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House of Representatives

LIFESPAN RESPITE CARE ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3248) to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3248

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 ''Lifespan Respite Care Act of 2006''.

SEC. 2. LIFESPAN RESPITE CARE.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

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TRENT LOTT, *Chairman.*

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"TITLE XXIX—LIFESPAN RESPITE CARE

"SEC. 2901. DEFINITIONS.

''In this title:

''(1) ADULT WITH A SPECIAL NEED.—The term 'adult with a special need' means a person 18 years of age or older who requires care or supervision to—

''(A) meet the person's basic needs;

''(B) prevent physical self-injury or injury to others; or

''(C) avoid placement in an institutional facility.

''(2) AGING AND DISABILITY RESOURCE CENTER.—The term 'aging and disability resource center' means an entity administering a program established by the State, as part of the State's system of long-term care, to provide a coordinated system for providing—

''(A) comprehensive information on available public and private long-term care programs, options, and resources;

''(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

''(C) consumer access to the range of publicly supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

''(3) CHILD WITH A SPECIAL NEED.—The term 'child with a special need' means an individual less than 18 years of age who requires care or supervision beyond that required of children generally to—

''(A) meet the child's basic needs; or

''(B) prevent physical injury, self-injury, or injury to others.

''(4) ELIGIBLE STATE AGENCY.—The term 'eligible State agency' means a State agency that—

''(A) administers the State's program under the Older Americans Act of 1965, administers the State's program under title XIX of the Social Security Act, or is designated by the Governor of such State to administer the State's programs under this title;

''(B) is an aging and disability resource center;

''(C) works in collaboration with a public or private nonprofit statewide respite care coalition or organization; and

''(D) demonstrates—

''(i) an ability to work with other State and community-based agencies;

''(ii) an understanding of respite care and family caregiver issues across all age groups, disabilities, and chronic conditions; and

''(iii) the capacity to ensure meaningful involvement of family members, family caregivers, and care recipients.

''(5) FAMILY CAREGIVER.—The term 'family caregiver' means an unpaid family member, a foster parent, or another unpaid adult, who provides in-home monitoring, management, supervision, or treatment of a child or adult with a special need.

''(6) LIFESPAN RESPITE CARE.—The term 'lifespan respite care' means a coordinated system of accessible, community-based respite care services for family caregivers of children or adults with special needs.

''(7) RESPITE CARE.—The term 'respite care' means planned or emergency care provided to a child or adult with a special need in order to provide temporary relief to the family caregiver of that child or adult.

''(8) STATE.—The term 'State' means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 2902. LIFESPAN RESPITE CARE GRANTS AND COOPERATIVE AGREEMENTS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to expand and enhance respite care services to family caregivers;

''(2) to improve the statewide dissemination and coordination of respite care; and

''(3) to provide, supplement, or improve access and quality of respite care services to family caregivers, thereby reducing family caregiver strain.

''(b) AUTHORIZATION.—Subject to subsection (e), the Secretary is authorized to award grants or cooperative agreements for the purposes described in subsection (a) to eligible State agencies for which an application is submitted pursuant to subsection (d).

''(c) FEDERAL LIFESPAN APPROACH.—In carrying out this section, the Secretary shall work in cooperation with the National Family Caregiver Support Program of the Administration on Aging and other respite care programs within the Department of Health and Human Services to ensure coordination of respite care services for family caregivers of children and adults with special needs.

''(d) APPLICATION.—

''(1) SUBMISSION.—Each Governor desiring the eligible State agency of his or her State to receive a grant or cooperative agreement under this section shall submit an application on behalf of such agency to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

''(2) CONTENTS.—Each application submitted under this section shall include—

''(A) a description of the eligible State agency's—

''(i) ability to work with other State and community-based agencies;

''(ii) understanding of respite care and family caregiver issues across all age groups, disabilities, and chronic conditions; and

''(iii) capacity to ensure meaningful involvement of family members, family caregivers, and care recipients;

''(B) with respect to the population of family caregivers to whom respite care information or services will be provided or for whom respite care workers and volunteers will be recruited and trained, a description of—

''(i) the population of family caregivers;

''(ii) the extent and nature of the respite care needs of that population;

''(iii) existing respite care services for that population, including numbers of family caregivers being served and extent of unmet need;

''(iv) existing methods or systems to coordinate respite care information and services to the population at the State and local level and extent of unmet need;

''(v) how respite care information dissemination and coordination, respite care services, respite care worker and volunteer recruitment and training programs, or training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services will be provided using grant or cooperative agreement funds;

''(vi) a plan for administration, collaboration, and coordination of the proposed respite care activities with other related services or programs offered by public or private, nonprofit entities, including area agencies on aging;

''(vii) how the population, including family caregivers, care recipients, and relevant public or private agencies, will participate in the planning and implementation of the proposed respite care activities;

''(viii) how the proposed respite care activities will make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, other forms of reimbursements, personnel, and facilities;

''(ix) respite care services available to family caregivers in the eligible State agency's State or locality, including unmet needs and how the eligible State agency's plan for use of funds will improve the coordination and distribution of respite care services for family caregivers of children and adults with special needs;

''(x) the criteria used to identify family caregivers eligible for respite care services;

''(xi) how the quality and safety of any respite care services provided will be monitored, including methods to ensure that respite care workers and volunteers are appropriately screened and possess the necessary skills to care for the needs of the care recipient in the absence of the family caregiver; and

''(xii) the results expected from proposed respite care activities and the procedures to be used for evaluating those results;

''(C) assurances that, where appropriate, the eligible State agency will have a system for maintaining the confidentiality of care recipient and family caregiver records; and

''(D) a memorandum of agreement regarding the joint responsibility for the eligible State agency's lifespan respite program between—

''(i) the eligible State agency; and

''(ii) a public or private nonprofit statewide respite coalition or organization.

''(e) PRIORITY; CONSIDERATIONS.—When awarding grants or cooperative agreements under this section, the Secretary shall—

''(1) give priority to eligible State agencies that the Secretary determines show the greatest likelihood of implementing or enhancing lifespan respite care statewide; and

''(2) give consideration to eligible State agencies that are building or enhancing the capacity of their long-term care systems to respond to the comprehensive needs, including respite care needs, of their residents.

''(f) USE OF GRANT OR COOPERATIVE AGREEMENT FUNDS.—

''(1) IN GENERAL.—

''(A) REQUIRED USES OF FUNDS.—Each eligible State agency awarded a grant or cooperative agreement under this section shall use all or part of the funds—

''(i) to develop or enhance lifespan respite care at the State and local levels;

''(ii) to provide respite care services for family caregivers caring for children or adults;

''(iii) to train and recruit respite care workers and volunteers;

''(iv) to provide information to caregivers about available respite and support services; and

''(v) to assist caregivers in gaining access to such services.

''(B) OPTIONAL USES OF FUNDS.—Each eligible State agency awarded a grant or cooperative agreement under this section may use part of the funds for—

''(i) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services;

''(ii) other services essential to the provision of respite care as the Secretary may specify; or

''(iii) training and education for new caregivers.

''(2) SUBCONTRACTS.—Each eligible State agency awarded a grant or cooperative agreement under this section may carry out the activities described in paragraph (1) directly or by grant to, or contract with, public or private entities.

''(3) MATCHING FUNDS.—

''(A) IN GENERAL.—With respect to the costs of the activities to be carried out under paragraph (1), a condition for the receipt of

a grant or cooperative agreement under this section is that the eligible State agency agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required by subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(g) TERM OF GRANTS OR COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall award grants or cooperative agreements under this section for terms that do not exceed 5 years.

''(2) RENEWAL.—The Secretary may renew a grant or cooperative agreement under this section at the end of the term of the grant or cooperative agreement determined under paragraph (1).

''(h) MAINTENANCE OF EFFORT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available for respite care services.

''SEC. 2903. NATIONAL LIFESPAN RESPITE RESOURCE CENTER.

''(a) ESTABLISHMENT.—The Secretary may award a grant or cooperative agreement to a public or private nonprofit entity to establish a National Resource Center on Lifespan Respite Care (referred to in this section as the 'center').

''(b) PURPOSES OF THE CENTER.—The center shall—

''(1) maintain a national database on lifespan respite care;

''(2) provide training and technical assistance to State, community, and nonprofit respite care programs; and

''(3) provide information, referral, and educational programs to the public on lifespan respite care.

''SEC. 2904. REPORT.

''Not later than January 1, 2009, the Secretary shall report to the Congress on the activities undertaken under this title. Such report shall evaluate—

''(1) the number of States that have lifespan respite care programs;

''(2) the demographics of the caregivers receiving respite care services through grants or cooperative agreements under this title; and

''(3) the effectiveness of entities receiving grants or cooperative agreements under this title.

''SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title—

''(1) $30,000,000 for fiscal year 2007;

''(2) $40,000,000 for fiscal year 2008;

''(3) $53,330,000 for fiscal year 2009;

''(4) $71,110,000 for fiscal year 2010; and

''(5) $94,810,000 for fiscal year 2011.''.

SEC. 3. GAO REPORT ON LIFESPAN RESPITE CARE PROGRAMS.

Not later than January 1, 2011, the Comptroller General of the United States shall conduct an evaluation and submit a report to the Congress on the effectiveness of lifespan respite programs, including an analysis of cost benefits and improved efficiency in service delivery.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I would ask that all Members have 5 legislative days within which to revise and extend their remarks 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. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3248, the Lifespan Respite Care Act of 2006. This legislation is an important first step in offering help to the estimated 25 million Americans currently caring for a sick, aged or disabled loved one at home. Whether it is an aged father or mother, a spouse who has suffered a work-related injury, or a child with a special need, almost all of us have either taken care of or know someone who is taking care of a loved one at home.

As an experienced caregiver for my mother and both of my wife's parents, I am personally aware of the benefits of at-home care. But I am also acutely aware that there are financial, emotional and physical burdens for the family caregiver that can sometimes be overwhelming. Respite is a caregiver focused service that allows family members to take a much-needed break from the daily emotional and physical stresses associated with caring for a loved one at home. It also allows family caregivers to attend to financial and practical matters that occur outside their roles as caregivers, such as taking time to pay bills, go grocery shopping or go to a doctor's appointment for themselves.

There are many forms of respite care, including at-home visits by a trained professional, adult day care services or even volunteer respite services provided by local religious or civic organizations. While the demand for respite care services continues to grow at an almost exponential rate, many Americans today are confused by or unaware of the daunting array of public and private respite care options, but may also have difficulty understanding and navigating the complicated regulations and eligibility requirements for various public programs offering access to respite care.

The Lifespan Respite Care Act is an important first step that will set up clearinghouses of information to educate consumers about respite care options available in their areas. It will also allow States to offer consumer information on the broad array of programs offering long-and short-term care support services. The legislation also provides funding to build the needed infrastructure and coordinating capacity at the State and local levels so that more people will have access to respite care, especially those in rural and underserved parts of the country.

For example, this is especially important for people living in many areas of my congressional district in northern Georgia, where people must often drive long distances to access the nearest doctor, hospital or long-term care facility. The bill will also support family caregivers in their noble and compassionate efforts to keep their loved ones at home. Numerous studies have shown that at-home care by a loved one can delay or prevent placement in expensive long-term care facilities, such as a nursing home.

Because the Federal Medicaid program is the primary purchaser of nursing home care in the United States, this informal at-home care saves the Federal taxpayers millions of dollars a year. Other studies have verified what most of us already know. People are healthier and happier when they can live at home. The availability of respite care plays an important role in enabling family caregivers to keep their loved ones at home and delays or avoids other much more expensive options.

This legislation is only a first step in addressing the emerging needs of family caregivers in the United States. To solve this problem, we will need government, health insurance companies, long-term care and other health care providers and consumers all working together to find innovative solutions.

At this time, I would like to acknowledge the efforts of my colleague and vice-chairman of the Subcommittee on Health, the gentleman from New Jersey (Mr. FERGUSON). His passion on this issue is truly commendable, as are his tireless efforts to address so many health care concerns of importance to the American people. I would also like to thank Randy Pate of the Subcommittee on Health staff, and Mr. David Rosenfeld, formerly of our staff, for their hard work on this important legislation.

Mr. Speaker, I would strongly urge my colleagues to support my bill.

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

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

Mr. Speaker, I rise today in support of H.R. 3248, the Lifespan Respite Care Act of 2006, and I am glad to be a cosponsor of this legislation. Respite care programs are an integral part of the long-term delivery systems for long-term care. All too often family caregivers provide arduous and ongoing care for aging and disabled loved ones. The programs contained within this legislation seek to provide interim relief in these situations and for those overextended families.

Despite the numerous Federal programs that have the potential to fund respite services, there is no single coordinated caregiver friendly program to support the development or implementation of lifespan respite care services. Even where resources are available many families cannot find providers who are adequately trained to

care for people with disabilities who can provide them the temporary relief that they desperately need.

The Lifespan Respite Care Act of 2006 would authorize the award of grants and cooperative agreements to eligible State agencies to develop or enhance lifespan respite care programs at the State and local levels. These grants and cooperative agreements would provide assistance to programs that provide training, information, counseling and access to the range of publicly supported long-term care programs for family caregivers of children and adults with special needs.

State agencies would work to ensure meaningful involvement of family members, family caregivers and care recipients. This bill would also establish the National Resource Center on Lifespan Respite Care to provide technical assistance, information referral and educational programs on lifespan respite care.

Without respite and other services of support for family caregivers, many are forced to quit their jobs or reduce their paid employment. Other would-be caregivers are forced to place their relatives in unwanted and more costly institutional or foster care programs.

H.R. 3248 enjoys a great deal of bipartisan support, as well as support from a diverse stakeholder community, including Easter Seals, the National Education Association, the National Mental Health Association and the Children's Defense Fund. I would like to thank Mr. FERGUSON for sponsoring this legislation and urge my colleagues on both sides of the aisle to support this bill.

