show the American public that Congress and the business community are committed to preserving our Nation's environment.

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

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

I am very proud of our system of free enterprise in America. It has led to a considerable amount of innovation in every area. But I find, surprisingly, once in a while tradition trumps innovation, and that is the situation that we have here with green chemistry.

I commend the gentleman from Georgia for offering this bill because, frankly, we have to wake up the chemical industry to this promising new field and overcome the tradition and take up the ideas of green chemistry.

In all the experience I have in viewing the cases where it has been used, we have had better products, less pollution, and the manufacturers make more money. There is no reason not to do it. It is just that we simply have to use innovation to break tradition.

So, Mr. Speaker, while the full potential of green chemistry has yet to be realized, H.R. 1215 will place us on the right path to reaching that potential.

I urge all my colleagues to support the Green Chemistry Research and Development Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Green Chemistry Research and Development Program is intended to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities.

1. Prevent waste: Design chemical syntheses to prevent waste, leaving no waste to treat or clean up.

2. Design safer chemicals and products: Design chemical products to be fully effective, yet have little or no toxicity.

3. Design less hazardous chemical syntheses: Design syntheses to use and generate substances with little or no toxicity to humans and the environment.

4. Use renewable feedstocks: Use raw materials and feedstocks that are renewable rather than depleting. Renewable feedstocks are often made from agricultural products or are the wastes of other processes; depleting feedstocks are made from fossil fuels (petroleum, natural gas, or coal) or are mined.

5. Use catalysts, not stoichiometric reagents: Minimize waste by using catalytic reactions. Catalysts are used in small amounts and can carry out a single reaction many times. They are preferable to stoichiometric reagents, which are used in excess and work only once.

6. Avoid chemical derivatives: Avoid using blocking or protecting groups or any temporary modifications if possible. Derivatives use additional reagents and generate waste.

7. Maximize atom economy: Design syntheses so that the final product contains the maximum proportion of the starting materials. There should be few, if any, wasted atoms.

8. Use safer solvents and reaction conditions: Avoid using solvents, separation agents, or other auxiliary chemicals. If these chemicals are necessary, use innocuous chemicals.

9. Increase energy efficiency: Run chemical reactions at ambient temperature and pressure whenever possible.

10. Design chemicals and products to degrade after use: Design chemical products to break down to innocuous substances after use so that they do not accumulate in the environment.

11. Analyze in real time to prevent pollution: Include in-process real-time monitoring and control during syntheses to minimize or eliminate the formation of byproducts.

12. Minimize the potential for accidents: Design chemicals and their forms (solid, liquid, or gas) to minimize the potential for chemical accidents including explosions, fires, and releases to the environment.

This bill provides for sustained support for green chemistry research, development, demonstration, education, and technology transfer through merit-reviewed competitive grants to individual investigators and teams of investigators, including young investigators.

The legislation includes grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations. Additionally, provisions provide for green chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories.

H.R. 1215 will establish an Interagency Working Group, which will include representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, the Environmental Protection Agency, and any other agency that the President designates. The Director of the National Science Foundation and the Assistant Administrator for Research and Development of the Environmental Protection Agency will serve as co-chairs of the Interagency Working Group. The Interagency Working Group shall oversee the planning, management, and coordination of the Program.

As part of the Program activities under Section 3, the Director of the National Science Foundation shall carry out a program to award grants to institutions of higher education to support efforts by such institutions to revise their undergraduate curriculum in chemistry and chemical engineering to incorporate green chemistry concepts and strategies.

It is important to encourage sustainable and environmentally sound research goals, and I encourage my colleagues to support this measure.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 1215, and I want to congratulate our colleague, Dr. GINGREY, for having introduced it. Dr. GINGREY was one of the most active and effective members of the Science Committee during the 108th Congress, and, while he is no longer with the committee, we continue to work closely with him on a variety of issues, including this green chemistry R&D legislation before us today.

There's really only one unfortunate thing about the green chemistry bill—and that is that none of us thought of doing this before. Green chemistry is such an obvious area on which to focus that it should be clear to anyone—and everyone—that more needs to be done in this field.

The majority of environmental protection laws passed by Congress focus on command and control activities—limiting the spread of pollutants, cleaning up waste, or assessing fines to polluters. These are all necessary approaches to environmental challenges. But I believe in the old adage—"an ounce of prevention is worth a pound of cure." If we reduce to ounces the quantity of toxic chemicals we use and produce in the first place, then we won't have to worry as much about cleaning up pounds of toxics downstream.

But while the environmental benefits of applying this approach to our industrial processes are clear, green chemistry innovations provide more than just environmental benefits—they can save companies money and give them a competitive edge as well. With the right ideas applied in the right areas, green chemistry is truly a win-win strategy.

A good example is the work of Pfizer, which won a 2002 Presidential Green Chemistry Challenge Award for redesigning the manufacturing processes used to produce the anti-depression drug "Zoloft." By applying green chemistry principles to the manufacture of Zoloft, Pfizer was able to eliminate 730 metric tons of toxic chemicals from the production process. The result: improved worker and environmental safety, reduced energy and water use, and a doubling of overall product yield that contributed significantly to the economic bottom line.

This is just one example. There are dozens of other creative and exciting environmental solutions that are being driven by the application of green chemistry principles. Companies like Dow, DuPont, and Kodak are leading industry into a new era of the way it thinks about chemical and manufacturing processes.

And with a relatively small amount of Federal effort, we can leverage industry efforts and significantly accelerate development and application of green chemistry solutions.

This bill does just that. It takes a sensible, targeted approach to putting some Federal dollars behind green chemistry pollution prevention efforts. It builds on existing programs at a number of Federal agencies to transform those small and scattered efforts into a focused, coordinated, and enhanced national program.

The result of that program should be the generation and dissemination of new ideas and new people, leading to the adoption of more green chemistry practices and the creation of more green chemistry products, by industry.

Now I know some would like this bill to go further. And there's no doubt that there are additional barriers to green chemistry that the government action could help attack. But those government actions are complex and controversial and should be taken up in other bills.

For now, let's take care of first things first. Let's make sure that the government is doing everything possible to ensure that green chemistry research and development is getting the attention it deserves, to ensure that education programs are designed to teach more students and practicing chemists and chemical engineers about green chemistry, and to ensure that new ideas are broadly disseminated.

This is a thoughtful and effective piece of legislation that takes a step we should have taken long ago—making sure that government R&D and education programs promote the kind of chemistry that is in the national interest.

I urge everyone to support Dr. GINGREY's bill.

Mr. EHLERS. 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 Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 1215, 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.

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM ACT OF 2006

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5136) to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities, as amended.

The Clerk read as follows:

H.R. 5136

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 ''National Integrated Drought Information System Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DROUGHT.—The term ''drought'' means a deficiency in precipitation—

(A) that leads to a deficiency in surface or subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) substantial physical damage or injury to individuals, property, or the environment.

(2) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 3. NIDIS PROGRAM.

(a) IN GENERAL.—The Under Secretary, through the National Weather Service and other appropriate weather and climate programs in the National Oceanic and Atmospheric Administration, shall establish a National Integrated Drought Information System.

(b) SYSTEM FUNCTIONS.—The National Integrated Drought Information System shall—

(1) provide an effective drought early warning system that—

(A) is a comprehensive system that collects and integrates information on the key indicators of drought in order to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts;

(B) communicates drought forecasts, drought conditions, and drought impacts on an ongoing basis to—

(i) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(ii) the private sector; and

(iii) the public,

in order to engender better informed and more timely decisions thereby leading to reduced impacts and costs; and

(C) includes timely (where possible real-time) data, information, and products that reflect local, regional, and State differences in drought conditions;

(2) coordinate, and integrate as practicable, Federal research in support of a drought early warning system; and

(3) build upon existing forecasting and assessment programs and partnerships.

(c) CONSULTATION.—The Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector in the development of the National Integrated Drought Information System.

(d) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $11,000,000 for fiscal year 2007;
(2) $12,000,000 for fiscal year 2008;
(3) $13,000,000 for fiscal year 2009;
(4) $14,000,000 for fiscal year 2010;
(5) $15,000,000 for fiscal year 2011; and
(6) $16,000,000 for fiscal year 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5136, as amended, the bill now under consideration.

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

There was no objection.

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

Today, I rise in support of H.R. 5136, the National Integrated Drought Information System Act. I would like to thank Mr. HALL and Mr. UDALL for their leadership on this important legislation. It is truly a bipartisan bill in every way.

Drought is a pernicious disaster. It can creep up on you in the form of pleasantly cloudless days. But once it has arrived it can destroy livelihoods, damage valuable ecosystems, and even threaten human health. The National Oceanic and Atmospheric Administration, better known as NOAA, estimates that we lose approximately $7 billion each year to this slowly emergent but devastating natural disaster. In 2002, drought killed over three-quarters of all of the Christmas tree saplings in my home State of Michigan. In 2005 and 2006, drought left 60 Michigan counties eligible for the U.S. Department of Agriculture relief programs. And my State got off easy.

Since we cannot manufacture more water, our best defense against this creeping threat is knowledge. We must provide clear and accurate warnings of coming droughts so that we can seek appropriate solutions and take appropriate action. Drought information should include enough details to make it useful to the people who work so hard to manage water resources and minimize the effects of drought on our daily lives. The National Integrated Drought Information System Act seeks to provide just that kind of information.

This bill authorizes the National Integrated Drought Information System, or NIDIS, in NOAA. The system would include a comprehensive drought forecasting and monitoring system and the research and development programs to support it. The bill requires NIDIS to build upon existing forecast and monitoring efforts and to do so in broad consultation with relevant Federal, State, tribal, and local agencies, as well as public and private organizations. H.R. 5136 emphasizes the importance of timely, preferably real-time, drought-related information that reflects local and regional differences in drought conditions.

In summary, this bill gives farmers, utilities, forest managers, waterway operators, tourism companies, reservoir managers, and the general public the tools they need to make thoughtful and informed choices about how to limit the impact of drought on our economy, our environment, and our quality of life.

I am pleased to support H.R. 5136, the National Integrated Drought Information System Act. Again, I commend Mr. HALL and Mr. UDALL for this important and bipartisan legislation; and I urge all my colleagues to support H.R. 5136.

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

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

Mr. Speaker, I am very pleased to support H.R. 5136 with my colleague from Texas, Judge Hall. H.R. 5136 authorizes NOAA to establish a National Integrated Drought Information System to provide an early warning system to enable State and local governments to take steps to mitigate the effects of drought.

Drought is as devastating to our lives and our economy as other severe weather events. In recent years, the western United States has experienced severe drought conditions. The impacts of drought are costly in both lives and dollars. Drought conditions set the stage for wildfires, crop failures, decline in recreation and tourist activities, impacts on hydropower production, and other harmful effects.

And unlike other severe weather events, Mr. Speaker, drought conditions emerge over a long period of time. Reduced rain and snowfall deplete moisture in the soil, reduce the level of reservoirs, and reduce the flow in rivers. NOAA's current Drought Monitor and drought prediction efforts have provided information to assist with drought planning and mitigation, but I believe we can and should do more.

We need a more refined information system on a seasonal and long-term basis about the severity and persistence of drought conditions to better tailor drought mitigation plans at the regional and local levels. H.R. 5136 will also facilitate the consolidation of drought-related information in one location, providing the public and decision makers at all levels a single point of access for information on drought.

I want to thank Chairman BOEHLERT and Chairman EHLERS for their support of this legislation. In particular, again, I want to mention my good friend, the senior member from Texas, Judge HALL, for his leadership; and I would urge all Members to support this effort to improve our ability to deal with the impacts of drought.

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

Mr. EHLERS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Texas, the cosponsor of this bill, Mr. HALL.

Mr. HALL. Mr. Speaker, I rise today, of course, in support of the bill to create a National Integrated Drought Information System, and I thank Mr. EHLERS for his very capable handling of the bill. And I thank Mr. UDALL, anybody by the name of Udall stands for honor to me and has for many, many years, for his cosponsorship of the bill.

I am very pleased that the House has agreed to vote on this legislation, because it is important to nearly every State in our union. In our home State of Texas, drought is absolutely decimating crops and the economy. The total direct losses from drought in Texas are now at $4.1 billion for the year, and the broader economic damages from this drought bring the price tag to over $8 billion. My own home district in northeast Texas is experiencing the most severe damage statewide from the drought. In Missouri, farm ponds have been drying up in record numbers; and in Oklahoma the wheat crop rated 58 percent poor to very poor. It is undeniable that droughts have devastating impacts on our society.

While we cannot stop nature, we can do a better job, I think, of predicting, monitoring, and mitigating the problem. Currently, the drought system we have only provides limited help to local water managers and others concerned with drought, because the information is not sufficiently accurate, it is not thorough, or it is not up to date. Our Nation approaches droughts through crisis management, rather than through proactive solutions to manage the problem. The resources that are available to monitor droughts are very general in nature and only offer regional-scale data. Moreover, the data is not circulated in a way that is accessible on the local level by farmers and other interested parties.

The bill before us today addresses these shortcomings. By creating a comprehensive drought information system, we enable our local, State, and national leaders to be more proactive in their approach to droughts. This bill establishes an integrated system and designates NOAA as the lead agency. NOAA will coordinate with local, State, and Federal entities to create a comprehensive network of drought information and provide decision makers with the best tools to manage our resources. NOAA will do this by building a national drought monitoring and forecasting system, create a drought early warning system, provide an interactive drought information delivery system, and designate mechanisms for improved interaction with the public.

The NIDIS initiative will hopefully improve our analysis of conditions, provide us with more accurate seasonal forecasts, and equip us with a better understanding of climate interactions that produce droughts. I am pleased that organizations like the Farm Bureau, the Western States Water Council, and the Western Governors Association have supported this legislation.

Please join me in supporting this vital and important initiative.

Mr. BOEHLERT. Mr. Speaker, today I rise in support of H.R. 5136, the National Integrated Drought Information System Act. Drought may seem like something that is easy to detect but hard to do anything about. But that turns out to be wrong on both counts. It's tricky to figure out when a drought is developing; but if one knows a drought is on its way, one can take thoughtful steps to change water use to mitigate drought's often severe economic—and environmental—consequences. So we need to pay more attention to this costly phenomenon, and Mr. HALL's bill, building on existing Federal efforts, will enable us to improve drought forecasting and monitoring, which will save billions of dollars. While apple growers in my State are doing well today, they faced expensive and debilitating drought just 4 years ago, and will face it again in the future. In fact, in the last 5 years, every State in our Nation has faced drought. This bill will give all of our States the tools they need to reduce the impacts of future droughts.

I am pleased to support H.R. 5136, the National Integrated Drought Information System Act. I commend Mr. HALL and Mr. UDALL for this important and bipartisan legislation, and I urge my colleagues to support H.R. 5136.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5136, the National Integrated Drought Information System Act of 2006.

The National Integrated Drought Information System within the National Oceanic and Atmospheric Administration is intended to improve drought monitoring and forecasting capabilities.

Droughts can lead to a deficiency in surface or subsurface water supplies, including rivers, streams, wetlands, ground water, soil moisture, economic or social impact, as well as substantial physical damage or injury to individuals, property, or the environment.

A drought is defined as "a period of abnormally dry weather sufficiently prolonged for the lack of water to cause serious hydrologic imbalance in the affected area." The worst drought in 50 years affected at least 35 States during the long hot summer of 1988. In some areas the lack of rainfall dated back to 1984. In 1988, rainfall totals over the Midwest, Northern Plains, and the Rockies were 50–85 percent below normal. Crops and livestock died and some areas became desert. The economic and environmental impact is clear, and this legislation addresses a direct need.

This legislation establishes the National Integrated Drought Information System in order to provide an effective drought early warning system that acts as a comprehensive system that collects and integrates information on the key indicators of drought. The goal is to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts.

Ideally, this information network would communicate drought forecasts, drought conditions, and drought impacts on an ongoing basis to decisionmakers at the Federal, regional, State, tribal, and local levels of government, as well as to the private sector and the public.

I urge my colleagues to support this measure.

□ 2300

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

Mr. EHLERS. Mr. Speaker, I am very pleased to urge all of my colleagues to support the National Integrated Drought Information System Act. I urge them to vote for it, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and pass the bill, H.R. 5136, 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.

RECOGNIZING THE DEDICATION OF THE EMPLOYEES AT THE STENNIS SPACE CENTER

Mr. HALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 948) recognizing the dedication of the employees at the National Aeronautics and Space Administration's Stennis Space Center who, during and after Hurricane Katrina's assault on Mississippi, provided shelter and medical care to storm evacuees and logistical support for storm recovery efforts, while effectively maintaining critical facilities at the Center.

The Clerk read as follows:

H. RES. 948

Whereas, during Hurricane Katrina, some 3,700 persons (including employees, their immediate and extended families, and members of the general public), sought shelter at the Stennis Space Center;

Whereas the Stennis cafeteria, which normally serves about 175 breakfasts and 600 lunches each day, served 3,000 meals 3 times a day to evacuees, for a period of a week following the storm;

Whereas before, during, and in the immediate aftermath of the storm, the small staff of the Stennis Medical Clinic provided medical care to all who needed it among the evacuees onsite, including some 20 special needs patients, and soon after the storm, the Stennis clinic staff was complemented by medical personnel airlifted from other National Aeronautics and Space Administration Centers;

Whereas, although commercial electrical power was not available to Stennis for 10 days following the storm, electrical power was maintained to all essential buildings through the extensive use of diesel-powered generators and the around the clock efforts of a team of individuals who mechanically maintained those generators and kept them fueled, also enabling the pumps on Stennis' deep-water wells to provide a continuous supply of potable water for drinking, cooking, and sanitation to support the 3,700 people onsite;

Whereas a team of employees in the Stennis rocket propulsion test complex protected the health of all test infrastructure, employing innovative methods to ensure an uninterrupted supply of purge gases to all required facility infrastructure and test hardware, failure of which would have resulted in untold millions of dollars of new costs to clean, purge, and recertify these facilities for Space Shuttle Main Engine and other propulsion system testing;

Whereas for 10 days following the storm, logistical support (including food, water, medical supplies, and personnel exchange) of the National Aeronautics and Space Administration Michoud Assembly Facility in New Orleans was provided via helicopters operating from the Stennis Space Center, along with helicopters, and flight crew and security personnel, from the Marshall Space Flight and Kennedy Space Centers; and

Whereas, immediately following the storm, Stennis Space Center facilitated the use of its property as the site of the Federal Emergency Management Agency's Incident Command Center serving a 6-county area along the Mississippi Gulf Coast, and Stennis served as the central distribution hub for disaster response supplies to those same counties, including, during the nearly 2-months of Federal Emergency Management Agency relief operations at Stennis, distributing more than 7,600,000 gallons of water, 41,000,000 pounds of ice, and 3,500,000 MREs (meals-ready-to-eat) to devastated areas via the Stennis Space Center hub: Now, therefore, be it

Resolved, That the House of Representatives commends the dedication of the employees who stayed behind at the National Aeronautics and Space Administration's Stennis Space Center, who, during and after Hurricane Katrina's assault on Mississippi, provided shelter and medical care to storm evacuees and logistical support for storm recovery efforts, while effectively maintaining critical facilities at the Center, including Cheryl Bennett, James Bevis, Terry Bordelon, Steve Brettel, Vicki Brown, Bill Brumfield, Kirt Bush, Paul Byrd, Ethan Calder, Marla Carpenter, David Carstens, Jonathan Clemens, Eric Crawford, Cheri Cuevas, John Davenport, David Del Santo, Isaac DeLancey, Jim Freeman, Greg Garrett, Dave Geiger, Stan Gill, Don Griffith, Haynes Haselmaier, Coby Holloway, Gay Irby, Manning ''JJ'' Jones, Catriona Ladner, David Ladner, Richard Ladner, Stanley Lee, Michelle Logan, Ron Magee, Sharlene Majors, Steve McCord, Pat McCullough, Michael McDaniel, Mike McKinion, Kirk Miller, John Mitchell, Ron Moore, David R. Oakes, Kevin A. Oliver, Alan Phillips, John Nick Pitalo, Allen Price, Porter Pryor, Margaret Roberts, Miguel Rodriguez, Jason Saucier, Dale Sewell, Donald Seymore, Kathy Slade, Sue Smith, David Throckmorton, Karen Vander, John Waquespack, Rodney Wilkinson, Robert Williams, and Michael J. Witt.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HALL) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 948, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Resolution 948, a resolution recognizing the stalwart NASA employees who performed beyond their day-to-day duties to establish the Stennis Space Center as a logistical emergency center for a large region of the southern Mississippi coast leading up to, during, and in the aftermath of Hurricane Katrina.

The Stennis Space Center's runway, which served all of southern Mississippi, as well as the New Orleans area, was cleared within a day. This alone allowed flights with food stuffs, generators and medical supplies to land and also allowed for the medical evacuation of storm survivors.

Nearly 3,700 persons, including employees and their families, as well as the local public sought refuge at the Stennis facility for weeks following the disaster. Despite this overwhelming tragedy, the employees at the Stennis factory were back to work and excited about their upcoming role in the Vision For Space Exploration.

Excitement about their work and about the future shows the drive and ingenuity of the American people at its best. I want to join in expressing my admiration for those exceptional people who showed the strength and the spirit of America.

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

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

I want to speak in strong support of this resolution, 948, which is a resolution that honors the dedication of the employees of the National Aeronautics and Space Administration's Stennis Space Center, who stayed at their posts during Hurricane Katrina and protected critical space program assets.

In addition, they provided shelter and medical care to storm evacuees, and they provided logistical support for storm recovery efforts.

Mr. Speaker, as you may recall during late August of last year, Hurricane Katrina severely assaulted southeast Louisiana and the Mississippi coast, resulting in massive damage and the evacuation of large numbers of citizens.

Yet, in the midst of the storm there were countless examples of heroism. One example is the way in which employees of the Stennis Space Center stayed and protected the facility instead of fleeing the area.

These great Americans deserve our thanks and praise for their dedication to working to preserve Stennis during Hurricane Katrina's passage through the region.

Among their accomplishments was the protection of critical test infrastructure at the rocket propulsion text complex. The Stennis Space Center plays an important role in the United States space program. By risking their own lives, these brave individuals ensured that the Center was preserved as a viable facility in spite of the devastation wrought by this Hurricane.

But these individuals are also worthy of recognition for their efforts to assist their fellow citizens who were affected by the storm. During the hurricane, almost 3,700 people took refuge at the center. The employees who remained helped feed, provide medical care and maintain electrical power for all of those on site. The space center also served as the site of the Federal Emergency Management Agency's incident command center for the parts of the Gulf Coast impacted by Katrina.

In short, without the dedication of the employees listed in the resolution before us today, the consequences of Katrina's passage through the region would have been far worse. Mr. Speaker, it is only fitting and proper that we

honor those brave individuals for their heroic deeds. I strongly urge the passage of House Resolution 948.