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

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 10 minutes to the author of the legislation, the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise today in support of H.R. 3248, the Lifespan Respite Care Act. This important bipartisan legislation will for the first time establish a national policy to help our Nation's 50 million family caregivers, including 900,000 New Jersey family caregivers who provide daily care for their loved ones with disabilities and chronic conditions or illnesses.

Instead of an institutionalized setting, in-home family caregivers provide minute-by-minute special assistance to a loved one with a disability or a critical illness or a chronic condition. Mr. Speaker, family caregivers are remarkable people. They make extraordinary sacrifices to help those whom they love so dearly. I saw one such example firsthand almost 10 years ago when my mom was diagnosed with multiple myeloma. For 6 years, my dad cared for her as she battled cancer.

She lived longer than any of her doctors thought she would, and since she went to heaven 3½ years ago, our family has looked back on those extra monuments we had with our mom, and we treasured them, knowing that it was my dad's love and care which helped to make them possible.

There are tens of millions of family caregivers in this country who provide the same loving and compassionate care that we saw my dad provide for my mom near the end of her life. In our family we were fortunate to have a support structure of relatives and friends who were able to provide a break for my dad when he really needed one. That respite was crucial for him. For him to stay healthy himself, it enabled him to provide better care for my mom.

But there are countless caregivers around this country who are not blessed with that built-in support structure, and they are desperately in need of a break from time to time. Because while the benefits of in-home care can be significant for the family, compared with institutionalized care, the cost for the family caregiver, from emotional to financial, can be enormous.

All across the country there are people like Karen Pinter of Hillsborough, New Jersey, providing in-home care. Karen provides round the clock care for her 10-year-old autistic daughter, Jessica. For Mrs. Pinter, respite means receiving $40 once a week from the New Jersey Family Support Center so that she can hire a tutor for her daughter.

With a tutor, Karen Pinter can take a much-needed break so she can do simple things for herself and for her family that many of us take for granted, like writing out that week's grocery list or preparing dinner or paying bills or simply taking a break for herself.

Respite for Eugenia and Roger Gore of Scotch Plains, New Jersey, helps their family to make ends meet. Their family uses respite hours so their 13-year-old autistic son can attend an extended-day program at school so Mrs. Gore can work outside the home to help further support their family.

Now the Gore family uses their respite funds to enable Mrs. Gore to work outside the home. This helps alleviate a financial burden, but it does not allow their family the break that respite oftentimes would. Even as they applied to the State of New Jersey for support for some respite hours on a weekend so they could get that much-needed break for grocery shopping or to attend one of their other son's athletic games, unfortunately they were denied.

For caregivers providing intense and exhausting care 24 hours a day, 7 days a week, 365 days a year, the occasional short break can literally be a lifesaver. That is what respite care is. It is providing a break for caregivers.

Mrs. Pinter has told me that caring for a special needs child can be very joyful. It can also be very challenging, and she is right. Family caregivers suffer poor health and even higher mortality rates than non-family caregivers, according to some recent studies. For example, mortality rates among older caregivers are 63 percent higher than among older non-caregivers. Two-thirds of family caregivers report physical or mental health problems that are linked to their care giving.

Nationally, there is no coordinated approach that exists among different levels of government or advocacy groups to help those who need respite care to find it and to qualify for it and to pay for it.

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The problem is that respite care is in short supply or it doesn't exist at all in some areas. This legislation that we are considering today would change that. The Lifespan Respite Care Act would improve coordination and access for respite care and recruit and train respite care providers. With $289 million over the next 5 years, the bill would also aid family caregivers in finding and paying for respite services through competitive grants to States to make quality respite care available and accessible, regardless of age or disability or family situation.

National and grassroots advocacy groups, including the AARP, Alzheimer's Association, Epilepsy Foundation, National Multiple Sclerosis Society, Paralyzed Veterans of America, The Arc of the United States, and United Cerebral Palsy, they all support this legislation.

Why does this legislative effort have such strong support from such reputable organizations and many others? Because we know respite care works. Respite care improves the health and well-being of caregivers and reduces the risk of abuse or neglect. Importantly, it also delays or even avoids more costly hospitalizations or placements in nursing homes or foster care.

Mr. Speaker, for over 2 years I have been working tirelessly with many of our colleagues on the Energy and Commerce Committee on both sides of the aisle to bring this bill to the floor. I want to thank Chairman BARTON for his support and the ranking member of our committee, Mr. DINGELL. I want to offer a special word of thanks to Chairman NATHAN DEAL for his support of this bill. I know his heart is very close to this effort. I want to thank the ranking member, Mr. PALLONE, as well for his strong support of this legislation.

I also want to thank the over 180 national and State and local organizations who, under the direction of the National Respite Coalition and its chair, Jill Kagan, who is here in our Chamber today with us, we have worked tirelessly on behalf of the Nation's family caregivers on this issue. I want to thank Tom Fussaro from our staff in our office, and Eric Joyce from the Family Resource Network and the Epilepsy Foundation of New Jersey. And I particularly want to thank Mr. LANGEVIN, the gentleman from Rhode

Island, who has been such a strong supporter and my partner in this legislation all along the way.

Finally, I want to thank my dad, who has provided our family and many others with a remarkable example of the loving care that a family caregiver can provide.

Providing relief to our Nation's family caregivers is long overdue, and I urge my colleagues to support this legislation. Today's action by this House will represent not only an important victory for family caregivers nationwide but also sends America's caregivers a very clear message: Your selfless sacrifice is appreciated, and help is on the way.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. FERGUSON), my partner in this effort, for his leadership on this exceptional bill.

Mr. Speaker, it is with great enthusiasm that I voice my strong support for the Lifespan Respite Care Act. For more than 4 years, I have worked to pass a bill that would ease the burden of responsibility on family caregivers.

I particularly want to acknowledge the hard work of so many advocates, organizations and individuals who worked with me to get this bill to where it is today. In particular I want to thank the chairman of the subcommittee, and I also want to thank Jill Kagan of the National Respite Coalition for her tireless efforts over many, many years.

Mr. Speaker, an estimated 26 million Americans are currently caring for an adult family member who is chronically ill or disabled. Additionally, an estimated 18 million children have chronic physical, developmental, behavioral or emotional conditions that place significant demands on their parents. Family caregivers live in all of our communities and they are often silent heroes, ensuring family stability and helping those who struggle with disease or disability to avoid more costly institutional placements.

While voluntary care is personally rewarding, it can result in substantial emotional, physical and financial strain on the caregiver. When one family member is caring for another, it doesn't mean that the other responsibilities of the family simply stop. Children still need to be brought to school, food shopping still needs to be done, doctors appointments still need to be made and kept, particularly when it involves the caregiver themselves.

Mr. Speaker, they need to know that they are not alone and they need to know where to turn when the pressures of their situation become too much for them to bear. Respite care services relieve caregivers from daily care giving tasks on a temporary or even long-term basis.

Many lifespan respite programs are already in place at State and local levels, providing invaluable services to the families of people with chronic disease or disability. Yet in too many situations, caregivers simply don't know how to find information about available respite care and access to these services. In other cases, respite care is simply unavailable to those who need it.

I originally introduced the Lifespan Respite Care Act in the 107th Congress, working with the National Respite Coalition to craft a bill that would assist States and local organizations in identifying and filling the gaps in their systems. While I do wish we could have addressed this important issue sooner, I am grateful to Representative FERGUSON for his leadership in ensuring that this bill came to the House floor. By passing this legislation and committing to build upon successful existing programs, we can make a powerful statement to so many Americans who are silently struggling right now. It is a statement of gratitude for their many hours of work and a statement of support for when the challenges become too daunting.

Mr. Speaker, I thank the congressional leadership for their hard work in moving this bill forward and bringing it to the floor today, and I urge all of my colleagues to vote in favor of the Lifespan Respite Care Act. To the people at home, help is on the way.

Mr. FERGUSON. Mr. Speaker, today I rise in support of H.R. 3248, the Lifespan Respite Care Act. For over 2 years I have been working diligently with many of my colleagues on the Energy and Commerce Committee to bring this bill to the floor. Over 180 national, State and local organizations under the direction of the National Respite Coalition have worked tirelessly on behalf of the Nation's family caregivers to help us get to this point. This legislation will for the first time establish respite as a policy priority for the Nation's estimated 50 million family caregivers, who daily provide care for their loved ones with disabling or chronic conditions or illnesses.

Most caregivers freely and willingly provide this care out of love and commitment, but often at great cost to themselves physically, emotionally, and financially. One in five caregivers report that they are in fair or poor health; 43 percent report having a chronic health condition that requires ongoing medical care, putting themselves at great risk and jeopardizing their ability to provide continued care to their dependent loved ones. An estimated 46 percent to 59 percent of family caregivers are clinically depressed. A recent medical study found that older caregivers who were providing care for an elderly individual with a disability and experiencing caregiver strain had mortality rates that were 63 percent higher than non-caregiving controls.

Caregivers are stretched thin in others ways as well, often with lost income and multiple family responsibilities. Nearly half of caregivers—48 percent—providing care to child, adult or elderly family members who have chronic or disabling conditions, have other children under age 18. Forty-two percent have family incomes below 200 percent of poverty compared to 34 percent of women without family caregiving responsibilities. While most caregivers are employed, many are forced to make extreme financial sacrifices in order to continue to provide care. In an Iowa survey of parents of children with disabilities, a significant relationship was demonstrated between the severity of a child's disability and their parents missing more work hours than other employees. They also found that the lack of available respite care interfered with parents accepting job opportunities. Over the course of a caregiving "career," family caregivers providing intense personal care can lose as much as $659,000 in wages, pensions and Social Security.

The cost to U.S. businesses is even more staggering. A new study by Metropolitan Life Insurance Company and the National Alliance for Caregivers found that U.S. businesses lose from $17.1 billion to $33.6 billion per year in lost productivity of family caregivers. Offering respite to working family caregivers could help improve job performance and employers could potentially save billions.

Still, many barriers exist to accessing respite—including a reluctance to ask for help, fragmented and narrowly targeted services, cost, and the lack of information about how to find or choose a provider. Even when respite is an allowable funded service and resources are available to pay, a critically short supply of well-trained respite providers may prohibit a family from making use of a service they so desperately need.

Restrictive eligibility criteria also preclude many families from receiving services or continuing to receive services they once were eligible for. A New Jersey mother of a 12 year old with autism was denied additional respite because she was not a single mother, was not at poverty level, and was not exhibiting any emotional or physical conditions herself. As she told us, "Do I have to endure a failed marriage or serious health consequences for myself or my family before I can qualify for respite? Respite is supposed to be a preventive service."

Respite, the most frequently requested service among family caregivers, offers a temporary break from the rigors of continuous care and helps sustain their own health and well-being. Others are able to tend to an emergency situation or personal health crisis. For a caregiver providing intense and exhausting care 24 hours a day, 7 days a week, 365 days a year, an occasional short break can literally be a life saver.

Respite reduces stress, enhances caregiver health and well-being, and ensures the safety and health of the loved ones in our care. Studies have shown that respite care for family caregivers has resulted in fewer hospitalizations for the children and elderly family members in care. Respite has also been shown to help reduce the likelihood of abuse and neglect and foster care placements. Research conducted by the ARCH National Respite Resource Center has also shown that respite can help keep marriages intact and enhance family stability. Another study found that if respite care delays institutionalization of a person with Alzheimer's disease by as little as a month, $1.12 billion is saved annually.

The bill authorizes $289 million over 5 years for competitive grants to States through Aging and Disability Resource Centers working in collaboration with State respite coalitions or other State organizations. These organizations provide or have expertise in respite to make

respite available and accessible to family caregivers, regardless of age or disability, through coordinated lifespan respite systems. This legislation would help States maximize the use of existing resources and leverage new dollars by building on current services and systems that States already have in place. The bill would help support planned and emergency respite, respite workers and volunteer training and recruitment, caregiver training, and program evaluation.

The congressional intent of the legislation is to ensure that respite becomes more accessible to all family caregivers in need, especially to those who currently do not qualify for any respite programs, who have no respite programs or providers in their areas, and those who do not know where to turn to find information on how to find and pay for respite. By using the broad term child or adult with special needs, Congress intended for the State to be highly inclusive and ensure that family caregivers of children and adults with developmental disabilities, cognitive, neurological, physical and mental health conditions and illnesses be equitably served. The focus for direct service delivery should be on those who currently may not qualify for respite under any State or Federal program or who have no service available, such as individuals under age 60 with multiple sclerosis, cancer, ALS, traumatic brain injury, and spinal cord injury, or children, adolescents or adults with behavioral, emotional or mental health conditions.

Just as importantly, Congress intended that States focus immediately on establishing coordinated lifespan respite systems that will serve all age groups equally. The Secretary should ensure that State agencies and ADRCs use the funds provided by this act to serve all age groups and disability categories equally and without preference. The Aging and Disability Resource Centers were established by the administration with the intention of being one-stop shops for all individuals with long-term care needs, making them logically a good place to administer lifespan respite systems, which are meant to be one-stop shops for respite services. However, many centers are still focusing on the elderly population or adults with physical disabilities and phasing in others at a later date. For the lifespan respite care effort to work most efficiently to coordinate all respite resources in the State, share and pool providers across age and disability groups, and to maximize use of current State respite resources, the ADRCs, in implementing this particular program, must start out with the goal of establishing coordinated respite systems of community-based agencies that will serve all age groups, including children.

Congress also intended lifespan respite to be coordinated at the State level. Many of the ADRCs in the States are serving only one county or region in the State. However, this legislation mandates the establishment of state lifespan respite programs, meaning that at least one ADRC in the State must function statewide, at least for the purposes of this legislation, with the assistance of a State respite coalition or other State respite agency to ensure coordination of resources at the State level, again for maximum efficiency and cost savings.

Legislative language is also clear in mandating a Federal coordinated approach. It directs the Secretary of Health and Human Services in implanting the program to have all agencies in HHS with respite programs or resources work collaboratively at every level, from developing program guidance and awarding grants and cooperative agreements, to monitoring and evaluation. Congress intends the following agencies to work together: the Administration on Aging, the Administration on Developmental Disabilities, the Substance Abuse and Mental Health Services Administration, the Administration on Children and Families, including the Office on Child Abuse and Neglect, Centers for Disease Control's Family Caregiving Initiative, the Maternal and Child Health Bureau, and other appropriate public health agencies in the Health Resources and Services Administration.

When considering a Federal agency to take the lead in implementation of this program, the Secretary of HHS should select an agency that is not limited in scope or mission by any age or disability category, has experience in serving all populations across disability and age groups, and will ensure that the ADRC is collaborating fully and sharing joint responsibility with a private or public nonprofit State respite coalition or organization in implementing a state lifespan respite program.

Mr. Speaker, I urge my colleagues to support this legislation. With 80 percent of long-term care provided by family caregivers, too many are shouldering the responsibility alone. At a minimum, they need respite to continue serving their loved ones at home where they belong.

Mr. TERRY. Mr. Speaker, I rise in support of H.R. 3248, the Lifespan Respite Care Act. This legislation would allow States to establish Lifespan Respite Systems to improve respite access and quality for the Nation's family caregivers regardless of age or disability. I am proud to say that the legislation is modeled on the Nebraska Lifespan Respite program, which was championed legislatively in the State by my good friend and colleague, State Senator Dennis Byars, and has made a world of difference to families in our State. I am also proud to say that this year's national respite conference was hosted by the Lifespan Respite program and the Nebraska Respite Coalition.

With passage of the Nation's second piece of State legislation on lifespan respite in 1999, the Nebraska Health and Human Services System established the Nebraska Respite Network, a statewide system for the coordination of respite resources that serve the lifespan. Six regional entities are responsible for information and referral for families who need access to respite, recruitment of respite providers, public awareness, coordinating training opportunities for providers and consumers, quality assurance and program evaluation. The Lifespan Respite Subsidy component is available to persons of all ages across the lifespan with special needs who are not receiving respite services from any other government program.

The stress of continuous care giving can take its toll on family caregivers and is one of the greatest contributing factors to caregiver illness, marital discord that can lead to divorce, and costly out of home placements. Respite has been shown to alleviate these symptoms and even help delay or avoid foster care or nursing home placements. In Nebraska, a statewide survey of a broad array of caregivers who had been receiving respite found that 79 percent of the respondents reported decreased stress and 58 percent reported decreased isolation. In addition, one out of four families with children under 21 reported they were less likely to place their children in out-of-home care once respite services were available.

The Nebraska program works because it is efficient and maximizes existing resources across all age groups and disabilities by developing unique partnerships with Medicaid, early intervention, area agencies on aging and other state and federal programs that provide or support respite. The regional Lifespan Respite Network Coordinator recruits respite providers for Medicaid, as well as for the Lifespan Respite Program itself. The coordinator meets with staff from HHS, Developmental Disabilities, the Early Intervention program, and others on a monthly basis in order to determine need. Respite providers are recruited and trained to fill the gaps, and providers list are shared. Most importantly, all family caregiver populations must be served equally with no preference for or limitation by age or disability.

The Nebraska Lifespan Respite Program was cited as exemplary by the National Conference of State Legislatures as a model for States to emulate in implementing community-based long term care, and highlighted by the National Governors Association for best practices. I would urge the Secretary in implementing this program to base its program guidance on the success of the Nebraska model, especially in its ability to reach out to and serve all age groups, and I urge my colleagues to join me in supporting this important legislation today.

Mr. PALLONE. Mr. Speaker, I urge my colleagues on both sides of the aisle to support this bill, and I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I likewise would urge the adoption of this resolution, and would yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). 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. 3248, as amended.

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

A motion to reconsider was laid on the table.

AMENDING PUBLIC HEALTH SERVICE ACT TO MODIFY PROGRAM FOR SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5798) to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

The Clerk read as follows:

H.R. 5798

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

SECTION 1. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C. 287a–3a) (added by section 2 of Public Law 106–551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking ''If any chimpanzee is removed'' and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking ''except as provided'' in the matter preceding clause (i) and all that follows through ''behavioral studies'' and inserting the following: ''except that the chimpanzee may be used for noninvasive behavioral studies'';

(B) by striking subparagraph (B);

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

(D) in subparagraph (B) (as so redesignated), by striking ''under subparagraphs (A) and (B)'' and inserting ''under subparagraph (A)''.

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106–505) as section 481D.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on this bill.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5798, a bill modifying the authorities of the chimpanzee sanctuary system.

A few years ago, Congress enacted a law offered by former Congressman GREENwood of Pennsylvania to provide for sanctuary for chimpanzees that have been used for research purposes at the National Institutes of Health. I believe this legislation and the resulting sanctuary system have been very successful. The bill before us today would modify the existing law to eliminate a provision that could have, under very limited circumstances, allowed for the removal of the chimpanzees from the sanctuary system for further research.

H.R. 5798 strikes an appropriate balance between the need for medical research and the need to provide safeguards for the subject animals because it would still allow for non-invasive behavioral studies and medical and longitudinal studies based on information that could be obtained at the same time as information gathered for veterinary care. Thus, the simple items like blood samples or imaging studies could, under certain circumstances, be provided within the sanctuary system, so long as such studies involved minimal physical and mental harm, pain, distress and disturbance to the chimpanzee and the social group in which the chimpanzee lives.

In particular, we now have the ability to non-invasively look inside brains of living individuals, including chimpanzees, to find the changes associated with aging, cognitive decline and changes in immune system function.

One of the key questions in the field of brain sciences is to understand what brain changes are responsible for the decline in cognitive functions as we age. The chimpanzee exhibits some of the same age-related changes as humans. Accordingly, the ability to use non-invasive brain imaging in individual chimpanzees whose genetic backgrounds and behavioral experiences have been well-documented and studied can be very important for Alzheimer's research and add to our knowledge on aging.

Mr. Speaker, I believe that H.R. 5798 preserves our ability to conduct important medical research, while providing needed safeguards for the animals, and I would ask my colleagues to join me in supporting this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 5798, a bill to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

On December 20, 2000, the Chimpanzee Health Improvement, Maintenance, and Protection Act was signed into law by President Clinton. That law required the Secretary of Health and Human Services to establish a nonprofit sanctuary system of lifetime care for chimpanzees that have been used by the Federal Government for research. Chimpanzees within this sanctuary system were declared surplus, and any research, save for non-invasive behavioral research, was restricted.

The bill before us today takes even greater steps to ensure that extremely stringent criteria are met with regard to research on surplus chimpanzees. Currently there are approximately 1,500 captive chimpanzees in laboratories in the U.S., many of whom are no longer being used in biomedical research, and this legislation takes important steps forward in an effort to protect their health, well-being and livelihood.

H.R. 5798 is supported by Dr. Jane Goodall, whose work in the field of wildlife research, education and conservation with respect to chimpanzees is unmatched. I would like to thank Dr. Goodall for her significant contribution, and would also like to thank Representative MCCRERY for his hard work on this bill.

I urge my colleagues to support H.R. 5798.

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

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

Mr. Speaker, I would likewise wish to express appreciation to Mr. JIM MCCRERY from Louisiana, the author of this legislation, and thank him for bringing this to our attention, and would urge my colleagues to vote in favor of this legislation.

Mr. MCCRERY. Mr. Speaker, I rise today in support of H.R. 5798, a bill to further the success of the national chimpanzee sanctuary system established by the 2000 Chimpanzee Health, Improvement, Maintenance and Protection Act. Chimpanzees are very similar to humans, not only in anatomy and physiology, but also in their behavior, emotional needs, and cognitive abilities. Chimps have served as medical research models for decades, and humans have reaped the benefits, including life-saving vaccines and medical therapies. But with new technologies and changing research goals, hundreds of chimpanzees are no longer needed for research.

Responding to the urgent need for long-term chimpanzee care, the Congress passed the CHIMP Act in 2000 to create a Federal chimpanzee sanctuary system. My constituents were awarded the first contract and now operate Chimp Haven in Keithville, LA. They are currently caring for 89 retired research chimpanzees and anticipate the addition of 111 new chimpanzees over time. The cost of letting the chimpanzees live in the natural environment at Chimp Haven is half of the cost of keeping them in the laboratory—providing a tremendous savings of taxpayers' dollars. In addition, Chimp Haven is responsible for matching 25 percent of the Federal funding they receive each year.

But a provision inserted in the 2000 law is making private fundraising difficult for Chimp Haven because it leaves open the possibility that the retired chimpanzees can be recalled into Federal research if the need were to arise. In making changes to this bill, we will return to the original intent of the CHIMP Act—to provide permanent retirement to chimpanzees who have served Americans in medical research.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5798.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMBATING AUTISM ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 843) to amend the Public Health Service Act to combat autism through research, screening, intervention and education, as amended.

The Clerk read as follows:

S. 843

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 ''Combating Autism Act of 2006''.

SEC. 2. CENTERS OF EXCELLENCE; IMPROVING AUTISM-RELATED RESEARCH.

(a) CENTERS OF EXCELLENCE REGARDING RESEARCH ON AUTISM.—Section 409C of the Public Health Service Act (42 U.S.C.284g) is amended—

(1) in the section heading, by striking ''AUTISM'' and inserting ''AUTISM SPECTRUM DISORDER'';

(2) by striking the term ''autism'' each place such term appears (other than the section heading) and inserting ''autism spectrum disorder''; and

(3) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

''(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the 'Director') shall, subject to the availability of appropriations, expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism spectrum disorder, including basic and clinical research in fields including pathology, developmental neurobiology, genetics, epigenetics, pharmacology, nutrition, immunology, neuroimmunology, neurobehavioral development, endocrinology, gastroenterology, and toxicology. Such research shall investigate the cause (including possible environmental causes), diagnosis or rule out, early detection, prevention, services, supports, intervention, and treatment of autism spectrum disorder.

''(2) CONSOLIDATION.—The Director may consolidate program activities under this section if such consolidation would improve program efficiencies and outcomes.''.

(b) CENTERS OF EXCELLENCE GENERALLY.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404H. REVIEW OF CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—Not later than April 1, 2008, and periodically thereafter, the Secretary, acting through the Director of NIH, shall conduct a review and submit a report to the appropriate committees of the Congress on the centers of excellence.

''(b) REPORT CONTENTS.—Each report under subsection (a) shall include the following:

''(1) Evaluation of the performance and research outcomes of each center of excellence.

''(2) Recommendations for promoting coordination of information among centers of excellence.

''(3) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

''(c) DEFINITION.—In this section, the term 'center of excellence' means an entity receiving funding under this title in its capacity as a center of excellence.''.

SEC. 3. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART R—PROGRAMS RELATING TO AUTISM

''SEC. 399AA. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

''(a) AUTISM SPECTRUM DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants or cooperative agreements to eligible entities for the collection, analysis, and reporting of State epidemiological data on autism spectrum disorder and other developmental disabilities. An eligible entity shall assist with the development and coordination of State autism spectrum disorder and other developmental disability surveillance efforts within a region. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

''(2) DATA STANDARDS.—In submitting epidemiological data to the Secretary pursuant to paragraph (1), an eligible entity shall report data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with autism spectrum disorder or other developmental disabilities.

''(3) ELIGIBILITY.—To be eligible to receive an award under paragraph (1), an entity shall be a public or nonprofit private entity (including a health department of a State or a political subdivision of a State, a university, or any other educational institution), and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(b) CENTERS OF EXCELLENCE IN AUTISM SPECTRUM DISORDER EPIDEMIOLOGY.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, award grants or cooperative agreements for the establishment of regional centers of excellence in autism spectrum disorder and other developmental disabilities epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism spectrum disorder and other developmental disabilities.

''(2) REQUIREMENTS.—To be eligible to receive a grant or cooperative agreement under paragraph (1), an entity shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center to be established under the grant or cooperative agreement shall operate in accordance with the following:

''(A) The center will collect, analyze, and report autism spectrum disorder and other developmental disability data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with developmental disabilities.

''(B) The center will develop or extend an area of special research expertise (including genetics, epigenetics, and epidemiological research related to environmental exposures), immunology, and other relevant research specialty areas.

''(C) The center will identify eligible cases and controls through its surveillance system and conduct research into factors which may cause or increase the risk of autism spectrum disorder and other developmental disabilities.

''(c) FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to requests for assistance from State health, mental health, and education department officials regarding potential or alleged autism spectrum disorder or developmental disability clusters.

''(d) DEFINITIONS.—In this part:

''(1) OTHER DEVELOPMENTAL DISABILITIES.—The term 'other developmental disabilities' has the meaning given the term 'developmental disability' in section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8)).

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

''(e) SUNSET.—This section shall not apply after September 30, 2011.

''SEC. 399BB. AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.

''(a) PURPOSE.—It is the purpose of this section—

''(1) to increase awareness, reduce barriers to screening and diagnosis, promote evidence-based interventions for individuals with autism spectrum disorder or other developmental disabilities, and train professionals to utilize valid and reliable screening tools to diagnose or rule out and provide evidence-based interventions for children with autism spectrum disorder and other developmental disabilities; and

''(2) to conduct activities under this section with a focus on an interdisciplinary approach (as defined in programs developed under section 501(a)(2) of the Social Security Act) that will also focus on specific issues for children who are not receiving an early diagnosis and subsequent interventions.