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

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

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as he may consume to my good friend, Congressman TAYLOR, from the coast of Mississippi who firsthand experienced the effects of Hurricane Katrina, and who himself is a hero for the way he stood tall and was there on the ground helping people who were affected by the Hurricane.

I think it is only suitable and only proper that Congressman TAYLOR shares his point of view with us.

Mr. TAYLOR of Mississippi. Mr. Speaker, let me being by thanking my colleagues in the Mississippi and Louisiana delegations for cosponsoring this.

Mr. Speaker, I could spend the remainder of this year's session naming south Mississippians who on an individual basis rose to the occasion and performed heroic deeds. Tonight we want to thank the employees of the Stennis Space Center for the phenomenal job they did in Hancock County, a county that 90 percent of the homes were either destroyed outright or severely damaged, a county where the vast majority of it was underwater for at least a substantial portion of the day.

Mr. Speaker, one of the interesting sidelights, my colleague and friend, Congressman HALL mentioned, the Stennis Space Center runway, a 10,000 runway that was open the next day after the storm in order to bring in vital supplies.

What the Congressman probably would never guess is that the person who opened that runway was the 13-year-old son of the airport manager, a young man by the name of Billy Cotter. His family had lost their home in Bay St. Louis. Knowing that the home was gone, they had gone out to the Stennis Space Center, moved into the dad's office. The dad's office had taken about waist-deep water, had about 6 inches of mud on the floor.

And realizing that that runway was the vital link in a county that almost all of the bridges coming to and from it had been destroyed, 13-year-old Billy Cotter hops on the street sweeper, gets out there, and the next day cleared the runway of, I am told, snakes, branches, trees, and had the runway up and running by Tuesday afternoon, which is absolutely remarkable for anyone, but in particular a young boy.

A reporter passes through the next day, and in trying a write a good news story of Katrina, looks over and notices that the helicopter that he was traveling in was being refueled by this little kid. And thinking it is pretty remarkable, goes up and hands the kid a $20 bill. The kid runs over to the refueling truck, opens the door and his pet dog is sitting in the driver's seat.

The kid is so thrilled to get the $20 bill, he shows the 20 to the dog. And of course OSHA and every other agency of occupational safety in America probably would have gone berserk.

But again here is Billy Cotter, 13 years old, running the street sweeper, refueling helicopters that are bringing in the life-saving goods. Billy really epitomizes the work that was going on out there, and the people pitching in doing what had to be done.

Mr. Speaker, the other person I want to mention also, in addition to great work of Stennis employees, on the day after Easter, a convoy of the 155th Mississippi National Guard was attacked in Iraq.

One of the drivers, a young Mississippi State student who had been activated for the war, a fellow by the name of William Brooks was severely wounded, lost both legs. He spends a lot of time at Walter Reed.

In the course of that, I had asked the folks at Mississippi State University if William was up to it, if he would do an internship, would they give him credit for his studies. For whatever reason, William chose not to take me up on that offer until the day after the storm.

The day after the storm, after many months of recuperating at Walter Reed Hospital, William finds some money for a cab fare, has the cab bring him to Capitol Hill, shows up at my office, says something to my staff that is kind of overwhelmed at this point, and says: ''I figured you all could use some help.''

And for the next couple of weeks, since the phones are down in Mississippi, and when a Mississippian can finally get to a phone and make a call looking for some assistance, almost all of those calls came to the Washington office.

Young William Brooks, who had been severely wounded in Iraq, was there answering the phone helping people. Again, I know the hour is late and I could tell 8,000 stories like that. But tonight we want to talk about the great work of the Stennis Space Center, so many of whom had lost their own homes, so many of whom retreated to the Space Center.

First thing, here is a place to take care of their families, but then pitching in and taking care of approximately 4,000 other south Mississippians who found themselves in the same predicament. So we want to commend the staff at the Stennis Space Center, Admiral Donaldson, who was in charge of leading the space center at that time, and all of the people out there for doing a phenomenal job of taking care of themselves, their families and the people who had retreated to the Stennis Space Center looking for hope in the aftermath of the storm.

What is really remarkable about my fellow south Mississippians is that the extremely high percentage of people who had lost their own homes, be their firemen, policemen, civil servants, the airport manager, fill-in-the blank, but who kept going to work, taking care of others, knowing that there really was not much that they could do for themselves, but they were in a position to help someone else.

That is the kind of spirit that has gotten Mississippi going back in the right direction. We still have a heck of a lot of work to do, but because of the good work done by the folks at the Stennis Space Center, William Brooks, Billy Cotter and so many others in south Mississippi, we are at least heading in the right direction.

I thank you very much for bringing this bill to the floor.

Mr. HALL. Mr. Speaker, I just want to say that it hurts my heart to hear the story that Mr. TAYLOR has told us. And from the very first day he hit this Congress, I intercepted him, and he has been one of my dearest friends. Never knowing that he would go through the vicissitudes of nature and the hardships that they have undergone, we need still to have and invoke the power of prayer for those people and for the Taylor family. God bless you, GENE. Thank you for your testimony.

Mr. Speaker, we yield back the balance of our time.

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

Mr. Speaker, I just want to associate myself with the comments of my good friend, Representative HALL. And I think I speak for him and every other Member of this body when I express the opinion that there is nobody that is more respected than Congressman TAYLOR.

And we are all in a sense examples of the people in our district. And when we watch and work with Congressman TAYLOR, we know that there are thousands of other people in his district that have integrity, that have a work ethic that makes us proud. And it is his leadership and his courage, I think Judge Hall would agree that have helped the Congress continue to do the right thing, although we have much more to do for the people of Louisiana and Mississippi to put things to right after this terrible natural disaster.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 948, recognizing the dedication of the employees at the National Aeronautics and Space Administration's Stennis Space Center.

I cannot honor and commend these employees enough for their heroism during and after Hurricane Katrina's assault on Mississippi. The Stennis Space Center employees provided shelter and medical care to storm evacuees and logistical support for storm recovery efforts, while effectively maintaining critical facilities at the center.

During Hurricane Katrina, some 3,700 persons, including employees, their immediate and extended families, and members of the general public, sought shelter at the Stennis Space Center.

The Stennis cafeteria, which normally serves about 175 breakfasts and 600 lunches each day, served 3,000 meals 3 times a day

to evacuees, for a period of a week following the storm.

Before, during, and in the immediate aftermath of the storm, the small staff of the Stennis Medical Clinic provided medical care to all who needed it among the evacuees onsite. This included some 20 special needs patients, and soon after the storm, the Stennis clinic staff was complemented by medical personnel airlifted from other National Aeronautics and Space Administration Centers.

Although commercial electrical power was not available to Stennis for 10 days following the storm, electrical power was maintained to all essential buildings through the extensive use of diesel-powered generators and the around the clock efforts of a team of individuals who mechanically maintained those generators and kept them fueled. This also enabled the pumps on Stennis's deep-water wells to provide a continuous supply of potable water for drinking, cooking, and sanitation to support the 3,700 people onsite.

These brave individuals include: Cheryl Bennett, James Bevis, Terry Bordelon, Steve Brettel, Vicki Brown, Bill Brumfield, Kirt Bush, Paul Byrd, Ethan Calder, Marla Carpenter, David Carstens, Jonathan Clemens, Eric Crawford, Cheri Cuevas, John Davenport, David Del Santo, Isaac DeLancey, Jim Freeman, Greg Garrett, Dave Geiger, Stan Gill, Don Griffith, Haynes Haselmaier, Coby Holloway, Gay Irby, Manning "JJ" Jones, Catriona Ladner, David Ladner, Richard Ladner, Stanley Lee, Michelle Logan, Ron Magee, Sharlene Majors, Steve McCord, Pat McCullough, Michael McDaniel, Mike McKinion, Kirk Miller, John Mitchell, Ron Moore, David R. Oakes, Kevin A. Oliver, Alan Phillips, John Nick Pitalo, Allen Price, Porter Pryor, Margaret Roberts, Miguel Rodriguez, Jason Saucier, Dale Sewell, Donald Seymore, Kathy Slade, Sue Smith, David Throckmorton, Karen Vander, John Waquespack, Rodney Wilkinson, Robert Williams, and Michael J. Witt.

Thank you, to all of these employees, for their selfless and honorable actions. I urge my colleagues to support this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and agree to the resolution, H. Res. 948.

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.

TO EXTEND TEMPORARILY CERTAIN AUTHORITIES OF THE SMALL BUSINESS ADMINISTRATION

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6159) to extend temporarily certain authorities of the Small Business Administration.

The Clerk read as follows:

H.R. 6159

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

SECTION 1. TEMPORARY EXTENSION.

Any program, authority, or provision, including any pilot program, authorized under the Small Business Act (15 U.S.C. 631 et seq.) or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) as of September 30, 2006, that is scheduled to expire on or after September 30, 2006 and before February 2, 2007, shall remain authorized through February 2, 2007, under the same terms and conditions in effect on September 30, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the bill simply extends all of the programs, including pilot programs, the authorities or provisions of the Small Business Act, the Small Business Investment Act, until February 2 of 2007.

□ 2315

Currently, the programs and authorities of the SBA expire in September on Saturday, September 30. Passage of this bill will continue to give the committee the time necessary to work on a more comprehensive SBA reauthorization during the rest of this session.

Many of the programs of the SBA do not operate under a direct appropriation. This includes the 7(a) general business loan guarantee program; the Certified Development Company program; and the Small Business Investment Company program. Passage of this bill will make it absolutely certain that there is no legal ambiguity as to whether or not the Federal Government can continue to guarantee these critical loans and debenture programs during the period of time covered by a continuing resolution.

In addition, this bill would extend the authority of the SBA to operate several smaller programs including grants to Small Business Development Centers to participate in the Drug-Free Workplace program; sustainability funding for Women Business Centers; a pre-disaster mitigation pilot program; the New Markets Venture Capital program; and BusinessLinc. It would also extend SBA's cosponsorship and gift authority, which enables the SBA to accept private donations to help put on events or print publications, thus saving the taxpayers precious dollars.

Mr. Speaker, this bill is quite simple. It contains the exact same language, with only the dates changed, that was signed into law four times in the 108th Congress when this House confronted the same problem 2 years ago in attempting to pass a comprehensive SBA reauthorization bill into law. Unfortunately, we are at an impasse today for nearly the same reasons.

I urge my colleagues to support H.R. 6159 so that our Nation's small businesses will see no interruption of service from the SBA over the next 4 months while Congress completes its work for the year.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the legislation being offered today will extend the authorization of the Small Business Administration and most of its programs. While these initiatives would have been extended with any the continuing resolution that the House will pass this week, this bill will extend the authorization to February of 2007.

It is unfortunate that after 2 years, and nearly 50 hearings in the committee, that the only legislation to address the issues at the SBA consists of eight lines of text. While this extension may not include any program changes, it in no way should reflect that the agency is without its problems.

In fact, over the past 2 years, many of the issues at the SBA have been exacerbated by a combination of budget cuts, mismanagement and the inability to adequately respond to the needs of small businesses.

In the last few years, SBA loan programs have grown more expensive to borrowers because of an increase in fees that are being paid by small businesses. We have also seen the problems in our Federal contracting system grow worse for small firms. This year alone, $12 billion in Federal contracts that should have gone to small businesses went to large corporations.

The situation in the gulf coast also revealed that the SBA has serious structural and management problems related to its disaster loan program. Over a year after Hurricane Katrina, just over $2 billion of the $10 billion in approved disaster loans for Katrina victims had been disbursed.