''(b) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, establish and evaluate activities to—

''(1) provide information and education on autism spectrum disorder and other developmental disabilities to increase public awareness of developmental milestones;

''(2) promote research into the development and validation of reliable screening tools for autism spectrum disorder and other developmental disabilities and disseminate information regarding those screening tools;

''(3) promote early screening of individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable, given evidence-based screening techniques and interventions;

''(4) increase the number of individuals who are able to confirm or rule out a diagnosis of autism spectrum disorder and other developmental disabilities;

''(5) increase the number of individuals able to provide evidence-based interventions for individuals diagnosed with autism spectrum disorder or other developmental disabilities; and

''(6) promote the use of evidence-based interventions for individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable.

''(c) INFORMATION AND EDUCATION.—

''(1) IN GENERAL.—In carrying out subsection (b)(1), the Secretary, in collaboration with the Secretary of Education and the Secretary of Agriculture, shall, subject to the availability of appropriations, provide culturally competent information regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, and evidence-based interventions to meet the needs of individuals with autism spectrum disorder or other developmental disabilities and their families through—

''(A) Federal programs, including—

''(i) the Head Start program;

''(ii) the Early Start program;

''(iii) the Healthy Start program;

''(iv) programs under the Child Care and Development Block Grant Act of 1990;

''(v) programs under title XIX of the Social Security Act (particularly the Medicaid

Early and Periodic Screening, Diagnosis and Treatment Program);

''(vi) the program under title XXI of the Social Security Act (the State Children's Health Insurance Program);

''(vii) the program under title V of the Social Security Act (the Maternal and Child Health Block Grant Program);

''(viii) the program under parts B and C of the Individuals with Disabilities Education Act;

''(ix) the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

''(x) the State grant program under the Rehabilitation Act of 1973.

''(B) State licensed child care facilities; and

''(C) other community-based organizations or points of entry for individuals with autism spectrum disorder and other developmental disabilities to receive services.

''(2) LEAD AGENCY.—

''(A) DESIGNATION.—As a condition on the provision of assistance or the conduct of activities under this section with respect to a State, the Secretary may require the Governor of the State—

''(i) to designate a public agency as a lead agency to coordinate the activities provided for under paragraph (1) in the State at the State level; and

''(ii) acting through such lead agency, to make available to individuals and their family members, guardians, advocates, or authorized representatives; providers; and other appropriate individuals in the State, comprehensive culturally competent information about State and local resources regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, available services and supports, and evidence-based interventions.

''(B) REQUIREMENTS OF AGENCY.—In designating the lead agency under subparagraph (A)(i), the Governor shall—

''(i) select an agency that has demonstrated experience and expertise in—

''(I) autism spectrum disorder and other developmental disability issues; and

''(II) developing, implementing, conducting, and administering programs and delivering education, information, and referral services (including technology-based curriculum-development services) to individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals locally and across the State; and

''(ii) consider input from individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals.

''(C) INFORMATION.—Information under subparagraph (A)(ii) shall be provided through—

''(i) toll-free telephone numbers;

''(ii) Internet websites;

''(iii) mailings; or

''(iv) such other means as the Governor may require.

''(d) TOOLS.—

''(1) IN GENERAL.—To promote the use of valid and reliable screening tools for autism spectrum disorder and other developmental disabilities, the Secretary shall develop a curriculum for continuing education to assist individuals in recognizing the need for valid and reliable screening tools and the use of such tools.

''(2) COLLECTION, STORAGE, COORDINATION, AND AVAILABILITY.—The Secretary, in collaboration with the Secretary of Education, shall provide for the collection, storage, coordination, and public availability of tools described in paragraph (1), educational materials and other products that are used by the Federal programs referred to in subsection (c)(1)(A), as well as—

''(A) programs authorized under the Developmental Disabilities Assistance and Bill of Rights Act of 2000;

''(B) early intervention programs or interagency coordinating councils authorized under part C of the Individuals with Disabilities Education Act; and

''(C) children with special health care needs programs authorized under title V of the Social Security Act.

''(3) REQUIRED SHARING.—In establishing mechanisms and entities under this subsection, the Secretary, and the Secretary of Education, shall ensure the sharing of tools, materials, and products developed under this subsection among entities receiving funding under this section.

''(e) DIAGNOSIS.—

''(1) TRAINING.—The Secretary, in coordination with activities conducted under title V of the Social Security Act, shall, subject to the availability of appropriations, expand existing interdisciplinary training opportunities or opportunities to increase the number of sites able to diagnose or rule out individuals with autism spectrum disorder or other developmental disabilities and ensure that—

''(A) competitive grants or cooperative agreements are awarded to public or nonprofit agencies, including institutions of higher education, to expand existing or develop new maternal and child health interdisciplinary leadership education in neurodevelopmental and related disabilities programs (similar to the programs developed under section 501(a)(2) of the Social Security Act) in States that do not have such a program;

''(B) trainees under such training programs—

''(i) receive an appropriate balance of academic, clinical, and community opportunities;

''(ii) are culturally competent;

''(iii) are ethnically diverse;

''(iv) demonstrate a capacity to evaluate, diagnose or rule out, develop, and provide evidence-based interventions to individuals with autism spectrum disorder and other developmental disabilities; and

''(v) demonstrate an ability to use a family-centered approach; and

''(C) program sites provide culturally competent services.

''(2) TECHNICAL ASSISTANCE.—The Secretary may award one or more grants under this section to provide technical assistance to the network of interdisciplinary training programs.

''(3) BEST PRACTICES.—The Secretary shall promote research into additional valid and reliable tools for shortening the time required to confirm or rule out a diagnosis of autism spectrum disorder or other developmental disabilities and detecting individuals with autism spectrum disorder or other developmental disabilities at an earlier age.

''(f) INTERVENTION.—The Secretary shall promote research, through grants or contracts, to determine the evidence-based practices for interventions for individuals with autism spectrum disorder or other developmental disabilities, develop guidelines for those interventions, and disseminate information related to such research and guidelines.

''(g) SUNSET.—This section shall not apply after September 30, 2011.

''SEC. 399CC. INTERAGENCY AUTISM COORDINATING COMMITTEE.

''(a) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Interagency Autism Coordinating Committee' (in this section referred to as the 'Committee'), to coordinate all efforts within the Department of Health and Human Services concerning autism spectrum disorder.

''(b) RESPONSIBILITIES.—In carrying out its duties under this section, the Committee shall—

''(1) develop and annually update a summary of advances in autism spectrum disorder research related to causes, prevention, treatment, early screening, diagnosis or rule out, intervention, and access to services and supports for individuals with autism spectrum disorder;

''(2) monitor Federal activities with respect to autism spectrum disorder;

''(3) make recommendations to the Secretary regarding any appropriate changes to such activities, including recommendations to the Director of NIH with respect to the strategic plan developed under paragraph (5);

''(4) make recommendations to the Secretary regarding public participation in decisions relating to autism spectrum disorder;

''(5) develop and annually update a strategic plan for the conduct of, and support for, autism spectrum disorder research, including proposed budgetary requirements; and

''(6) submit to the Congress such strategic plan and any updates to such plan.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall be composed of—

''(A) the Director of the Centers for Disease Control and Prevention;

''(B) the Director of the National Institutes of Health, and the Directors of such national research institutes of the National Institutes of Health as the Secretary determines appropriate;

''(C) the heads of such other agencies as the Secretary determines appropriate;

''(D) representatives of other Federal Governmental agencies that serve individuals with autism spectrum disorder such as the Department of Education; and

''(E) the additional members appointed under paragraph (2).

''(2) ADDITIONAL MEMBERS.—Not fewer than 6 members of the Committee, or 1/3 of the total membership of the Committee, whichever is greater, shall be composed of non-Federal public members to be appointed by the Secretary, of which—

''(A) at least one such member shall be an individual with a diagnosis of autism spectrum disorder;

''(B) at least one such member shall be a parent or legal guardian of an individual with an autism spectrum disorder; and

''(C) at least one such member shall be a representative of leading research, advocacy, and service organizations for individuals with autism spectrum disorder.

''(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following provisions shall apply with respect to the Committee:

''(1) The Committee shall receive necessary and appropriate administrative support from the Secretary.

''(2) Members of the Committee appointed under subsection (c)(2) shall serve for a term of 4 years, and may be reappointed for one or more additional 4 year term. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

''(3) The Committee shall meet at the call of the chairperson or upon the request of the Secretary. The Committee shall meet not fewer than 2 times each year.

''(4) All meetings of the Committee shall be public and shall include appropriate time

periods for questions and presentations by the public.

''(e) SUBCOMMITTEES; ESTABLISHMENT AND MEMBERSHIP.—In carrying out its functions, the Committee may establish subcommittees and convene workshops and conferences. Such subcommittees shall be composed of Committee members and may hold such meetings as are necessary to enable the subcommittees to carry out their duties.

''(f) SUNSET.—This section shall not apply after September 30, 2011, and the Committee shall be terminated on such date.

''SEC. 399DD. REPORT TO CONGRESS.

''(a) IN GENERAL.—Not later than 4 years after the date of enactment of the Combating Autism Act of 2006, the Secretary, in coordination with the Secretary of Education, shall prepare and submit to the Health, Education, Labor, and Pensions Committee of the Senate and the Energy and Commerce Committee of the House of Representatives a progress report on activities related to autism spectrum disorder and other developmental disabilities.

''(b) CONTENTS.—The report submitted under subsection (a) shall contain—

''(1) a description of the progress made in implementing the provisions of the Combating Autism Act of 2006;

''(2) a description of the amounts expended on the implementation of the particular provisions of Combating Autism Act of 2006;

''(3) information on the incidence of autism spectrum disorder and trend data of such incidence since the date of enactment of the Combating Autism Act of 2006;

''(4) information on the average age of diagnosis for children with autism spectrum disorder and other disabilities, including how that age may have changed over the 4-year period beginning on the date of enactment of this Act;

''(5) information on the average age for intervention for individuals diagnosed with autism spectrum disorder and other developmental disabilities, including how that age may have changed over the 4-year period beginning on the date of enactment of this Act;

''(6) information on the average time between initial screening and then diagnosis or rule out for individuals with autism spectrum disorder or other developmental disabilities, as well as information on the average time between diagnosis and evidence-based intervention for individuals with autism spectrum disorder or other developmental disabilities;

''(7) information on the effectiveness and outcomes of interventions for individuals diagnosed with autism spectrum disorder, including by various subtypes, and other developmental disabilities and how the age of the child may affect such effectiveness;

''(8) information on the effectiveness and outcomes of innovative and newly developed intervention strategies for individuals with autism spectrum disorder or other developmental disabilities; and

''(9) information on services and supports provided to individuals with autism spectrum disorder and other developmental disabilities who have reached the age of majority (as defined for purposes of section 615(m) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(m)).''.

(b) REPEALS.—The following sections of the Children's Health Act of 2000 (Public Law 106–310) are repealed:

(1) Section 102 (42 U.S.C. 247b–4b), relating to the Developmental Disabilities Surveillance and Research Program.

(2) Section 103 (42 U.S.C. 247b–4c), relating to information and education.

(3) Section 104 (42 U.S.C. 247b–4d), relating to the Inter-Agency Autism Coordinating Committee.

(4) Section 105 (42 U.S.C. 247b–4e), relating to reports.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Part R of title III of the Public Health Service Act, as added by section 3, is amended by adding at the end the following:

''SEC. 399EE. AUTHORIZATION OF APPROPRIATIONS.

''(a) DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.—To carry out section 399AA, there are authorized to be appropriated the following:

''(1) For fiscal year 2007, $15,000,000.

''(2) For fiscal year 2008, $16,500,000.

''(3) For fiscal year 2009, $18,000,000.

''(4) or fiscal year 2010, $19,500,000.

''(5) For fiscal year 2011, $21,000,000.

''(b) AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.—To carry out section 399BB, there are authorized to be appropriated the following:

''(1) For fiscal year 2007, $32,000,000.

''(2) For fiscal year 2008, $37,000,000.

''(3) For fiscal year 2009, $42,000,000.

''(4) For fiscal year 2010, $47,000,000.

''(5) For fiscal year 2011, $52,000,000.

''(c) INTERAGENCY AUTISM COORDINATING COMMITTEE; CERTAIN OTHER PROGRAMS.—To carry out section 399CC, 409C, and section 404H, there are authorized to be appropriated the following:

''(1) For fiscal year 2007, $100,000,000.

''(2) For fiscal year 2008, $114,500,000.

''(3) For fiscal year 2009, $129,000,000.

''(4) For fiscal year 2010, $143,500,000.

''(5) For fiscal year 2011, $158,000,000.''.

(b) CONFORMING AMENDMENT.—Section 409C of the Public Health Service Act (42 U.S.C. 284g) is amended by striking subsection (e) (relating to funding).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise to join Chairman BARTON in support of S. 843, as amended, the Combating Autism Act of 2006. Although many of us would like to have done more sooner, the bill represents a positive step forward in addressing the serious problem of autism in the United States. The legislation focuses on expanding and coordinating autism research at the National Institutes of Health, monitoring the disorder and educating the public through programs at the Centers for Disease Control and Prevention, as well as ensuring that citizens have a voice in the Federal Government's response to autism.

□ 1230

Leo Kanner first described autism in 1943 as a developmental disorder characterized by ''extreme autistic loneliness'' and ''an obsessional desire for the maintenance of sameness.'' Since the 1940s, we have learned much more about autism, including its diagnosis, traits, and possible treatments.

Data from several recent studies show that between two and six out of every 1,000 children fall within the definition of what is called autism spectrum disorder. That means that of the roughly 4 million children born in the United States each year, about 24,000 of these children will eventually be diagnosed with autism spectrum disorder.

Autism affects many aspects of a person's mental development, including social skills; speech, language and communication; repetitive behaviors and routines; and the other ways that children interact with the world. These children also often exhibit emotional problems, challenging behaviors, hyperactivity and other difficulties.

As a child with autism grows into adolescence, some of these behaviors are intensified. The teen suffering from autism may also suffer from depression related to their inability to interact normally with their peers.

All of these problems exert tremendous pressures on parents and siblings, who often must devote round-the-clock attention to a family member with autism.

Although there is no cure for autism, early detection and early intervention have shown promise in lessening the impact of the disorder and increasing a child's ability to have normal social interaction and functioning. Early intervention is a child's best hope for reaching his or her full potential.

Furthermore, research has shown that development disabilities like autism can be diagnosed as early as 18 months; however, an estimated 50 percent of children with these disorders remain unidentified until they are 5 years old, missing critical opportunities to improve their functioning early on. Therefore, it is imperative that both parents and doctors caring for children learn the warning signs of autism and are familiar with the developmental milestones that each child should reach.

The legislation before us takes several steps to improve upon and expand educational and outreach activities that will alert the public on the warning signs for autism and the need for early screening and intervention. It will also strengthen biomedical research activities conducted at the National Institutes of Health looking into the causes, pathways and possible cures for autism spectrum disorder.

Finally, the legislation provides for public participation in decisions relating to the Federal response to the autism problem, allowing for greater transparency and accountability.

I am also pleased that many of the major groups and organizations representing autistic people and their families have chosen to support this important piece of legislation. The Autism Society of America, Cure Autism

Now, Autism Speaks and the Dan Marino Foundation are just a few of the many organizations that support the reforms in this bill.

Finally, I would like to thank the lead House sponsor of the Combating Autism Act, Mrs. BONO of California, for her efforts on behalf of autistic people and their families.

I urge my colleagues to support this legislation.

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

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

I rise in support of S. 843, the Combating Autism Act of 2006.

Today, many American children suffer from autism spectrum disorders. The Centers for Disease Control and Prevention has estimated that between two in 1,000 to five in 1,000 children are classified as having an autism spectrum disorder, or ASD. Whether this increase is due to a true increase in prevalence or whether it is due to changes in assessment standards, it is clear that ASDs are the second most common serious developmental disability after mental retardation or intellectual impairment.

According to the CDC, autism spectrum disorders are a group of developmental disabilities characterized by significant impairments in social interaction and communication and the presence of atypical behaviors and interests. It is important that we treat common developmental disabilities, and especially autism, as conditions of urgent public health concern, and the Combating Autism Act of 2006 certainly moves in that direction.

Mr. Speaker, this bill would authorize the award of grants and contracts to establish centers of excellence on autism spectrum disorder and to collect, analyze and report State epidemiological data on autism spectrum disorders and other developmental disabilities. It would also provide culturally competent information on developmental disabilities to increase awareness of developmental milestones, promote disabilities research, encourage early screening and provide early diagnosis and interventions for individuals diagnosed with such disabilities.

A major theme of the bill is coordination and planning. This bill would authorize a strategic plan to be developed and implemented to guide Federal efforts in autism spectrum disorder research. It would also authorize the designation of an interagency autism coordinating committee to coordinate HHS efforts concerning autism spectrum disorder, make recommendations concerning a strategic plan for autism, develop and update advances in research, and make recommendations regarding public participation in the various autism programs.

The Combating Autism Act of 2006 has bipartisan support, and it has the support of numerous national, State and local autism-focused stakeholder organizations, including Autism Now, Autism Speaks, Cure Autism Now and the Autism Society of America.

The bill before us is an affirmative step toward addressing the serious health issue of autism spectrum disorders and toward ensuring all children are able to reach their full potential. I urge all of my colleagues to join me, along with these stakeholder groups, in supporting this potentially life-saving legislation.

I would also like to thank Representatives BONO and DEGETTE for all their hard work and dedication that they have devoted to this issue.

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

Mr. DEAL of Georgia. Mr. Speaker, I insert in the RECORD at this time two letters, one from the chairman of the Education and Workforce Committee and the response from the chairman of the Energy and Commerce Committee related to jurisdiction on this bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, December 6, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of S. 843, the Combating Autism Act of 2006. As you are aware, 'Sec. 399BB. Autism Education, Early Detection, And Intervention' requires the Secretary of Education to collaborate with the Secretaries of Agriculture and Health and Human Service in the provision of autism related services through the Head Start Act, the Early Start Act, the Child Care Development Act, the Individuals with Disabilities Education Act, the Child Nutrition Act, and the Rehabilitation Act. This provision and these acts fall within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest and prerogative in S. 843 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.

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

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 6, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Education and the Workforce,
Washington, DC.

DEAR CHAIRMAN MCKEON: Thank you for your recent letter regarding the consideration of S. 843, the Combating Autism Act of 2006. I agree that provisions in 'Sec. 399BB. Autism Education, Early Detection, And Intervention' fall within the jurisdiction of the Committee on Education and the Workforce.

I appreciate your willingness to allow this bill to move forward today; and I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Education and the Workforce. I will include your letter and this response in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from California (Mrs. BONO), who is the primary sponsor of this legislation.

Mrs. BONO. Mr. Speaker, I would like to thank the gentleman from Georgia for yielding me the time to speak on this most important piece of legislation. I would also like to commend the members of our leadership and thank them for allowing a vote on this legislation.

Mr. Speaker, I rise today in strong support of the Combating Autism Act of 2006. This historic and monumental piece of legislation is a critical first step towards addressing the unknown causes of autism by providing record levels of research funding and support for other services.

Today, one in 166 individuals is diagnosed with autism. This alarming statistic proves that autism does not discriminate based on race or gender.

As a longstanding supporter of the autism community, I have had the opportunity to speak with many national organizations, individuals and families who have been personally impacted by this disease. The selfless service that is provided by parents, siblings, extended family and other caregivers is unwavering and is unending.

While we have made significant strides since the identification of the disease in 1943, the task that lies before us requires the support of all involved parties and I am proud to have witnessed the cooperation of many groups that span the autism community. They banded together in an unprecedented manner, and their collective voice resonated with the Congress.

On May 18, 2005, it was my privilege to introduce the House version of this legislation. More than 240 of my colleagues joined Representative DEGETTE and myself in support of autism research. Today, I hope that they will join me in voicing their support of the Combating Autism Act of 2006.

I would like to commend Chairman JOE BARTON, who has been a steadfast supporter of the autism community, and Senators RICK SANTORUM and CHRISTOPHER DODD for their commitment and action to support the autism community.

I would like to give special acknowledgement to former Congressman Jim Greenwood of Pennsylvania, who throughout the process has remained a tireless champion of this cause.

I would also like to thank the hardworking members of the House Energy and Commerce Committee staff, Randy Pate and Ryan Long; of the Senate HELP Committee, Shana Christrup and Erin Bishop; Jennifer Vesey of Senator SANTORUM's office; Jim Fenton of Senator DODD's staff; and Jed Perry of

Congresswoman DEGETTE's office for their commitment on this piece of legislation.

Finally, I would like to thank my personal staff, both past and present, Katherine Martin and Taryn Nader, for their hard work and tireless efforts on the Combating Autism Act of 2006.

As the 109th Congress comes to a close, we have an opportunity to pass this meaningful and life-changing piece of legislation. I will proudly cast my vote in support, and I urge my colleagues to do the same.

Again, I thank the chairman.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the Combating Autism Act. As a member of the Congressional Coalition for Autism Research and Education, and as the uncle of a little boy with autism, I am well-acquainted with the issues faced by families of children with this disorder.

I have been struck by the rapid increase in the number of children diagnosed with autism in the last decade, both nationally and in my home State of Rhode Island, and while we do not yet know for certain what causes autism, we do know that early intervention does make a difference in treatment.

Mr. Speaker, we must commit ourselves to providing parents, pediatricians, early childhood educators and all those who have contact with very young children the resources and training to identify children who need help early enough to begin effective interventions. The Combating Autism Act is a tremendous step toward an effective national policy of autism research, screening, intervention and education.

Like all children, those diagnosed with autism spectrum disorders are individuals with unique talents and abilities. Across the Nation, special education teachers, psychologists and others are working hard to bring these gifts and talents to light and help these children realize their potential.

I urge all of my colleagues to support these professionals in their noble work, and these families in their time of need, by voting in favor of the Combating Autism Act. It is the right thing to do. It's an exciting piece of legislation, and I look forward to its passage.

Mr. DEAL of Georgia. Mr. Speaker, can I inquire of the remaining time on our side?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. DEAL) has 14 minutes remaining, and the gentleman from New Jersey (Mr. PALLONE) has 15 minutes remaining.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, I rise in very strong support of S. 843, with the amendment, the Combating Autism Act. This bill is great news for the 1.5 million individuals suffering from autism spectrum disorders and their families, the many ASD advocacy groups who have been working hard for so long, and also the very many Members of Congress who have championed the cause of autism with the goal of providing meaningful relief to those autistic individuals and their families.

I just point out, Mr. Speaker, that from my very first session of Congress in 1981, I have been a consistent advocate for individuals who have autism, and frankly, it was not until the mid-1990s when some caseworker wrote in my own district about a family who had two children with autism that I realized that we were not doing enough, that the research, the best practices that are so important, the early intervention was not happening.

It was at that time that we formed the Autism Caucus. MIKE DOYLE, who is my friend and colleague on the other side of the aisle, and I formed this caucus. We have about 200 members and we have been pushing very hard to get money for NIH, as well as for the Centers for Disease Control so we get better prevalence data, and also, most importantly, how do we deal with this issue and how do we help these individuals.

Let me point out to my colleagues, when I first got elected, the incidence or the common prevalence of autism was thought to be one out of every 10,000. Now, because of the work that the CDC has done, we know that it is probably around one out of every 166 individuals. We have an epidemic on our hands.

This legislation which reauthorizes Title I of the Children's Health Act, and has other very, very important additions to that, I think takes us into a new era of helping the individuals who have been afflicted by this disability, trying to find out what is the trigger. There are many, many ideas out there as to what may be triggering this. We need more definitive information about that, and again, I think this legislation is good, bipartisan legislation, and it is an example of what we can do here when we put our minds together and work across the aisle and especially when we work with these many autism advocacy groups that have been tremendous in helping to bring this legislation to the floor.

So I urge strong support for it. I thank Chairman BARTON for bringing it up, even if it is late, but not too late. This legislation will make a significant difference in the lives of autistic children, as well as in the lives of their families.

Mr. Speaker, I rise today in support of S. 843, with an amendment, the Combating Autism Act. This bill is great news for the 1.5 million individuals suffering from autism spectrum disorders (ASD) and their families, the many ASD advocacy groups who have been working hard for so long, and also the very many Members of Congress who have championed the cause of autism with the goal of providing meaningful relief to those autistic individuals and their families.

From my first session in Congress in 1981, I have been a consistent advocate for individuals with developmental disorders, including autism. More recently, in 1998, I successfully requested the Centers for Disease Control and Prevention (CDC) to conduct an investigation in Brick Township, New Jersey after learning and listening to the community's concerns about high numbers of autism cases—a study that showed that cases of both classic autism and autism spectrum disorders were significantly higher nationwide than expected.

The Combating Autism Act, that was introduced in the Senate by my good friend RICK SANTORUM of Pennsylvania and was unanimously passed by the Senate, reauthorizes major components of Title I of the Children's Health Act of 2000 (P.L. 106–310), and also adds significant new provisions to broaden and strengthen activities related to autism.

Specifically, within its provisions, this legislation: requires the Director of the National Institutes of Health (NIH) to expand, intensify, and coordinate ASD-related research and to conduct an NIH-wide study of research centers of excellence, and reauthorizes provisions, which I had authored in the Children's Health Act, to grant HHS the authority to award grants for the collection, analysis, and reporting of state-level epidemiological data on ASDs and other developmental disabilities, as well as the authority to award grants for the establishment of regional centers of excellence in autism spectrum disorders epidemiology.

Importantly, the bill directs that NIH-funded research include investigation of possible environmental causes of ASDs and that CDC-funded epidemiological centers develop expertise in specialty areas, including environmental exposures. I applaud this recognition of the need to pursue research into environmental factors and epigenetics to further advance and clarify the science. While not specifically addressed in this bill and although some are fearful to even mention the issue, I believe that we do not yet have the answers we need regarding the biological effects of thimerosal, and I am hopeful that research on environmental factors will include further study to find those important answers.

The bill does much more, such as, facilitates the creation of state-level agencies to serve as clearinghouses for public information; reauthorizes the proven successful Interagency Autism Coordinating Committee; and also includes a very robust section "Autism Education, Early Detection, and Intervention," to improve the early screening, diagnosis, interventions, and treatments for ASDs.

As many as 1.5 million Americans today have some form of autism and the number is on the rise. Each and every day across America, 66 children are diagnosed with autism and as many as 1 in 166 children born today will eventually be diagnosed with autism. Just 10 years ago, the estimate was 1 in 500.

A complex neurobiological disorder that generally appears in the first 3 years of life,

autism impairs a person's ability to communicate and to relate to others; the condition is often associated with rigid routines or repetitive behaviors. About 40 percent of children with autism do not talk, and others only repeat what is said to them. Children with autism may experience a range of medical problems which can be very debilitating. Because these patients have such extreme communication problems, behavioral symptoms such as agitation, sleep difficulties, and other behavioral problems may be attributed to the disability rather than to the pain and discomfort of a medical condition. Adolescents with autism may develop a strong sense of isolation, socially and emotionally, and show signs of depression or increased challenging behaviors.

Autism generally is a life-long disability; it also is a spectrum disorder that affects each individual differently and at varying degrees. Autism can overwhelm families, as their lives become consumed with the considerable challenges of identifying appropriate biomedical and psychosocial treatments, schooling and other needed support systems for their autistic child and eventually for an autistic adult.