At a time when small businesses are faced with an economic environment that is less than certain, I believe that we should be doing more to help these entrepreneurs. The SBA has a role in improving the climate for small businesses, and Congress has a duty to give them the tools to do just that.

While this legislation will ensure that many of the successful programs can continue to operate, it does fail to extend key provisions that serve veterans and low-income populations. We should be extending all of the initiatives, not picking and choosing.

I am disappointed that Congress will not improve the operations at the SBA, and it is my hope that the committee in the next Congress will act quickly to rectify this

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

Mr. MANZULLO. Mr. Speaker, I have no further people that are going to be speaking, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 6159.

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.

REAPPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of December 18, 2005, the Chair announces the Speaker's reappointment of the following Member of the House to the Board of Visitors to the United States Air Force Academy:

Ms. KILPATRICK, Michigan.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SRI LANKA CONFLICT SURGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, we are on the verge of a full-scale war in Sri Lanka. The 2002 cease-fire agreement and the peace process in Sri Lanka between the government and the Liberation Tigers of Tamil Ealam, LTTE, is essentially nonexistent. The violence is escalating and thousands of Sri Lankan civilians are suffering.

These past few months have resulted in nearly 2,000 deaths with more than 200,000 displaced persons. The fighting has also blocked access to essential supplies for many parts of the northeastern province, cutting off more than 60,000 Sinhalese, Muslims and Tamils from water.

This sinister cycle of war, cease-fire and then more war is not effective. Each side blames the other side and the situation is only getting worse.

Hostilities must end and violence must not be the means for resolving ethnic conflict. All efforts must be focused on restoring and sustaining peace, and both parties must swallow their pride for the sake of their Nation.

Norway and the co-chairs of the Tokyo Donors' Conference, which includes the United States, have called for a return to unconditional negotiations in October. This return to the negotiating table is critical, and I am fully supportive of this effort. Both parties must guarantee the safety of its citizens, aid workers and peace monitors. Meanwhile, the LTTE must denounce terrorism as a means to its political aspirations.

Mr. Speaker, I strongly believe the majority of people in Sri Lanka would be in favor of a democratic solution to the conflict. The political challenges cannot be resolved through war, and that is clear.

In June, U.S. Assistant Secretary of State for South and Central Asian Affairs, Richard Boucher stated ''though we reject the methods that the Tamil Tigers have used, there are legitimate issues raised by the Tamil community and they have a legitimate desire to control their own lives, to rule their own destinies, and to govern themselves in their homeland.''

I echo this sentiment and support a solution that retains Sri Lanka's unity. Yet, it should grant a level of autonomy to ethnic minorities like the Tamils. We have seen very similar successful situations throughout the world. Places like Quebec in Canada, Wales and Scotland in Great Britain are all part of their Federal Nations but have significant autonomy.

Mr. Speaker, the situation in Sri Lanka is certainly not getting any better. As we have seen over the past few months, international monitors are leaving the country, scared for their well-being. The United Nations has threatened to revoke its international aid. If this pattern of violence continues without pursuit of a political solution, the international community may completely rescind its support.

Mr. Speaker, I strongly urge both sides to recommit to the process of sustaining peace in Sri Lanka. The devastating effect this is having on the civilian population of the country is not just. It is up to both parties to find a way to ensure the safety and security of all the people of Sri Lanka

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO GOLF LEGEND BYRON NELSON

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to speak out of order and address the House for 5 minutes.

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

There was no objection.

Mr. BURGESS. Mr. Speaker, today north Texas and indeed the country lost a great, great man, the legendary golfer and humanitarian Byron Nelson. He passed away at the age of 94 at his home in Roanoke, Texas, where he lived with his wife Peggy on 11 Straight Lane, a road that was named for his year of 1945 when he won 11 straight golf tournaments.

Like all Americans, I am saddened by the news of the death of Byron Nelson. He was indeed the best of men and he was a gentleman to all. His strength of character and generosity to others set him apart.

Mr. Nelson's accomplishment as a professional golfer are as impressive as his golf swing. There is a reason why he is the only PGA professional golfer that has a PGA tour named in his honor, the EDS Byron Nelson Championship.

Mr. Nelson won 54 career victories, including winning two Masters, two PGA championships and the U.S. Open in 1939. He is one of only two golfers to be named Male Athlete of the Year twice by the Associated Press, and the World Golf Hall of Fame honored Mr. Byron Nelson in 2004 by featuring an exhibit entitled, ''Byron Nelson: A Champion . . . A Gentleman.''

While Lord Byron has obtained the status as a world class athlete, it is his humanitarian efforts that are truly first class, Mr. Speaker. He is a champion for the underprivileged and has given his time, his talents and his funds to make this a better world for those who are not as well off.

Byron Nelson and the EDS Byron Nelson Championship have raised well over $100 million for the Salesmanship Club Youth and Family Centers, a nonprofit agency that provides education and mental health services for more than 2,700 children and their families in the greater Dallas area.

Additionally, the Byron and Louise Nelson Golf Endowment Fund has provided over $1.5 million in endowment funds to Abilene Christian University in Abilene, Texas.

Another example of his service is his dedication to the Metroport Meals on Wheels which provides daily, home-delivered, hot lunches for the frail, elderly and chronically ill residents in his area around Roanoke, Texas, where he lived with his wife Peggy. Byron Nelson has been an active honorary chairman of that group since 1992.

Some of our local papers in the north Texas area talked about Byron Nelson in their on-line editions for tomorrow. The Fort Worth Star-Telegram quoted Byron Nelson, ''I have not ever said that I want to live to this age or that age,'' he said. ''I don't believe in doing that. I'm going to try and maintain myself in a way that I'm up and able to move about and participate in things going on in my life. My heart is good. My cholesterol's good.''

Earlier this year, many Members of this House will remember that we carried a bill to honor Byron Nelson with a Congressional Gold Medal. It is ironic that today I learned that the medal bill which passed the House last May had indeed received the requisite 67 cosponsors on the Senate side and may well be acted upon soon. I am very fortunate to have spoke with Mr. Nelson as recently as late last week and informed him of the fact that we did indeed seem to have the Senate cosponsorships necessary to get the Congressional Gold Medal bill done for him. He was very humbled by that, and in fact, he asked, ''Well, Congressman, what can I do to help you?'' And I said, ''Mr. Nelson, you just stay strong for me.''

Well, unfortunately, it did not occur that Mr. Nelson was still alive when he got that gold medal, but I do believe in his heart he knew that this Congress was indeed going to honor him.

Dallas Morning News, in their lead editorial for tomorrow morning, ''Lord Byron: He was a rare golfer and humanitarian,'' leads off with the comment: ''What was remarkable about Byron Nelson's life was that the late golfer remains a household name, especially in north Texas, six decades after retiring from an active career on the PGA tour.''

Mr. Speaker, Mr. Nelson retired in the early 1950s. Indeed, Mr. Nelson was not my sports hero; he was my mother's sports hero. He truly transcended generation after generation of north Texans, and he and his wife, Peggy, have given back so much to the citizens in our area.

□ 2330

The Channel 8 news this evening, in their evening broadcast, had a small clip of Byron Nelson in his famous chair there at his home and ranch in Roanoke, Texas, saying, ''I just wanted to live my life good enough that one day I could get into heaven.'' Dale Hansen, the sportscaster who was monitoring the broadcast, finished up with, ''Mr. Nelson, you did and you will.''

I believe him to be correct. Mr. Nelson, we honor your life and your service. Godspeed. We will see you at the top.

GLOBAL TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, President George Bush, in creating fear about terrorists in the American people rather than understanding, often says, ''If we don't fight terrorists over there, we will have to fight them right here.'' He never bothers to explain in detail who the terrorists are or what motivates them or how his policies are creating more of them. The President's explanations are too simplistic, and they are wrong.

The President tried to convince us if we got Saddam Hussein and brought him to justice the battle for peace in the Middle East would take a favorable turn. Indeed, the opposite has happened as Iraq descends into chaos. Indeed, despite the military firmness and bravery of our soldiers, the Iraq war has actually failed politically by failing to win the hearts and minds of the people.

Equally bad, the Iraq war has strengthened Iran and those loyal to it. By removing Saddam Hussein as a counterweight to Iran, President Bush has left a vacuum now being filled by increasingly radicalized Shia populations and disillusioned Sunnis. The Shia and Kurd factions inside Iraq and the outnumbered Sunnis are now at one another's throats. Great instability is being created in a region where rising religious fundamentalism, unleashed by Saddam's ouster, is the glue that is binding a rising revolution of expectations by formerly suppressed populations.

The President's own White House was forced this week to declassify an intelligence report that I am going to put in the RECORD. This is a summary, called ''Trends in Global Terrorism, a National Intelligence Estimate,'' and this report says the Iraq war is shaping a new generation of terrorists.

Anyone who knows anything about what is causing rising levels of hatred against the United States in the Middle East would have anticipated this eventuality. The key question the President and we must address and face is, why do his policies yield more and more terrorists who want to harm us, and harm us in many places beyond the boundaries of Iraq and Afghanistan?

The complete story will show terrorists will continue to plot ways to harm America because more than wanting to come here, although some of them are capable of doing that, they want America and American influence out of their countries and regions. They want us out of there more than they want to come here.

Rather than striking fear in the American people, the President ought to do more to explain the forces creating this anti-American and anti-Western sentiment across those troubled regions. Which American interests have caused this antagonism to our Nation? An important question to answer. In what countries has this hatred been fomented? Another important question to answer. And what is the face there of America that is hated more and more?

Let me suggest part of that face involves U.S. oil alliances in cahoots with some of the most repressive and brutal regimes and leaders who hold down the potential of their own people. There is not a democracy over there, and we are totally reliant on all of those oil kingdoms.

Let me suggest that the presence of U.S. military bases that ensure the status quo of those repressive regimes doesn't help.

Let me suggest America is hated more because we are not viewed as being evenhanded at arriving at fair and just peace settlements between Israel and the Palestinians and their neighbors. We need to do a better job of cultivating evenhanded diplomacy in the region.

Let me suggest our U.S. popular culture and many of its excesses are regarded as abhorrent to the fundamentalist legions that have gained even greater ascendancy after the disgusting and outrageous behavior by Americans at Abu Ghraib.

Let me suggest the U.S. now is being viewed by the multitudes of Muslims as fighting a religious war against Islam. President Bush made a huge blunder at the start of the Iraqi war by calling it a Crusade hearkening back to the Christian wars. His battle cry gaffe echoed across the Muslim world and became a rallying point for the opposition. How tragic and inappropriate.

Let me quote from a wise American voice who tries to enlighten about the roots of terrorism, rather than strike fear in our people:

Robert Baer, author of best selling book See No Evil, is a decorated CIA agent who put his life on the line for our Nation for three decades. He tries to build understanding about the conditions giving rise to terrorism. He defines our problem as larger than just a few men—like Bin Laden and Hussein—and their followers. He argues the reason animosity is growing against the U.S. is the result of much larger forces spanning several decades. To name but one element of the challenge we face—he discusses the Muslim Brotherhood.

The Muslim Brotherhood was an amorphous, dangerous, unpredictable movement that shook every government in the Middle East to its bones. Founded by an Egyptian, Hasan Al-Banna, in 1929 it was dedicated to bringing the Kingdom of God to earth. The Egyptian Muslim Brothers had unsuccessfully tried to kill Egyptian President Abdul Nasser. The Syrian branch had tried to kill Syrian President Hafiz al-Asad a couple of times. In 1982, its followers seized Hama, a historic city in central Syria, provoking Asad into shelling them and Hama into the next life.

The Muslim Brothers are also distant cousins of the Wahabis of Saudia Arabia, the most puritanical sect in Islam. Underwritten by the Saudi royal family, the Wahabis spawned Osama bin Laden. They also served as the inspiration for the Taliban in Afghanistan and other radical Sunni movements. Many Muslims consider the Wahabis dangerous because they adopted the beliefs of Ibn Taymiyah, a 14th century Islamic scholar who condoned political assassination. Al-Jihad, the Egyptian fundamentalist who murdered Egyptian President Anwar Sadat relied on Ibn Taymiyah as justification for what they did.

Understanding the forces that generate terrorism is fundamental for solving it. The National Intelligence Report summarizes some of the essential steps our Nation must take to broaden our understanding of what it will take to break our dependence on oil regimes, resolve peace settlements that have been let languish, and form alliances that are broadly representative and democratic in their focus. The world needs more understanding, not fear, to counter terrorism.

Mr. Speaker, I am very sorry that my time is out. I will continue tomorrow with an additional statement including complementary remarks about the

book ''See No Evil'' by Robert Baer that gets the picture right.

The NIE report I referred to earlier is as follows:

NATIONAL INTELLIGENCE ESTIMATE—TRENDS IN GLOBAL TERRORISM: IMPLICATIONS FOR THE UNITED STATES

DECLASSIFIED KEY JUDGMENTS OF THE NATIONAL INTELLIGENCE ESTIMATE ''TRENDS IN GLOBAL TERRORISM: IMPLICATIONS FOR THE UNITED STATES'' DATED APRIL 2006

Key Judgments: United States-led counterterrorism efforts have seriously damaged the leadership of al-Qa'ida and disrupted its operations; however, we judge that al-Qa'ida will continue to pose the greatest threat to the Homeland and U.S. interests abroad by a single terrorist organization. We also assess that the global jihadist movement—which includes al-Qa'ida, affiliated and independent terrorist groups, and emerging networks and cells—is spreading and adapting to counterterrorism efforts.

Although we cannot measure the extent of the spread with precision, a large body of all-source reporting indicates that activists identifying themselves as jihadists, although a small percentage of Muslims, are increasing in both number and geographic dispersion.

If this trend continues, threats to U.S. interests at home and abroad will become more diverse, leading to increasing attacks worldwide.

Greater pluralism and more responsive political systems in Muslim majority nations would alleviate some of the grievances jihadists exploit. Over time, such progress, together with sustained, multifaceted programs targeting the vulnerabilities of the jihadist movement and continued pressure on al-Qa'ida, could erode support for the jihadists.

We assess that the global jihadist movement is decentralized, lacks a coherent global strategy, and is becoming more diffuse. New jihadist networks and cells, with anti-American agendas, are increasingly likely to emerge. The confluence of shared purpose and dispersed actors will make it harder to find and undermine jihadist groups.

We assess that the operational threat from self-radicalized cells will grow in importance to U.S. counterterrorism efforts, particularly abroad but also in the Homeland.

The jihadists regard Europe as an important venue for attacking Western interests. Extremist networks inside the extensive Muslim diasporas in Europe facilitate recruitment and staging for urban attacks, as illustrated by the 2004 Madrid and 2005 London bombings.

We assess that the Iraq jihad is shaping a new generation of terrorist leaders and operatives; perceived jihadist success there would inspire more fighters to continue the struggle elsewhere.

The Iraq conflict has become the ''cause celebre'' for jihadists, breeding a deep resentment of U.S. involvement in the Muslim world and cultivating supporters for the global jihadist movement. Should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, we judge fewer fighters will be inspired to carry on the fight.

We assess that the underlying factors fueling the spread of the movement outweigh its vulnerabilities and are likely to do so for the duration of the timeframe of this Estimate.

Four underlying factors are fueling the spread of the jihadist movement: (1) Entrenched grievances, such as corruption, injustice, and fear of Western domination, leading to anger, humiliation, and a sense of powerlessness; (2) the Iraq ''jihad;'' (3) the slow pace of real and sustained economic, social, and political reforms in many Muslim majority nations; and (4) pervasive anti-U.S. sentiment among most Muslims—all of which jihadists exploit.

Concomitant vulnerabilities in the jihadist movement have emerged that, if fully exposed and exploited, could begin to slow the spread of the movement. They include dependence on the continuation of Muslim-related conflicts, the limited appeal of the jihadists' radical ideology, the emergence of respected voices of moderation, and criticism of the violent tactics employed against mostly Muslim citizens.

The jihadists' greatest vulnerability is that their ultimate political solution—an ultra-conservative interpretation of shari'a-based governance spanning the Muslim world—is unpopular with the vast majority of Muslims. Exposing the religious and political straitjacket that is implied by the jihadists' propaganda would help to divide them from the audiences they seek to persuade.

Recent condemnations of violence and extremist religious interpretations by a few notable Muslim clerics signal a trend that could facilitate the growth of a constructive alternative to jihadist ideology: peaceful political activism. This also could lead to the consistent and dynamic participation of broader Muslim communities in rejecting violence, reducing the ability of radicals to capitalize on passive community support. In this way, the Muslim mainstream emerges as the most powerful weapon in the war on terror.

Countering the spread of the jihadist movement will require coordinated multilateral efforts that go well beyond operations to capture or kill terrorist leaders.

If democratic reform efforts in Muslim majority nations progress over the next five years, political participation probably would drive a wedge between intransigent extremists and groups willing to use the political process to achieve their local objectives. Nonetheless, attendant reforms and potentially destabilizing transitions will create new opportunities for jihadists to exploit.

Al-Qa'ida, now merged with Abu Mus'ab al-Zarqawi's network, is exploiting the situation in Iraq to attract new recruits and donors and to maintain its leadership role.

The loss of key leaders, particularly Usama bin Ladin, Ayman al-Zawahiri, and al-Zarqawi, in rapid succession, probably would cause the group to fracture into smaller groups. Although like-minded individuals would endeavor to carry on the mission, the loss of these key leaders would exacerbate strains and disagreements. We assess that the resulting splinter groups would, at least for a time, pose a less serious threat to U.S. interests than does al-Qa'ida.

Should al-Zarqawi continue to evade capture and scale back attacks against Muslims, we assess he could broaden his popular appeal and present a global threat.

The increased role of Iraqis in managing the operations of al-Qa'ida in Iraq might lead veteran foreign jihadists to focus their efforts on external operations.

Other affiliated Sunni extremist organizations, such as Jemaah Islamiya, Ansar al-Sunnah, and several North African groups, unless countered, are likely to expand their reach and become more capable of multiple and/or mass-casualty attacks outside their traditional areas of operation.

We assess that such groups pose less of a danger to the Homeland than does al-Qa'ida but will pose varying degrees of threat to our allies and to U.S. interests abroad. The focus of their attacks is likely to ebb and flow between local regime targets and regional or global ones.

We judge that most jihadist groups—both well-known and newly formed—will use improvised explosive devices and suicide attacks focused primarily on soft targets to implement their asymmetric warfare strategy, and that they will attempt to conduct sustained terrorist attacks in urban environments. Fighters with experience in Iraq are a potential source of leadership for jihadists pursuing these tactics.

CBRN capabilities will continue to be sought by jihadist groups.

While Iran, and to a lesser extent Syria, remain the most active state sponsors of terrorism, many other states will be unable to prevent territory or resources from being exploited by terrorists.

Anti-U.S. and anti-globalization sentiment is on the rise and fueling other radical ideologies. This could prompt some leftist, nationalist, or separatist groups to adopt terrorist methods to attack U.S. interests. The radicalization process is occurring more quickly, more widely, and more anonymously in the Internet age, raising the likelihood of surprise attacks by unknown groups whose members and supporters may be difficult to pinpoint.

We judge that groups of all stripes will increasingly use the Internet to communicate, propagandize, recruit, train, and obtain logistical and financial support.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SIMPSON) is recognized for 5 minutes.

(Mr. SIMPSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESTORING FISCAL DISCIPLINE TO GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for half the remaining minutes prior to midnight as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, it is my understanding that we are going to get the rest of the minutes until midnight; that the other side did not plan to come, just a point of order, I guess, and you can tell us at the appropriate time when our time is up. We just want to thank you for the time that we have here this evening.

It is almost midnight at our Nation's Capitol in Washington, D.C., and yet, as members of the fiscally conservative Democratic Blue Dog Coalition, we are 37 members strong, and we are here on the floor of the United States House of Representatives because we believe the time has come to restore fiscal discipline and common sense to our Nation's government.

Today, the U.S. national debt is $8,538,760,336,803.43, and for every man, woman, and child in America, your share of the national debt is $28,564.23. As you walk the Halls of Congress, you will notice this poster outside the door of some Members of Congress, which signifies that they are members of the fiscally conservative Democratic Blue Dog Coalition, and each day this number, unfortunately, changes, and, unfortunately, each day this number goes up.

I am very pleased to be joined this evening by one of the founding members of the fiscally conservative Democratic Blue Dog Coalition, someone who has really been outspoken in the area of trying to restore fiscal discipline to our Nation's government and particularly been doing a lot of work in the area of accountability, being accountable for the taxpayers' dollars, and that is my friend Mr. JOHN TANNER from Tennessee. At this time I yield to the gentleman from Tennessee.

Mr. TANNER. I appreciate my colleague being here tonight, and I want to take a couple of minutes to talk about something that is not a political matter, really. It is a matter of our government: theirs, ours, Independents, Americans.

We have seen financial mismanagement of the assets of us all on a scale that really I don't remember in any history book of American history since this country was founded. Look, this is not something that is easy to talk about, because everyone who is in public office wants to give good news to people. We all have to run for elections, and one can't really run for an election talking about doom and gloom or about financial mismanagement. People want to hear uplifting things, people want to have hope, people want to hear, as I do, that things are going to get better. But, unfortunately, things are getting worse, and they are getting worse by the minute. That chart that you have has already changed. We are borrowing almost $1 million a minute, as we stand here tonight.

You know, under our system of government, we have an executive branch, we have a judicial branch, and we have a legislative branch. The legislative branch is supposed to make the law, the executive branch is supposed to execute the law, or carry it out, and the judicial branch is to interpret the law. Well, we have a breakdown. The legislative branch in the last 5½ years has abdicated completely its responsibility to oversee the money that is taken away from the citizens of this country involuntarily in the form of taxation.

The tax laws are written right here, in this room and on the other side of the Capitol in the Senate, and they are appropriated to the executive branch to be spent, hopefully on behalf of the citizens of this country. What we have seen, according to the September 6 GAO report, that is, the General Accounting Office report, is a complete abdication of any financial responsibility.

As a businessperson, one looks at the government of the United States and one sees a failing business. Not only is it failing because we continue to borrow massive amounts of money in my name and yours and everybody else's around here as a citizen of this country, but Congress, this Congress is not even asking this administration what did you do with the money. And if they asked the administration, the administration couldn't tell them.

The one thing I think that the American people ought to demand out of this Congress, or any other Congress, is what happened to the money. Tell us what you did with the money. We may not agree with it, but we want to know what happened to it. Well, they can't tell us. Sixteen of 23 Federal agencies, according to the GAO, cannot produce an audit. In other words, they can't tell you what they did with the money.

Not only that, you have a trailer picture you have shown before with all these trailers in Hope, Arkansas. The September 6 GAO report reflects that Congress has appropriated $88 billion to 23 different Federal agencies for Katrina relief, the great hurricane; but no central agency tracks the funding. So, in effect, neither Congress nor the American people have any way of knowing how the money is spent.