Our Nation is in the midst of an autism crisis that becomes more severe each passing month, a crisis that costs our nation tens of billions of dollars annually in medical care, behavioral therapy, special child care, and a range of child and adult services needed to care for these individuals. While we have significantly increased our government's commitment to surveillance and biomedical research in the last decade in an effort to find a cause or cure, it is incumbent upon us to act now to reauthorize, intensify, and expand those and other efforts to identify individuals with autism and to provide them with more effective care and treatments.

Thanks to the incredible work of Energy & Commerce Committee Chairman JOE BARTON and his staff in finalizing this bill and getting it here today to the floor of the House of Representatives, we have a tremendous opportunity to join together in carrying it over the finish line. I strongly encourage everyone of my colleagues to vote for this bill.

Perhaps the greatest thanks should go to the very many individuals and organizations in the ASD community who coalesced and advocated so effectively for this bill. Some, but certainly not all, of those organizations are: Autism One, Autism Society of America, Autism Speaks, Cure Autism Now, Dan Marino Foundation, First Signs, Organization for Autism Research, Southwest Autism Research & Resource Center, TalkAutism, Unlocking Autism, and the US Autism and Asperger Association. I know that there are numerous other organizations and individuals who also deserve thanks and recognition.

I know that all of us here share the commitment to dramatically improve the lives for the well over a million American children and adults who have an autism spectrum disorder and improve the outlook for their families and other loved ones. I humbly encourage you not to let this opportunity pass without casting your vote in support of this much needed and much desired legislation.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from New Jersey for yielding.

I rise in strong support of S. 843, the Combating Autism Act of 2006. I also take this opportunity to commend and congratulate Mr. Tim Muri, president and CEO of Easter Seals of Chicago, as well as the University of Illinois Medical Center, and all of those who support this venture which I am about to mention.

On October 30, 2006, Easter Seals, with the support of many in the Chicagoland area, broke ground for a brand new therapeutic school and center for autism research in the Illinois Medical Center District. This bill, S. 843, will greatly enhance the work of this school and other entities across the country.

So I simply support not only the development of this brand new school but certainly the legislation which is going to enhance the work of those combating autism across the country.

I thank the gentleman again for yielding.

□ 1245

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise in proud support of this legislation. I want to thank you and your leadership; I want to thank Congressman PALLONE, Congresswomen DEGETTE and BONO, all of the coalitions that have been great advocates for helping increase the research, the funding, the exploration, and the discovery of what we know today about autism. I want to thank my friend RICK SANTORUM and commend him for his dogged support and championing of this effort. And, I want to talk a little bit about today what we know about autism, how pervasive it is, how many children it affects, and what it means for us as a Nation and for our families.

One in 166 children is diagnosed with autism. For boys, and I am the father of five sons, one in 104 boys is on the autism spectrum; 67 children per day are diagnosed. A new case is diagnosed almost every 20 minutes. More children will be diagnosed with autism this year than with AIDS, diabetes, or cancer combined. It is the fastest growing serious developmental disability in the U.S. and it costs our Nation over $90 billion per year and it is a figure expected to double over the next decade. Yet, autism receives less than 5 percent of the research funding available when it is one of the most prevalent diseases spreading across our country.

But the good news is we are learning, we are discovering, we are understanding much better today. We are much better able to detect, understand, identify. It is much more possible to have early intervention and the therapies and the types of treatments that help young children maximize the gifts and the talents that they have.

I want to say as someone who has met with many of the families, and all of our families have children that have been affected by this, I want to say it is not only a disability but it is also a gift. And it really is. For those of us who know and who have personal involvement, there are special angels among us with great tremendous gifts that come from autism. And what we want to do, what I want to do is to make sure that these gifts, these abilities that are special, unique, distinct, wonderful opportunities, to really maximize the things that children with autism can bring to all of us. And with this legislation today, I believe that we will maximize the understanding, we will maximize the gifts of our children who have autism, and we will make sure that their gifts are shared with the rest of the Nation and their contributions in science and math and reading and all the different areas where they may have gifts but also great struggles, that we can overcome those, that we can meet this challenge, and that the understanding of this disease and the treatments that are made available because of this legislation will make a difference in the lives of countless families and countless children. So I rise today in proud support.

I want to thank all of those who made it possible and the Members who have worked. CHRIS SMITH and the Autism Caucus deserve special praise for raising the awareness and building the coalitions within Congress and organizing the outside groups to make this day possible. I am proud that before we leave this Congress, we do not leave this job undone. And I thank Chairman DEAL for all of his hard work in making this possible, and Chairman BARTON, the ranking members, and all those who worked, especially our staff. May God bless this effort, and thank you very much.

Mr. PALLONE. Mr. Speaker, I would again urge that we pass this very important legislation.

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

Mr. DEAL of Georgia. Mr. Speaker, as we close, I would simply reiterate what some others have said, thanking all of those within the Congress itself who have brought this bill to this point and hopefully to a finalization and sent to the President.

Autism is an affliction on our children, and there are many answers that people want and this will help us try to find those answers. But this is not the end of the journey. Those who are committed to this cause will continue their efforts here in the halls of Congress, hopefully in the research halls throughout our country. This is a worthwhile step in the very proper direction, and I would urge my colleagues to adopt this resolution.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of the Combating Autism Act of 2006—S. 843—as amended. I want to thank Chairman NATHAN DEAL and Chairman JOE BARTON, and the Energy and Commerce Committee staff, for bringing this bill to the floor today.

Over the last 5 years or more, many of you have heard me speak many times on this floor

about the subject of autism and you will likely continue to hear me speak on this issue because I believe we truly have our work cut out for us. About 20 years ago, autism was considered a rare disease, affecting about 1 in 10,000 children. Now, that rate is about 1 in 166; making autism the third most common developmental disability that children face, even more prevalent than things such as Down's syndrome and other childhood cancers. In my own home State of Indiana we experienced a 923 percent cumulative growth rate for autism from 1992 to 2003. The annual growth rate of autism in Indiana averaged 27 percent compared to an average of 7 percent for the growth rate of all disabilities.

This literal epidemic of autism is a looming and immediate economic crisis to our education system, our health care systems, our long-term housing and care system for the disabled, and most especially, to an ever-increasing number of families across the country. Autism is a condition that has no known cure, which means that this is a crisis that is simply not going to ''go away.''

Today we take a huge step forward in terms of dealing with this problem. Although in my opinion, only a down payment on the resources that we must invest in order to defeat this terrible scourge, the Combating Autism Act, commits nearly $1 billion—in essence almost a doubling of funding for autism—to autism research, including essential research on environmental factors, treatments, early identification and support services. This bill amounts to a long overdue and vitally needed declaration of war by the Congress of the United States on autism.

Even so, while a needed step forward, this is not a perfect bill, because I believe we are missing a crucial opportunity to use this bill to help unravel the mystery of autism. Specifically, while the bill before us does include language on the need to research the environmental factors which may contribute to autism, it does not include a specific mandate that environmental research topics must include vaccines, other biologics, and their preservatives. Now I am not against vaccinations, but I do believe, as do many of my colleagues, that there is a strong link between the mercury contained in a product called thimerosal—commonly used as a vaccine preservative—and children developing neurological disorders such as autism. In fact, my own grandson became autistic after receiving nine shots in 1 day, seven of which contained thimerosal.

Because of what happened to my grandson, I took it upon myself to learn about autism and what I discovered during my research was deeply disturbing. During my tenure as chairman of the Government Reform Committee, 1997–2002, and as chairman of the Subcommittee on Human Rights and Wellness, 2003–2005, a number of very credible national and international scientists testified at a series of hearings that the mercury in vaccines is a contributing factor to developing neurological disorders, including, but not limited to, modest declines in intelligence quotient, IQ, autism, and Alzheimer's disease. And the body of evidence to support that conclusion gets larger every day.

Yet we continue to hear repeatedly in congressional hearings, in media communications, and through government and scientific reports that ''there is no evidence that proves a connection between vaccines and autism.'' This conclusion is not too surprising when you consider that our health agencies seem to routinely dismiss out of hand any scientific study that does conclude thimerosal is a danger.

Experience tells us that, as with any other epidemic, while there may be underlying genetic susceptibilities, there usually is some type of environmental trigger as well, such as a virus, fungus, heavy metals, pollutants, or whatever. There has never, to the best of my knowledge, been a purely genetic epidemic. So, genetics alone cannot explain how we went from 1 in 10,000 children with autism spectrum disorders 20 years ago to 1 in 166 today. Considering that mercury is a base element and the most toxic substance known to science outside of radioactive materials, it is biologically plausible that mercury is an environmental trigger of autism.

Recent studies indicate that more than half of pediatricians said that in the previous year they had encountered at least one family that refused all vaccines, while 85 percent said they'd had a parent turn down at least one shot. Whether it's because of fear that mercury used as a preservative in childhood vaccines causes autism, or that the dangers of immunizations far outweigh their benefits, or that there is a conspiracy by drug companies, doctors and vaccine makers to conceal the harm, the facts are clear, more and more American families are fighting immunization.

It is imperative that we do all we can to restore the public's trust in vaccinations. And the only way we are going to resolve the conflict of opinion over thimerosal is through more research. Unfortunately, if the Department of Health and Human Services never funds or conducts the right studies, and given their current track record on the subject, that is very likely what will happen, this question will forever remain unanswered. That will be a national tragedy because often once an environmental cause is discovered, immediate steps can be taken to prevent new cases and abate the epidemic. In addition, knowledge of the environmental cause or triggers often leads directly to more effective treatments.

For example, this bill promotes the use of evidence-based interventions for those at higher risk for autism. However, so long as we ignore the potential danger of mercury, many biomedical interventions, such as restricted diet, applied kinesiology and/or chelation therapy—which many families have found to be the best treatments for their children with autism—will be excluded from the list of evidence-based treatments.

I stand here today not just as a concerned grandfather of an autistic child but as the voice for the hundreds of parents and families who continue to contact my office looking for help for their children. They are our constituents, we represent them in the People's House, and I hope we are all listening to them. The debate about mercury in vaccines must be addressed, investigated and resolved. Parents have a right to know what happened to their children regardless of where the truth lies. And we have a responsibility to those children and families already suffering. In the meantime, we should err on the side of caution and remove thimerosal, even trace amounts, from all vaccinations.

By failing to provide a clear congressional mandate to research all of the potential environmental causes of autism spectrum disorders, ASD, including vaccines and their preservatives, I believe we are handicapping our efforts to give all ASD patients the best possible quality of life and the ability to make the greatest possible contributions to society. I hope that in the coming weeks, months and years this Congress will push for further research into the question of thimerosal and autism so that one day we will be able to say that we have done everything possible to stop and treat this epidemic. In the meantime, I urge my colleagues to support this very good bill.

Mr. TERRY. Mr. Speaker, I rise in support of S. 843, the Combating Autism Act. As a member of the congressional Coalition on Autism Research and Education CARE, as well as a cosponsor of the companion bill, H.R. 2421, I strongly support the provisions of the bill. This important legislation will improve the lives of those affected by expanding and improving detection, care and treatment of autism spectrum disorders.

The establishment of centers of excellence for autism research will enable us to conduct cutting edge research and apply it in the most effective manner possible to treat our young citizens affected by autism in the best way we can.

I want to give a special thanks to the many parents, siblings, families and friends of those with autism, especially my constituents in the Second District of Nebraska. Your support of autism issues, and specifically this legislation, has been crucial to the advancement of this bill. I congratulate you and other advocates for your tireless work. I urge my colleagues to support the enactment of S. 843.

Mr. BARTON of Texas. Mr. Speaker, I rise today in support of the bill, S. 843, as amended, also known as the Combating Autism Act. This legislation takes several important steps intended to improve and intensify the Federal response to the problem of autism in the United States.

As many of my colleagues are aware, autism is a brain disorder that appears in childhood and persists throughout a person's life. Autism affects crucial areas of a person's development, including communication, social interaction, and creativity. Recent studies estimate that autism afflicts more than 3 of every 1,000 children between ages 3 and 10. While autism varies widely in its symptoms and severity, early diagnosis and treatment can help autistic people to live independent and productive lives.

Today, little is understood about the causes and mechanisms of autism. Many studies have been conducted into possible genetic and environmental causes of autism, and scientists are learning more about this disorder and how its effects can be lessened or eliminated. But there is no cure, and much more work needs to be done to pinpoint the true causes of autism before we'll know how to cure it.

This legislation contains provisions designed to intensify and coordinate the Federal response to autism. It instructs the Centers for Disease Control and Prevention to expand and update its efforts to monitor autism incidence and prevalence around the country. The legislation also requires the CDC to educate parents and health care providers about the early warning signs of autism as well as the need for early and regular screenings.

Another section of the bill addresses autism research conducted at the National Institutes

of Health. Building on provisions contained in the Children's Health Act of 2000, the bill requires the Director of NIH to expand and intensify autism-related research, including research into possible environmental causes of autism. The expansion and intensification will include research to be conducted at the National Institute of Mental Health, the National Institute of Environmental Health Sciences, and a number of other institutes at NIH. The National Institute of Environmental Health Sciences already has two centers, one located at the University of California at Davis and one at the Robert Wood Johnson Medical School in New Jersey, funded to study possible environmental causes of autism. In conjunction with the bill's authorizations of appropriations, these provisions will ensure the continuation and intensification of crucial research at NIEHS so that it is able to conduct all necessary research to determine the environmental factors in autism.

With respect to possible environmental or external causes of autism, some have suggested a link exists between autism and childhood vaccines. In the past several years, several major epidemiological studies have been conducted to look into the question of whether vaccines cause autism. Examining the published studies, the non-partisan Institute of Medicine has concluded that the weight of the available evidence favors rejection of a causal relationship between vaccines and autism. However, I recognize that there is much that we do not know about the biological pathways and origins of this disorder, and that further investigation into all possible causes of autism is needed.