But we do know this: more than $10.6 billion has been awarded to private contractors for gulf coast recovery and reconstruction. Only 30 percent of all of those contracts were bid on a full and open competition. The others were just given as sole source single contracts to people for a myriad of things. FEMA, the Federal Emergency Management Agency, spent $3 million for 4,000 camp beds that were never used and $10 million to renovate a military barracks that was used as temporary housing for six people. No private company in the country could stand this kind of financial mismanagement.

□ 2345

Because of this subcontractor system that was put in place because of these sole source contracts, just given to friends I guess of the administration, taxpayers paid an average of $2,480 per roof for a repair job that should have cost under $300, according to a report from Knight-Ridder newspaper.

Credit card abuse. Credit card abuse by government employees after the storm led to the purchase of 2,000 sets of dog booties costing more than $68,000, a 63-inch plasma screen television costing $8,000, and 20 flat bottom boats, only eight of which FEMA has in its records, at twice the retail price. I wish I was making this stuff up. It comes out of the GAO report.

The Department of Homeland Security Inspector General identified 1,395 cases of reported criminal activity, including officials who accepted bribes to inflate the number of meals provided by one of these sole source government contractors and to falsify the amount of debris a company had removed.

After Katrina, FEMA purchased 24,967 manufactured homes and 1,755 modular homes at a cost of $915 million for housing and temporary offices. The Inspector General said that as of January of this year, only 4,600 manufactured homes and 100 modular homes had been used at all. You have got pictures of them sinking in the mud in Hope, Arkansas.

Mr. ROSS. FEMA at one time had 10,777. At this time, they are down, to

their credit, they are now down, a year after Hurricane Katrina, to 9,778 brand new, fully furnished 16-foot wide, 60-foot long mobile homes, built-in whirlpools, built-in microwaves, fully furnished, 9,778 brand new, fully furnished manufactured homes that never got to storm victims from Hurricane Katrina or Hurricane Rita. They are simply sitting in a hay meadow in Hope, Arkansas, more than a year after Hurricane Katrina and 450 miles from the eye of the storm.

This is a symbol of what is wrong with this administration and this Republican Congress, and this is a symbol of why we need to pass the Blue Dog accountability plan, a plan that you helped write, that we wrote together to restore accountability to our government.

I yield back to the gentleman.

Mr. TANNER. Again, this is not a political statement. I can't imagine the most partisan person in the world saying that this is good government, when we have money leaving here through a fire hose and nobody asking them where it is going or what happened to it, and if they did ask them, they couldn't tell them. They can't produce an audit. They can't tell you what they did with the money. This is the grossest kind much financial mismanagement on a scale that I can ever recall in the history of this country.

We don't even get to Iraq and all the sole source contracts that have been given there and the billions of dollars that cannot be tracked or traced or even accounted for. I don't like to pay taxes any more than anybody else, but the one thing I do expect is the Congress to at least exercise its oversight authority to the extent that they hold people accountable who are spending this money.

I know in business, you ask somebody, well, what is this expenditure for? ''I don't know, man. I can't tell you.'' Nobody would put up with that. No taxpayer would put up with it. And yet in our public life, in our public business, in the government of the United States it is happening every day, and people are tolerating it because you have a compliant Congress, a friendly administration. Nobody wants to embarrass anybody else.

So what we see here is the grossest kind of financial mismanagement on a scale that is literally breathtaking.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There being no Republican here to occupy the rest of the time before midnight, the time will continue to be occupied by the two gentlemen who hold the floor now.

Mr. TANNER. Thank you very much, Mr. Speaker. I will finish up, because what we have done is introduced a bill, it is not going anywhere, unfortunately, because we don't have the power to pass it or the votes to pass it, that basically says when the Inspector General of any agency identifies either, one, a situation where the agency can't tell you what they did with the money that was appropriated with them, or, two, they identify a high risk program, that is government talk for a program that doesn't work, then in that event Congress must hold a hearing, a public hearing, about this matter, whatever it may be, within 60 days, so that at least the citizens of this country will know that their money is being wasted or stolen or somehow mismanaged.

I think that is imminently reasonable. I can't imagine anyone saying we don't want to know what happened to the money we have taken away from people involuntary in the form of taxation and given to any administration. We simply don't want to know what happened to it. That to me is incredible and is not true.

So I hope people will demand that Congress engage in what its constitutional responsibility is, and that is to oversee what happens to the money they remove from people's pockets involuntarily. That is all we are asking in this House bill that you referred to, that they hold a hearing and find out what is going on. If they can't tell you what they did with it, as far as I am concerned, they don't get it next year.

This is a situation where we are literally mortgaging our country to people who do not have the same interest that the Americans have in world affairs, and we are not even paying attention to what we are doing.

I appreciate you doing this every Tuesday night, but I hope that we can do something about this situation, because it gets worse not by the minute now, it gets worse by the second as we continue to borrow.

We borrowed probably in the neighborhood of $20 million in the last 20 minutes. No country can survive that. We can't survive it. We used to say it is up to our children and grandchildren. But people say no, no, no, we are going to have all of these things. And who is going to pay for it? Just borrow the money, borrow the money, borrow the money.

Well, sooner or later, unless one can figure out how to repeal the laws of arithmetic, the financial mismanagement of this administration and the lack of oversight and accountability by this Congress is going to put this country literally in a deep black hole. Before it is too late, I hope that the people who care about this will rise up and say we want our government back, because that is what we are talking about.

Mr. ROSS. I thank the gentleman from Tennessee, Mr. TANNER, a founding Member of the fiscally conservative Democratic Blue Dog Coalition, for joining us this evening to talk about his bill, our Blue Dog bill accountability, to demand that this Republican Congress become accountable for how they spend our tax money.

Mr. Speaker, the total national debt from 1789 to 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion. This is a doubling of the 211-year debt in just 10 years.

Interest payments on this debt are one of the fastest growing parts of the Federal budget. What we call the debt tax, D-E-B-T. You can see it here.

Today the national debt is $8,538,760,336,803 and some change. For every man woman and child, their share of the national debt, $28,564. Again, the debt tax. That is one tax that cannot be repealed, that cannot go away until we get our Nation's fiscal house in order and restore common sense in this Chamber. The current national debt, as you can see, is $8.5 trillion.

Why do deficits matter? They matter because deficits reduce economic growth. They burden our children and our grandchildren with liabilities. They are the ones that are going to have to fix this mess.

They increase our reliance on foreign lenders. Yes, I said foreign lenders, who now own about 40 percent of our Nation's debt. Foreign lenders currently hold a total of a little over $2 trillion of our public debt. Compare that to only $623 billion in foreign holdings back in 1993. Put it another way: This President, this President and this Republican Congress in the last 5½ years have borrowed more money from foreign lenders than the previous 42 presidents combined. Our Nation is borrowing money from places like Communist China to fund tax cuts for people in this country earning over $400,000 a year.

It simply does not make sense. Those are not the kind of values I learned growing up at the Midway Methodist Church outside of Prescott, Arkansas. I learned about being a good steward. And here as Members of Congress we have a duty and a responsibility to be a good steward of the taxpayers' money, and we believe this Republican Congress is failing us in that regard.

So who do we owe all this money to? Here is the top ten list, Japan, $640.1 billion; China, $321.4 billion; United Kingdom, $179.5 billion; OPEC. Imagine that, we wonder why we had $3 a gallon gasoline in August. I know it is coming down now, but I would ask you to think about this: I believe we all should be a lot more concerned about what gasoline and diesel fuel is going to cost a month after the election instead of a month before. OPEC, we owe OPEC $98 billion; Korea, $72.4 billion; Taiwan, $68.9 billion; Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; Germany, $46.5 billion. And all this debate about immigration reform, get a load of this. Rounding out the top 10 countries that the United States of America have borrowed money from to give tax cuts to those earning over $400,000 a year, Mexico. Our Nation has borrowed $40.1 billion from Mexico.

I yield to the gentleman.

Mr. TANNER. You are talking about OPEC and the price of gasoline. Gasoline in July was $3-plus a gallon. Can

you name one thing that has changed between July and now as it relates to the world situation that would make gasoline come down? The uncertainty actually with regard to Iran and other oil producing countries is more now than it was then.

The only thing that has changed is we are closer to November 7th. No other factor has changed. And yet we see a dramatic reduction in the last couple weeks in gasoline prices. But the underlying factors are still there. All the uncertainty about the oil producing countries, whether it be Iraq or the situation in the Middle East, is the same as it was in July. It is interesting, isn't it?

Mr. ROSS. It is very interesting. Let me say as a member of the House Energy and Commerce Committee, I have a plan to put America on a path toward energy independence. If we had time we would go into it in all the details tonight.

I was out visiting with constituents in 34 towns in my district in August talking about my plan to put America on a path toward energy independence. We have a plan to do that as members of the fiscally conservative Democratic Blue Dog Coalition.

Mr. TANNER. We need to start on it tonight.

Mr. ROSS. We have a plan. We have a plan to restore accountability to our government, to be sure that our government is accountable for your tax money, Mr. Speaker. We have a plan, in fact it is a 12 point plan, for budget reform.

So, Mr. Speaker, we are standing here willing, ready and able and asking that the Republican Members of this Congress work with us, work with us to restore common sense and fiscal discipline to our Nation's government so we can pay down this debt.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today until 4 p.m.

Mr. CASTLE (at the request of Mr. BOEHNER) for the week of September 25 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 27, 28, and 29.

Mr. FRANKS of Arizona, for 5 minutes, today and September 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT of Virginia and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,584.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1442. An act to complete the codification of title 46, United States Code, ''shipping'', as positive law.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1275. An act to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ''Alice R. Brusich Post Office Building''.

S. 1323. An act to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the ''Dorothy and Connie Hibbs Post Office Building''.

S. 2690. An act to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the ''Harry J. Parrish Post Office''.

ADJOURNMENT

Mr. ROSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 27, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9594. A letter from the Acting Deputy Maritime Administrator and Chief Counsel, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2005, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

9595. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph L. Yakovac, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9596. A letter from the Comptroller, Department of Defense, transmitting notification of advance billing for the Defense-Wide Working Capital Fund, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

9597. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of real admiral (lower half) accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9598. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-69, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9599. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-55, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on International Relations.

9600. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-59, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Netherlands for defense articles and services; to the Committee on International Relations.

9601. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(C) of the Arms Export Control Act, Transmittal No. 06-00A, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 92-18 of 03 March 1992; to the Committee on International Relations.

9602. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-68, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Iraq (Transmittal No. DDTC 049-06); to the Committee on International Relations.

9604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Canada (Transmittal No. DDTC 011-06); to the Committee on International Relations.

9605. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of

defense articles and services to the Government of Kazakhstan (Transmittal No. DDTC 034-06); to the Committee on International Relations.

9606. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 052-06); to the Committee on International Relations.

9607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment to the Government of the United Kingdom (Transmittal No. DDTC 048-06); to the Committee on International Relations.

9608. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 036-06); to the Committee on International Relations.

9609. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and service from the Government of French Guiana (Transmittal No. DDTC 043-06); to the Committee on International Relations.

9610. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228); to the Committee on International Relations.

9611. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c),and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

9612. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9613. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9614. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9615. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9616. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9617. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9618. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9619. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's Year 2006 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Government Reform.

9620. A letter from the Chairman, National Endowment for the Humanities, transmitting the Endowment's inventory of activities as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act for Fiscal Year 2006; to the Committee on Government Reform.

9621. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9622. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9623. A letter from the Acting Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Increase in Limitation on Authorized Committees Supporting Other Authorized Committees [Notice 2006-17] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

9624. A letter from the Acting Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a copy of the Arkansas Valley Conduit Reevaluation Statement, pursuant to Public Law 87-590; to the Committee on Resources.

9625. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's ''Major'' final rule — Retail Sales of Scheduled Listed Chemical Products; Self-certification of Regulated Sellers of Scheduled Listed Chemical Products [Docket No. DEA-291I] (RIN: 1117-AB05) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9626. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Eighth Annual Report to Congress on the activities during Fiscal Year 2005 as pursuant to subsection (j) of section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

9627. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2006, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

9628. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's report on the role of military medical and behavioral science personnel in interrogations, in response to Section 750 of the National Defense Authorization Act of Fiscal Year 2006; jointly to the Committees on Armed Services and Appropriations.

9629. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the budget models used for base operations support, sustainment, and facilities recapitalization, pursuant to Public Law 109-163; jointly to the Committees on Armed Services and Appropriations.

9630. A letter from the Secretaries, Department of Energy, Department of the Interior, transmitting a joint report on the cost of implementation of the Rocky Flats National Wildlife Refuge Act of 2001 during fiscal year 2005, in compliance with the requirements of Subtitle F, section 3182 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107-107); jointly to the Committees on Energy and Commerce and Resources.

9631. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104-1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

9632. A letter from the General Counsel, Office of Compliance, transmitting a Report on Occupational Safety and Health Inspections Conducted Under Section 215 of the Congressional Accountability Act of 1995, pursuant to Public Law 104-1, section 215(e) (109 Stat. 18); jointly to the Committees on House Administration and Education and the Workforce.

9633. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a report on the CALFED Levee Stability Program, Sacramento-San Joaquin Delta, California, required by Section 103(f) of the CALFED Bay-Delta Authorization Act, Pub. L. 108-361; jointly to the Committees on Transportation and Infrastructure and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. S. 176. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska (Rept. 109–681). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. S. 244. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming (Rept. 109–682). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 971. A bill to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes (Rept. 109–683). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4377. A bill to extend the time required for construction of a hydroelectric project, and for other purposes. (Rept. 109–684). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4417. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory project (Rept. 109–685). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5533. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; with an amendment (Rept. 109–686). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 6164. A bill to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes (Rept. 109–687). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of Oklahoma: Committee on Rules. H.R. 1042. Resolution providing for consideration of the bill (H.R. 6166) to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes (Rept. 109–688). Referred to the House Calendar

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. RUSH, Mr. HAYWORTH, Mr. WYNN, Mr. MCHUGH, Mr. GENE GREEN of Texas, Mr. MCNULTY, and Mr. JEFFERSON):

H.R. 6175. A bill to amend title XVIII of the Social Security Act to provide for guaranteed issue of Medicare supplemental policies for disabled and renal disease beneficiaries upon first enrolling under part B of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER (for himself, Mr. WESTMORELAND, Mr. FORTUÑO, Mr. GINGREY, Mrs. MUSGRAVE, Mr. CHOCOLA, Mr. RYUN of Kansas, Mr. GARRETT of New Jersey, Mr. MCHENRY, Mr. KUHL of New York, Mr. SODREL, Mr. ROHRABACHER, Mr. PITTS, Mr. BARRETT of South Carolina, Ms. HART, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mr. AKIN, Mr. GUTKNECHT, Mr. SAM JOHNSON of Texas, Mrs. CUBIN, Mr. HENSARLING, Mr. FEENEY, Mr. CAMPBELL of California, Mr. POE, Ms. FOXX, and Mr. FLAKE):

H.R. 6176. A bill to establish requirements for the consideration of supplemental appropriation bills; to the Committee on Rules.

By Mr. OWENS:

H.R. 6177. A bill to establish the United States Postal Service Memorial Fund for the benefit of the families of Joseph Curseen, Jr. and Thomas Morris, Jr. of the United States Postal Service; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 6178. A bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 6179. A bill to clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. PAUL, Mr. FORD, and Mr. OBERSTAR):

H.R. 6180. A bill to amend the Internal Revenue Code of 1986 to increase the income limitation with respect to the credit against tax for qualified adoption expenses and to increase the dollar limitation with respect to such credit in the case of an adoption of a child with special needs or a child age 9 or older; to the Committee on Ways and Means.

By Mr. CLAY (for himself and Mr. OWENS):

H.R. 6181. A bill to amend the National and Community Service Act of 1990 to establish a National Infrastructure Corps to address the Nation's infrastructure needs and provide employment opportunities for unemployed individuals; to the Committee on Education and the Workforce.

By Mr. CONYERS:

H.R. 6182. A bill to amend the Occupational Safety and Health Act of 1970 to reduce injuries to patients, direct-care registered nurses, and other health care providers by establishing a safe patient handling standard; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. MCCAUL of Texas):

H.R. 6183. A bill to amend title II of the Social Security Act to provide for employer data sharing with the Department of Homeland Security regarding employers of employees with mismatched social security account numbers; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Ms. HART, Mr. POMEROY, and Mr. STUPAK):

H.R. 6184. A bill to amend title XVIII of the Social Security Act to provide for improved payments under the Medicare Program for academic anesthesiology programs for resident physicians and for academic programs for student registered nurse anesthetists; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS (for herself, Mr. SIMMONS, and Mr. BISHOP of Georgia):

H.R. 6185. A bill to amend title 38, United States Code, to improve health care for veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 6186. A bill to amend the Public Health Service Act to authorize grants for the purpose of carrying out activities to increase the number of faculty members at collegiate schools of nursing in States with significant shortages of nurses; to the Committee on Energy and Commerce.

By Mr. HOLT:

H.R. 6187. A bill to amend the Help America Vote Act of 2002 to reimburse jurisdictions for amounts paid or incurred in preparing, producing, and using contingency paper ballots in the November 7, 2006, Federal general election; to the Committee on House Administration.

By Mr. HULSHOF (for himself, Mr. TANNER, and Mr. ROSS):

H.R. 6188. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 6189. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules to establish a requirement that telemarketers shall not make any calls during the hours of 5 p.m. to 7 p.m; to the Committee on Energy and Commerce.

By Mr. OWENS:

H.R. 6190. A bill to reduce the number of innocent victims of immigration fraud by making certain immigration consultant practices criminal offenses; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. PASCRELL, Mr. PAYNE, Mr. ANDREWS, Mr. HOLT, Mr. ENGEL, Mr. ROTHMAN, Mr. WAXMAN, Ms. MATSUI, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. LOBIONDO, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. FERGUSON, Ms. SOLIS, Mr. NADLER, and Mr. FRELINGHUYSEN):

H.R. 6191. A bill to amend title XXVI of the Public Health Service Act to provide for a one-year extension of the program under such title, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. ANDREWS, Mr. LOBIONDO, Mr. SAXTON, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. FERGUSON, Mr. ROTHMAN, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. SMITH of New Jersey):

H.R. 6192. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Mr. POMBO (for himself, Mr. CARDOZA, Mr. PUTNAM, Mr. SALAZAR, Mr. RENZI, Mr. KUHL of New York, Mr. WALSH, Mrs. BONO, Mrs MCMORRIS RODGERS, Ms. HOOLEY, Mr. COSTA, Mr. HINCHEY, Mr. CARNAHAN, Mr. BOYD, Mr. BROWN of South Carolina, Mr. CASE, Mr. DOGGETT, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FOLEY, Mr. HALL, Ms. HARRIS, Mr. HASTINGS of Washington, Mr. HIGGINS, Mr. HINOJOSA, Ms. KAPTUR, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. MCHUGH, Mr. MCINTYRE, Mr. MICHAUD, Mr. NUNES, Mr. PLATTS, Mr. RADANOVICH, Mr. REYNOLDS, Mrs. TAUSCHER, Mr. BOUCHER, Mr. BACA, Mr. GALLEGLY, Mr. WU, Mr. THOMPSON of California, Mr. ISSA, Mr. MARIO DIAZ-BALART of Florida, Mr. SCHWARZ of Michigan, Mr. BLUMENAUER, Mr. ALLEN, Mr. WALDEN of Oregon, Mr. GOODE, Ms. WOOLSEY, Mrs. KELLY, and Mr. GILCHREST):

H.R. 6193. A bill to continue and expand upon previous congressional efforts to ensure an abundant and affordable supply of fruits, vegetables, tree nuts, and other specialty crops for American consumers and international markets, to enhance the competitiveness of United States-grown specialty crops, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and the Workforce, Energy and Commerce, Ways and

Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin:

H.R. 6194. A bill to reduce temporarily the duty on bath and shower cleaning appliances; to the Committee on Ways and Means.

By Mr. WU:

H.R. 6195. A bill to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs; to the Committee on Science.

By Mr. FILNER (for himself, Mr. ROHRABACHER, and Mr. CASE):

H. Con. Res. 481. Concurrent resolution urging the President to authorize the return to the people of the Philippines of two church bells that were taken by the United States Army in 1901 from the town of Balangiga on the island of Samar, Philippines, and are currently displayed at F.E. Warren Air Force Base, Wyoming; to the Committee on International Relations.

By Mr. GRAVES (for himself, Mr. POMEROY, Mr. PETERSON of Minnesota, Ms. KAPTUR, Mr. SKELTON, Mr. SALAZAR, Mr. KIND, Mr. HULSHOF, Mr. MCINTYRE, Mr. KENNEDY of Minnesota, Mr. FORTENBERRY, Mr. LAHOOD, Mrs. EMERSON, Ms. HERSETH, Mr. CONAWAY, Mr. KUHL of New York, Mr. BONNER, Mr. NUNES, Mr. BERRY, Mr. SIMPSON, Mr. HIGGINS, Mr. ROSS, Mr. PUTNAM, Mr. CARDOZA, Mr. PENCE, Mr. HERGER, Mr. BOSWELL, Mr. MORAN of Kansas, Mr. NUSSLE, Mr. OSBORNE, Mr. THOMPSON of California, Mr. HASTINGS of Washington, Mr. HALL, Mr. LATHAM, Mr. COSTA, Mr. KLINE, Mr. EVANS, Mr. WALDEN of Oregon, and Mr. UPTON):

H. Con. Res. 482. Concurrent resolution expressing the sense of Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts; to the Committee on Agriculture.

By Mrs. MCCARTHY (for herself, Mr. WALSH, Mr. CROWLEY, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. HIGGINS, and Mr. MURPHY):

H. Res. 1041. A resolution honoring the 25th anniversary of Northern Ireland's first integrated school and further encouraging desegregation of schools and teacher training colleges in Northern Ireland; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 332: Mr. MCCOTTER and Mr. BURTON of Indiana.

H.R. 389: Mr. GONZALEZ.

H.R. 398: Mr. WYNN.

H.R. 550: Mr. HOYER.

H.R. 583: Mr. CLYBURN and Mr. THOMPSON of California.

H.R. 611: Mr. HASTINGS of Florida.

H.R. 752: Mr. MEEHAN.

H.R. 772: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STARK.

H.R. 808: Mr. KLINE and Mr. TAYLOR of North Carolina.

H.R. 874: Mr. LEWIS of Kentucky.

H.R. 910: Mr. JACKSON of Illinois and Ms. WATERS.

H.R. 1106: Mr. FORTUÑO.

H.R. 1108: Ms. KILPATRICK of Michigan.

H.R. 1229: Mr. PUTNAM.

H.R. 1306: Mr. HONDA.