This legislation is not designed to predetermine the outcome of scientific research. Rather, the legislation rightfully calls for renewed efforts to study all possible causes of autism—including vaccines and other environmental causes. Simply put, we should leave no stone unturned in our efforts to find a cure, whether it means exploring possible environmental factors, paternal age, genetic factors, or any other factors that may hold answers. Perhaps further inquiry will show that it is not a single factor but a combination of two or more factors that cause what we know as autism. For example, a child might have a genetic predisposition that is triggered by an external, environmental factor that causes autism. The important thing to understand is that there are no preconceived notions contained in this bill; the bill language is clear that we should follow every avenue that science opens to us in searching for a cure.

During the House consideration of the NIH reauthorization bill, we found that the NIH has created centers of excellence to promote collaborative research into a particular field. A center of excellence is a designated entity, such as a university or a hospital, that receives NIH funding to study a particular research area. At their best, centers of excellence can foster collaboration and communication between scientists in a concentrated research area that can benefit from such an environment. However, the proliferation of centers of excellence, especially congressionally mandated centers of excellence, is a concern because it diverts precious resources away from other promising avenues of research that may be worthwhile. If Congress were to mandate new centers of excellence without sound scientific justification, it could greatly fragment NIH's research budget, increase administrative and overhead costs, and slow down important medical and scientific breakthroughs. The right funding and the right minds will cure autism, but even staggering amounts of money won't do the job if our efforts are not focused on the most promising research. I think, it is important to let scientists decide how to conduct the medical research. They must be held accountable, too, but this is a job for science, not politics.

The amended bill before us today does not create new centers, nor does it remove any of the old ones. There were five autism-related centers of excellence mandated in the Children's Health Act of 2000. In the intervening years, NIH created the five statutorily required centers of excellence that study various aspects of autism. NIH then went on to create an estimated 21 to 28 centers of excellence dealing with various aspects of autism research, including research into possible environmental causes. Rather than mandating in statute the creation of a specified number of additional centers on top of those centers already in existence, this bill lays the groundwork for effective congressional oversight of centers of excellence. It requires the Director of NIH to submit a report to Congress detailing the effectiveness of centers of excellence across the NIH and how they can be improved. The bill also gives the Director of NIH the explicit authority to consolidate centers of excellence if it would lead to improved program efficiencies and outcomes.

Next, the amended bill expands and reauthorizes an existing Interagency Autism Coordinating Committee, or IACC. The coordinating committee will be made up of relevant government officials, experts, and parents and families of those suffering from autism. The committee's far-reaching mandate will be to compose and annually report to Congress on a strategic plan for Federal autism activities and to make important recommendations to both Congress and the executive branch on ways to better coordinate and conduct Federal autism-related activities. Further, this legislation increases the amount of public participation on the IACC from two individuals to at least six. In addition, the IACC has been tasked with making recommendations to the Secretary regarding the public participation in decisions relating to autism. For instance, the committee notes that the IACC may recommend providing other formal mechanisms, such as an Autism Advisory Board, to provide public feedback and interaction. Further, the Secretary may opt to provide such a mechanism under existing statutory authority, without the recommendation of the IACC. Public participation, especially among the parents and families of those affected by autism, is necessary to emphasize the human side of autism research and to ensure that Federal resources are used wisely.

This legislation takes several important steps forward in continuing the fight against autism, and I support its passage. Should the Senate also take up and pass the bipartisan NIH reauthorization bill overwhelmingly passed by the House earlier this year, Congress and the public will benefit from increased transparency and accountability at NIH that will benefit research into all diseases, including autism. I urge swift passage of both bills so we can get them to the President's desk before the end of this Congress.

At this time, I'd like to thank the sponsors of both the House and Senate bills who have worked tirelessly on this issue as well as the members of the autism advocacy community who have contributed constructive ideas and insights into this legislation. With that Mr. Speaker, I urge my colleagues to support the bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of S. 843, the Combating Autism Act of 2006. This bill would amend the Public Health Service Act to combat autism through research, screening, intervention and education.

I have been greatly concerned by the significant increase in autism rates in our country. As a member of the House Coalition for Autism Research and Education Caucus, I have tried to take an active roll in improving the government's response to this epidemic. I am pleased we are considering this legislation today.

Autism spectrum disorder (ASD) places a terrible burden on the families of those afflicted. Autism is growing at a rate of 10–17 percent each year, and we must take action before it becomes even more of a health crisis. The earlier we identify autism, the more options we have to help a child.

The Combating Autism Act of 2006 would authorize $405 million in funding for autism research the National Institutes of Health over five years, and would require the director of NIH to develop and implement a plan for autism research by April 1, 2008. Passage of S. 843 would give $185 million to Autism Centers of Excellence, which provide continued support to examine causation, diagnosis, early detection, prevention, control, intervention and a cure for autism. The bill would also authorize $15 million for fiscal 2007 for the Centers for Disease Control and their surveillance and research programs.

Combating autism is imperative because it affects one in 166 children and persists through adulthood. By learning the signs, a child can begin benefiting from one of the many specialized intervention programs. We must provide Federal funding to ensure that research, education and prevention are possible.

Mr. Speaker, in closing, I hope that all Americans can continue to unite to form a collective voice for the autism community. I ask that my colleagues join me supporting S. 843, the Combating Autism Act of 2006.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 843, the Combating Autism Act of 2006. This bill authorizes funding important for the continuation of research of pervasive development disabilities, the coordination and dissemination of the research findings from institutions throughout the country, and the promotion of early screening of pervasive development disabilities among high-risk children. This bill goes far towards making the combating of autism a national priority. This bill, notably, includes provisions that recognize the importance of providing culturally competent information to individuals and communities. These provisions are important to minority communities.

Pervasive development disabilities are indiscriminate, afflicting children of all socioeconomic backgrounds and all races. My district, Guam, alone is home to approximately 110 individuals with autism spectrum disorders. According to the Centers for Disease

Control and Prevention, one out of every 166 children may be affected by some form of autism spectrum disorder.

While there remains varying viewpoints over the causes of autism, research has shown that early diagnosis and intervention have been the most effective means of addressing pervasive development disabilities. The Combating Autism Act's multifaceted approach to this important issue allows for the funding of research, public education, and early detection efforts. This multi-faceted approach will assist the families and children who are afflicted with autism spectrum disorders today, while striving to continue the progress toward finding comprehensive treatments for autism spectrum disorders.

I commend my colleagues in the House of Representatives and in the Senate for moving this important legislation forward. It is my hope that this legislation will ease the emotional and psychological pressures experienced by families caring for individuals with autism; and that it will eventually bring about greater understanding of and improved treatment for autism spectrum disorders.

I urge my colleagues' support for S. 843.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of S. 843, the Combating Autism Act of 2006.

As a long-time supporter and friend of the autism community, I am pleased that this bipartisan legislation is before the full House today. Autism is a lifelong neurological disorder that usually strikes sometime within the first two years of a child's life. It can cause severe impairment in language, cognition and communication. The statistics on autism are staggering. According to the Centers for Disease Control and Prevention, one in every 166 children is affected by autism. Autism is one of the fastest-growing developmental disabilities in the United States.

There has been significant progress in recent years increasing autism research dollars at the National Institutes of Health, as well as surveillance and public health funding at the CDC. Current research indicates that autism has a strong genetic component and may be triggered by environmental factors. But much more needs to be done. We need to redouble our effort to find a cure and improved intervention techniques. That is why I am proud to be a co-sponsor of the House version of the Combating Autism Act. The legislation before us today would authorize increased funding at the NIH for autism research programs as well as expand screening, intervention and education programs within the Federal Government.

It is important that we promote funding for autism research in order to identify the best methods of early intervention and treatment. That is why I urge my colleagues to support this important legislation.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of S. 843, the Combating Autism Act, which would authorize nearly $1 billion over the next 5 years to combat autism.

This is an important authorization bill, but one that we must back up with funding during the appropriations process.

Autism is serious and Congress must get serious in addressing it. This bill is a first step on that path.

According to the Department of Education this disease is growing at an alarming rate of 10–17 percent each year. Autism afflicts 1 out of every 166 births in the country, meaning today, 1.5 million Americans are living with this disease, and these numbers are growing particularly in places like New York City.

Autism has been personalized for me through a number of my constituents, including one father and his little boy who I have had the opportunity to meet with and discuss this illness.

The boy's father, who I have gotten to know, has helped educate me on this issue. It was his discussions with me that helped me become more involved in the issue of autism, spurred me to join the Autism Caucus here in the House and fight for increased funds both at the Defense Department and CDC for more funds for research and care.

Additionally, the Quality Services for the Autism Community, or QSAC, has also continually done outreach and education throughout Queens and all of New York City, including hosting an annual Autism Awareness Day. This year's event was held on April 9 at Shea Stadium, home of the Mets, in my district, and was their fourth consecutive annual event.

These events and their members bring more attention to a disease that affects so many individuals and families and today has helped us craft a good bill from their words and experiences.

This legislation will authorize nearly $1 billion over the next 5 years to combat autism through research, early intervention, and screening, and will translate into a 50 percent increase in funding to help eliminate this disease.

With this bill many families in my own district, Bronx and Queens, will be able to rest assured that the U.S. Government has not forgotten them and is willing to work to eradicate this problem.

Scientists are finding preventative measures, and cures for many diseases such as cervical cancer. This would not have been possible without the funding giving to researchers to find a cure.

That is why I stand with the autism community not only in my district, Bronx and Queens, but all across the Nation in supporting this legislation. It is non-controversial, and it makes perfect sense to find a cure.

I urge my colleagues to vote for this bill today so families in the future won't have to suffer with autism.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 843, as amended.

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

A motion to reconsider was laid on the table.

TSUNAMI WARNING AND EDUCATION ACT

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1674) to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1674

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 ''Tsunami Warning and Education Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve tsunami detection, forecasting, warnings, notification, outreach, and mitigation to protect life and property in the United States;

(2) to enhance and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms, and increase the accuracy of forecasts and warnings, and to expand detection and warning systems to include other vulnerable States and United States territories, including the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico areas;

(3) to improve mapping, modeling, research, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, outreach, mitigation, response, and recovery;

(4) to improve and increase education and outreach activities and ensure that those receiving tsunami warnings and the at-risk public know what to do when a tsunami is approaching;

(5) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(6) to improve Federal, State, and international coordination for detection, warnings, and outreach for tsunami and other coastal impacts.

SEC. 4. TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall operate a program to provide tsunami detection, forecasting, and warnings for the Pacific and Arctic Ocean regions and for the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region.

(b) COMPONENTS.—The program under this section shall—

(1) include the tsunami warning centers established under subsection (d);

(2) utilize and maintain an array of robust tsunami detection technologies;

(3) maintain detection equipment in operational condition to fulfill the detection, forecasting, and warning requirements of this Act;

(4) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities, including through the Tsunami-Ready program;

(5) maintain data quality and management systems to support the requirements of the program;

(6) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Geological Survey

and the National Science Foundation shall provide rapid and reliable seismic information to the Administration from international and domestic seismic networks;

(7) provide a capability for the dissemination of warnings to at-risk States and tsunami communities through rapid and reliable notification to government officials and the public, including utilization of and coordination with existing Federal warning systems, including the National Oceanic and Atmospheric Administration Weather Radio All Hazards Program;

(8) allow, as practicable, for integration of tsunami detection technologies with other environmental observing technologies; and

(9) include any technology the Administrator considers appropriate to fulfill the objectives of the program under this section.

(c) SYSTEM AREAS.—The program under this section shall operate—

(1) a Pacific tsunami warning system capable of forecasting tsunami anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings; and

(2) an Atlantic Ocean, Caribbean Sea, and Gulf of Mexico tsunami warning system capable of forecasting tsunami and providing adequate warnings in areas of the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico that are determined—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico.

(d) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator, through the National Weather Service, shall maintain or establish—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources;

(D) disseminating forecasts and tsunami warning bulletins to Federal, State, and local government officials and the public;

(E) coordinating with the tsunami hazard mitigation program described in section 5 to ensure ongoing sharing of information between forecasters and emergency management officials; and

(F) making data gathered under this Act and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to researchers.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—

(1) IN GENERAL.—In carrying out this section, the National Weather Service, in consultation with other relevant Administration offices, shall—

(A) develop requirements for the equipment used to forecast tsunami, which shall include provisions for multipurpose detection platforms, reliability and performance metrics, and to the maximum extent practicable how the equipment will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System;

(B) develop and execute a plan for the transfer of technology from ongoing research described in section 6 into the program under this section; and

(C) ensure that maintaining operational tsunami detection equipment is the highest priority within the program carried out under this Act.

(2) REPORT TO CONGRESS.—

(A) Not later than 1 year after the date of enactment of this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

(B) Not later than 3 years after the date of enactment to this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 6 is being transferred into the program under this section.

(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies, the Administrator shall seek the assistance and assets of other appropriate Federal agencies.

(g) ANNUAL EQUIPMENT CERTIFICATION.—At the same time Congress receives the budget justification documents in support of the President's annual budget request for each fiscal year, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a certification that—

(1) identifies the tsunami detection equipment deployed pursuant to this Act, as of December 31 of the preceding calendar year;

(2) certifies which equipment is operational as of December 31 of the preceding calendar year;

(3) in the case of any piece of such equipment that is not operational as of such date, identifies that equipment and describes the mitigation strategy that is in place—

(A) to repair or replace that piece of equipment within a reasonable period of time; or

(B) to otherwise ensure adequate tsunami detection coverage;

(4) identifies any equipment that is being developed or constructed to carry out this Act but which has not yet been deployed, if the Administration has entered into a contract for that equipment prior to December 31 of the preceding calendar year, and provides a schedule for the deployment of that equipment; and

(5) certifies that the Administrator expects the equipment described in paragraph (4) to meet the requirements, cost, and schedule provided in that contract.