H.R. 1376: Mr. HIGGINS and Ms. NORTON.

H.R. 1393: Mr. ANDREWS.

H.R. 1402: Mrs. SCHMIDT.

H.R. 1507: Mr. CONYERS and Ms. BERKLEY.

H.R. 1535: Mr. DAVIS of Tennessee.

H.R. 1548: Ms. HERSETH and Mr. HOBSON.

H.R. 1621: Mr. CARNAHAN.

H.R. 1807: Mr. LEWIS of Georgia.

H.R. 2121: Mr. OTTER.

H.R. 2184: Ms. BORDALLO.

H.R. 2421: Mrs. DAVIS of California, Mr. SPRATT, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTELLO, Mr. GUTIERREZ, Mr. DEFAZIO, Mr. GOODLATTE, Mr. BARROW, Mr. ENGLISH of Pennsylvania, and Mrs. JONES of Ohio.

H.R. 2526: Mr. SANDERS.

H.R. 2861: Mr. SMITH of New Jersey and Mr. ALLEN.

H.R. 3183: Mr. JINDAL and Mr. LATOURETTE.

H.R. 3628: Mr. UDALL of Colorado, Mr. GONZALEZ, and Mrs. DAVIS of California.

H.R. 4030: Mr. OBERSTAR, Mr. MOLLOHAN, and Mr. MARSHALL.

H.R. 4033: Mr. MURTHA AND MR. HOLT.

H.R. 4098: Mr. BUTTERFIELD.

H.R. 4239: Mr. KIND.

H.R. 4517: Mr. YOUNG of Florida.

H.R. 4597: Mr. JACKSON of Illinois and Mr. FORD.

H.R. 4766: Ms. BORDALLO.

H.R. 4823: Mr. KUCINICH.

H.R. 4828: Mr. LARSEN of Washington.

H.R. 4834: Mr. SMITH of Texas.

H.R. 4867: Mr. SALAZAR.

H.R. 4873: Mr. LEWIS of Georgia.

H.R. 4903: Ms. SCHAKOWSKY and Mrs. DAVIS of California.

H.R. 4904: Mrs. CAPPS.

H.R. 5052: Mrs. DAVIS of California.

H.R. 5120: Mr. PENCE.

H.R. 5139: Ms. SOLIS.

H.R. 5185: Mr. WAXMAN.

H.R. 5189: Mr. CALVERT.

H.R. 5201: Mr. BERRY and Mr. PUTNAM.

H.R. 5242: Mr. CAMP of Michigan.

H.R. 5273: Mr. UDALL of New Mexico.

H.R. 5280: Mr. BOSWELL.

H.R. 5465: Mr. DOGGETT and Mr. MCDERMOTT.

H.R. 5472: Mr. PALLONE, Mrs. NAPOLITANO, and Mr. SAXTON.

H.R. 5513: Mr. HOLT.

H.R. 5555: Mr. BASS and Mrs. WILSON of New Mexico.

H.R. 5557: Mr. TOWNS.

H.R. 5562: Mr. MORAN of Virginia.

H.R. 5594: Mr. GONZALEZ.

H.R. 5635: Mr. RUPPERSBERGER and Mr. CARNAHAN.

H.R. 5698: Mr. PRICE of North Carolina and Mr. FRANK of Massachusetts.

H.R. 5704: Mr. CHOCOLA, Mr. DOYLE, and Mr. KENNEDY of Minnesota.

H.R. 5733: Mr. POMEROY, Mr. HYDE, and Ms. LEE.

H.R. 5746: Mr. SANDERS, Mr. WICKER, Ms. WOOLSEY, Mr. MARSHALL, MR. BOSWELL, Mr. CARDOZA, and Mr. CHANDLER.

H.R. 5771: Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Ms. KAPTUR, Mr. GONZALEZ, Mr. DEFAZIO, Mr. CARDIN, Mr. KING of Iowa, Mr. LARSEN of Washington, Mr. HINOJOSA, Mr. NADLER, Mr. DOYLE, Ms. CARSON, Mr. WEXLER, Mr. WYNN, Mr. THOMPSON of Mississippi, Ms. ZOE LOFGREN of California, Mr. WEINER, Mr. JEFFERSON, Mr. SABO, and Mr. CRAMER.

H.R. 5791: Mr. WYNN and Mr. BLUNT.

H.R. 5834: Mr. WEXLER and Mr. EMANUEL.

H.R. 5866: Mr. CONAWAY, Mr. GOHMERT, and Mr. TIAHRT.

H.R. 5878: Mr. SCHIFF.

H.R. 5894: Mr. KUHL OF NEW YORK.

H.R. 5896: Mr. GONZALEZ.

H.R. 5900: Ms. BORDALLO and Mr. GILCHREST.

H.R. 5916: Mr. EMANUEL and Mrs. MCCARTHY.

H.R. 5935: Mr. PETRI.

H.R. 5963: Ms. WOOLSEY, Mr. HOLT, Mr. GONZALEZ, Mr. STARK, Ms. LEE, Mr. VAN HOLLEN, and Mr. FILNER.

H.R. 5965: Mr. OWENS, Mr. LYNCH, Ms. CARSON, Mr. JACKSON of Illinois, Mr. WEINER, Mrs. NAPOLITANO, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SALAZAR.

H.R. 6038: Mr. SMITH of Texas.

H.R. 6040: Mr. PUTNAM.

H.R. 6044: Mr. GONZALEZ.

H.R. 6053: Mr. SCHWARZ of Michigan and Mr. LAHOOD.

H.R. 6070: Mr. DOOLITTLE.

H.R. 6080: Mrs. MCMORRIS RODGERS, Ms. BERKLEY, and Mr. REHBERG.

H.R. 6082: Mr. AL GREEN of Texas.

H.R. 6093: Mr. MICA.

H.R. 6098: Mr. CAPUANO and Mr. SCHIFF.

H.R. 6107: Mr. SCHIFF.

H.R. 6109: Mr. UPTON and Mr. RAMSTAD.

H.R. 6117: Mr. MACK, Mr. ROSS, and Mrs. BLACKBURN.

H.R. 6120: Mr. EHLERS, Mr. FRANKS of Arizona, and Ms. JACKSON-LEE of Texas.

H.R. 6130: Mr. PETRI.

H.R. 6132: Mr. TERRY, Mr. MCDERMOTT, Mr. WEXLER, Mr. WAXMAN, Mr. KIRK, Mr. HIGGINS, Mr. SAXTON, Mr. BOUCHER, Mr. HAYWORTH, and Ms. HART.

H.R. 6133: Mr. ENGLISH of Pennsylvania and Mr. BOUSTANY.

H.R. 6136: Mr. LEWIS of California, Mr. MCHENRY, Mr. NORWOOD, Mr. NUNES, Mr. OSBORNE, Mr. PEARCE, Mr. PUTNAM, Mr. RAMSTAD, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Alabama, Mrs. SCHMIDT, Mr. SHAW, Mr. SMITH of Texas, Mr. SULLIVAN, Mr. SWEENEY, Mr. TAYLOR of North Carolina, Mr. WELLER, Mr. WICKER, Mr. SMITH of New Jersey, Mr. YOUNG of Alaska, Mr. TOM DAVIS of Virginia, Mr. COLE of Oklahoma, Mr. WHITFIELD, Mr. SHERWOOD, Mr. HYDE, Mr. SIMMONS, Mr. GOODLATTE, Mr. RYAN of Wisconsin, Mr. SOUDER, Mr. LAHOOD, Mr. BUYER, Mr. ROGERS of Kentucky, Mrs. MYRICK, Mr. HOEKSTRA, Mr. GERLACH, Mr. FOSSELLA, Mr. HOBSON, Mr. PITTS, Mr. SENSENBRENNER, Mr. ISTOOK, Mr. PLATTS, Mr. GILLMOR, Mr. SIMPSON, Mr. GOODE, Mrs. BIGGERT, Mr. MICA, Mrs. MUSGRAVE, Ms. PRYCE of Ohio, Mr. REHBERG, Mr. SHUSTER, Mr. TIBERI, Mr. YOUNG of Florida, Mr. AKIN, Mr. GIBBONS, Mr. UPTON, Mr. CANTOR, Mr. HAYES, Mr. INGLIS of South Carolina, Mr. ROYCE, Mr. STEARNS, Mr. PRICE of Georgia, Mr. WAMP, Mr. WESTMORELAND, Mrs. WILSON of New Mexico, Mr. HENSARLING, and Mr. HEFLEY.

H.R. 6147: Mr. OBERSTAR.

H.R. 6172: Mr. UPTON, Mr. MILLER of Florida, and Mr. HAYWORTH.

H. Con. Res. 346: Mr. GARY G. MILLER of California.

H. Con. Res. 381: Mr. SESSIONS, Mr. SOUDER, Mr. SIMMONS, Mr. ANDREWS, Mr. TOWNS, Mr. CULBERSON, Mr. ROHRABACHER, Mr. FRANKS of Arizona, and Mr. BURTON of Indiana.

H. Con. Res. 428: Mr. HALL.

H. Con. Res. 477: Mr. WYNN.

H. Res. 466: Mr. BARTLETT of Maryland.

H. Res. 759: Mr. FRANK of Massachusetts and Mr. HASTINGS of Florida.

H. Res. 807: Mr. WOLF.

H. Res. 822: Mr. KUCINICH.

H. Res. 931: Mr. OWENS.

H. Res. 944: Mr. BOSWELL, Mr. WAXMAN, Mr. GRIJALVA, Mr. GONZALEZ, and Mr. CONYERS.

H. Res. 953: Mr. ISSA.

H. Res. 962: Mr. ENGEL and Mr. LEWIS of Georgia.

H. Res. 964: Mr. BOOZMAN and Mr. WYNN.

H. Res. 977: Mr. CONYERS.

H. Res. 988: Mr. KLINE.

H. Res. 995: Mr. KENNEDY of Minnesota.

H. Res. 999: Ms. BERKLEY.

H. Res. 1006: Ms. BERKLEY.

H. Res. 1012: Mr. PETRI.

H. Res. 1016: Mr. MCCOTTER, Mr. MURPHY, and Mr. BLUNT.

H. Res. 1017: Mr. RANGEL, Mr. RAHALL, Mr. LAHOOD, and Mr. BOUSTANY.

H. Res. 1030: Mr. ADERHOLT, Mr. DAVIS of Tennessee, Mr. TAYLOR of North Carolina, Mr. HAYWORTH, Mr. BAKER, Mr. ROYCE, Mr. SESSIONS, Mr. GOODE, Mr. HUNTER, Mr. MARCHANT, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. GUTKNECHT, Mr. CAMPBELL of California, Mr. TANCREDO, Mr. DUNCAN, Mr. ROGERS of Alabama, Mr. ROHRABACHER, Mr. RAMSTAD, Mr. MCCAUL of Texas, Mr. SULLIVAN, Ms. GINNY BROWN-WAITE of Florida, Mr. GARY G. MILLER of California, Mr. POE, Mr. PRICE of Georgia, and Mr. MCCOTTER.

H. Res. 1031: Mr. MCHUGH, Mr. SHAW, Mr. WEXLER, Mr. ISRAEL, Mr. GONZALEZ, Mr. SCOTT of Virginia, Mr. ACKERMAN, Mr. SANDERS, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. WYNN, Ms. WATERS, Mr. CUMMINGS, Mr. PASCRELL, and Mr. KUCINICH.

H. Res. 1033: Mr. MCCOTTER, Mr. GERLACH, Mr. KUHL of New York, and Mr. GARY G. MILLER of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 817: Mr. POE.