(h) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives within 30 days of—

(1) impaired regional forecasting capabilities due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami forecasting and warning system.

(i) REPORT.—Not later than January 31, 2010, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that—

(1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this Act, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program;

(2) evaluates the National Weather Service's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and

(3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.

(j) EXTERNAL REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences to review the tsunami detection, forecast, and warning program established under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act. The review shall also include an assessment of how well the forecast equipment has been integrated into other United States and global ocean and coastal observation systems and the global earth observing system of systems. Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit a report containing the National Academy of Sciences' recommendations, the Administrator's responses to the recommendations, including those where the Administrator disagrees with the Academy, a timetable to implement the accepted recommendations, and the cost of implementing all the Academy's recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(k) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.

SEC. 5. NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas in the United States and its territories.

(b) COORDINATING COMMITTEE.—In conducting the program under this section, the Administrator shall establish a coordinating committee comprising representatives of Federal, State, local, and tribal government officials. The Administrator may establish subcommittees to address region-specific issues. The committee shall—

(1) recommend how funds appropriated for carrying out the program under this section will be allocated;

(2) ensure that areas described in section 4(c) in the United States and its territories can have the opportunity to participate in the program;

(3) provide recommendations to the National Weather Service on how to improve the TsunamiReady program, particularly on ways to make communities more tsunami resilient through the use of inundation maps and other mitigation practices; and

(4) ensure that all components of the program are integrated with ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning.

(c) PROGRAM COMPONENTS.—The program under this section shall—

(1) use inundation models that meet a standard of accuracy defined by the Administration to improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal and nearshore areas, in a coordinated and standardized fashion to maximize resources and the utility of data collected;

(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of comprehensive coastal risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and providing for certification of prepared communities;

(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and nongovernmental entities, including educational programs to discourage development in high-risk areas; and

(5) provide for periodic external review of the program.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to require a change in the chair of any existing tsunami hazard mitigation program subcommittee.

SEC. 6. TSUNAMI RESEARCH PROGRAM.

The Administrator shall, in consultation with other agencies and academic institutions, and with the coordinating committee established under section 5(b), establish or maintain a tsunami research program to develop detection, forecast, communication, and mitigation science and technology, including advanced sensing techniques, information and communication technology, data collection, analysis, and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—

(1) consider other appropriate research to mitigate the impact of tsunami;

(2) coordinate with the National Weather Service on technology to be transferred to operations;

(3) include social science research to develop and assess community warning, education, and evacuation materials; and

(4) ensure that research and findings are available to the scientific community.

SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in coordination with other members of the United States Interagency Committee of the National Tsunami Hazard Mitigation Program, shall provide technical assistance and training to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and warning system comprising regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in cooperation with the Intergovernmental Oceanographic Commission, shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and may also provide such assistance to other nations participating in a global tsunami warning system established through the Intergovernmental Oceanographic Commission. As part of its responsibilities around the world, the Center shall—

(1) monitor international tsunami warning activities around the world;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunami in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) DETECTION EQUIPMENT; TECHNICAL ADVICE AND TRAINING.—In carrying out this section, the National Weather Service—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami programs.

(d) DATA-SHARING REQUIREMENT.—The National Weather Service, when deciding to provide assistance under this section, may take into consideration the data sharing policies and practices of nations proposed to receive such assistance, with a goal to encourage all nations to support full and open exchange of data.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this Act—

(1) $25,000,000 for fiscal year 2008, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6;

(2) $26,000,000 for fiscal year 2009, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6;

(3) $27,000,000 for fiscal year 2010, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6;

(4) $28,000,000 for fiscal year 2011, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6; and

(5) $29,000,000 for fiscal year 2012, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 5; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6.

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.

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to yield the time to Mr. BOEHLERT.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York.

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

Mr. Speaker, in just about 2 weeks, we will reach the second anniversary of the devastating Indian Ocean tsunami that began off the coast of Indonesia and resulted in the deaths of at least 150,000 people and injuring and dislocation of millions more. It was an event that stunned the entire world and eventually prompted an enormous outpouring of international aid. Among other things, the event was a reminder of the often forgotten but awesome power of nature, which we ignore at our own peril.

But an acknowledgement of nature's power does not mean that we are powerless. Quite the contrary, we needlessly seal our own doom if we fail to take steps that can reduce the significant impact of natural disasters at home and abroad. And in the case of tsunamis, which by definition travel across the seas paying no mind to international borders, the approach has to be global to be effective.

The tsunamis that can cause damage in the U.S. are just as likely to begin overseas as off our own coast. And in addition to humanitarian concerns, the U.S. pays a high price both in aid and in threats to international stability when cataclysmic death results from tsunamis overseas. So we need to take action to improve the understanding of tsunamis by both scientists and the general public, to improve our detection of tsunamis, and to improve our ability to issue warnings about approaching tsunamis, and to ensure populations know how to respond to such warnings.

Happily, we are not starting from scratch in any of these areas. The National Oceanic and Atmospheric Administration already runs research, detection, warning, and outreach programs, and the administration began augmenting those programs in 2005 after the Indian Ocean tsunami. But we need to ensure that the focus on tsunamis continues even as memories of the 2004 tragedy fade, and we need to further strengthen the administration

program along the lines of expert advice we have heard at Science Committee hearings. The experts were particularly concerned that more be done in the area of outreach so that the public understands more about tsunamis and what to do if one is approaching. They also called for more research so we could predict tsunamis and their paths more accurately.

I should add that tsunamis are not a theoretical threat for the U.S. The seismically active west coast is particularly vulnerable and has experienced tsunamis in the past. Even a small tsunami can cause damage. An earthquake off the coast of Japan last month produced a tsunami that hit California with wave surges of only 5 or 6 feet, but it caused an estimated $700,000 in damage in just one town.

So we need to maintain and strengthen the Nation's tsunami programs. That is exactly what H.R. 1674 would do; it would give specific continuing congressional direction to efforts in tsunami research, prediction, detection, warning, and outreach, the full spectrum of needed activities. The bill would also improve congressional oversight of the program by requiring updates on the condition of tsunami monitoring equipment and several studies of the overall effectiveness of the tsunami program.

This is a good, carefully targeted, economical, bipartisan bill. I wish to thank my cosponsor, JAY INSLEE, for all his hard work and persistence on this bill. He understands well how his constituents in Washington State could be in harm's way for a tsunami. I also want to thank my colleagues on both sides of the aisle in the Science Committee who, as usual, contributed to the bill which passed the committee long ago by voice vote. I also want to thank the Transportation and Infrastructure and International Relations Committees for working with us on their jurisdictional claims. And, finally, I want to thank Senator TED STEVENS and Senator DAN INOUYE and their staffs for working with us to put together a compromise bill. This bill is ready for Senate action and should go to the President for signature this week.

Mr. Speaker, we ought to act now to prevent future tragedies from tsunamis. We can't prevent tsunamis, but we can greatly limit the loss of life from them. This bill will help us do just that, not just in the U.S., but abroad, and I urge its passage.

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

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

First, Mr. Speaker, I would like to take a moment for an appreciation of Mr. BOEHLERT, the retiring chairman of the Science Committee. He is a consummate legislator; he has talked the talk and walked the walk of promoting the public good over partisanship. He has run the Science Committee in a gentlemanly, bipartisan fashion. And to me, as an aging junior Member of this body, when I think of who I would like to be when I grow up, one of those people is SHERRY BOEHLERT.

□ 1300

I rise in support of H.R. 1674, the U.S. Tsunami Warning and Education Act. I am an original cosponsor of this legislation, and I am proud to have worked with Chairman BOEHLERT and Chairman EHLERS on this important bill.

We cannot prevent earthquakes and tsunamis, but we can prepare for them. We can ensure that citizens of our coastal communities take appropriate safety steps when the inevitable occurs.

Detection and forecasting are not sufficient. State and local communities must be prepared to disseminate the warning and direct the public to safety areas. Individual citizens must know where to go when they receive a warning. All this must be done well in advance of a tsunami.

I am fortunate to represent a beautiful expanse of the Oregon coast. However, we are also well aware of the potential danger presented by the Cascadia fault located just offshore of Oregon, Washington and California.

In Oregon, we face the threat of a 9.0 Richter Scale coastal earthquake and resulting tsunami. Scientists warn it is not whether this natural disaster will occur, but when. Unlike hurricanes Katrina and Rita, there will be absolutely no warning of the earthquake. When the 9.0 Cascadia earthquake hits, it will rock the ground for 4 to 5 minutes, perhaps raising and dropping the ground level 4 to 8 feet at each rumble. After the quake, Oregonians will have only 10 to 30 minutes to reach high ground before the tsunami rolls ashore.

Oregon has already done a great deal to keep our coastline beautiful and our citizens safe. Cannon Beach, Oregon, was one of the first coastal communities to be designated tsunami-ready by NOAA. H.R. 1674 builds upon the successful partnership that exists between the Federal, State and local governments on the west coast to ensure that all U.S. coastal communities will be prepared to deal with tsunamis.

This bill authorizes the type of comprehensive system we must have if we are to avoid the catastrophic loss of life caused by the December 2004 Indonesian earthquake.

Previously, funding for tsunamis focused more heavily on detection and forecasting systems hardware. While this hardware will help protect the Chinese and Japanese across the ocean in the event of a Cascadia earthquake, it is only mitigation programs focusing on educating the public that are key to protecting Oregonians, Washingtonians and Californians from a Cascadia fault quake.

I am particularly pleased that this legislation includes a specific percentage of funding for tsunami hazard education and mitigation. While I would like to see a more aggressive increase in funding over the lifetime of the bill, I believe these funding levels represent a good start. This program supports vital activities such as inundation mapping, public education and encouraging local communication networks.

Again, I would like to thank Chairman BOEHLERT and Chairman EHLERS for working with me in a bipartisan and collegial manner on this legislation. H.R. 1674 is a good bill, and I urge all Members to support it.

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

GENERAL LEAVE

Mr. BOEHLERT. 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. 1674, as amended, the bill now under consideration.

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

There was no objection.

Mr. BOEHLERT. Mr. Speaker, let me say to Mr. WU how much I appreciate his kind remarks. We are partners on the Science Committee in a bipartisan manner to bring forward an agenda from that committee that not only does the committee proud, does this Congress proud, but does this Nation proud.

And one of the privileges of being the chairman of the Science Committee is to work with my fellow chairmen like DON YOUNG, and I happen to be a senior member of that committee. I appreciate his leadership, don't always follow it, but I really do appreciate his leadership. We have had a good, constructive working relationship in so many areas, and particularly on this bill.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for his kind words. We will miss you. I even tried to get you to run again.

Mr. Speaker, I rise in strong support of H.R. 1674, the Tsunami Warning and Education Act. I want to commend Chairman BOEHLERT, and even Mr. INSLEE from Washington, Mr. WU, for working on this legislation in an effort to make America's coastal communities safer.

Alaska, my State, is no stranger to the horrible forces of tsunamis. During the past century, four large tsunamis have devastated our coastline. The worst occurred in 1964, when the State was struck by a magnitude 9.4 earthquake. Many of the communities along Prince William Sound and Kodiak Island were completely wiped out. Tsunami waves killed more than 100 people and caused almost $400 million worth of damage, and that is not in today's dollars, but 1964 dollars, to Alaska alone.

The inability to properly warn Alaskans of these deadly tsunamis prompted the creation of a tsunami warning

system for Alaska and the rest of the Pacific. H.R. 1674 enhances and modernizes this existing tsunami warning system. It also expands the detection and warning system to include other vulnerable areas of the United States.

It is not enough to have warning systems in place, people need to know where to go when a tsunami is going to hit. The mitigation program in this bill helps develop evacuation plans and improves awareness in vulnerable communities.

This bill will help protect Alaskans and other Americans from the same kind of devastation we suffered in 1964. I support this legislation with all my heart.

Mr. WU. Mr. Speaker, I yield such time as she may consume to my friend and colleague from Oregon (Ms. HOOLEY).

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

Ms. HOOLEY. Mr. Speaker, I want to take this opportunity to publicly thank Chairman BOEHLERT for the kind of job he does every single day on committee, which is working across the aisle and trying to make this world a better place for people, a little safer, and to really look at the future. He cares very much about the future. And I thank the gentleman from Oregon for all of his work on this legislation and for yielding me this time.

Mr. Speaker, I join my colleagues not only from the west coast but across the country in support of this legislation.

I know that the impetus for this bill was the horrible destruction and loss of life that occurred in Southeast Asia in December of 2004. But one only has to look at last month's news and the tsunami warnings issued along the west coast after an earthquake in Japan to understand that the threat is very real and very important.

In the last 2 years, I have made a lot of trips to the Oregon coast, and talked with many constituents about the possibility of a tsunami of similar size and destructive force striking somewhere along Oregon, Washington or the northern California coast.

I have spoken with State geologists, tsunami researchers at many universities, and emergency management planners, and they all agree it is not a question of if but when the next big tsunami will strike the west coast.

While this legislation or any legislation will not guarantee total protection, I do think that the funding in this bill for education and mitigation programs will go a long way towards making our Nation's citizens more aware of the dangers posed by tsunamis and more prepared to act and ultimately safer. This is truly a bill that will save lives.

I am also pleased there is money included in the legislation that will improve international coordination for detection and warnings, particularly in vulnerable regions like the Indian Ocean. It is in the best interest of the United States to assist in detection and monitoring of seismic events and tsunamis around the world because a large tsunami generated in Japan has a potential to do major damage to many places along the western coastline.

It is for these reasons that I am proud to be a cosponsor of this legislation and urge my colleagues in the House and the other Chamber to quickly pass this legislation and to begin to provide support for our communities and our citizens.

Mr. BOEHLERT. Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from Michigan (Mr. EHLERS), who is a real leader not just on the Science Committee but in this Congress. We benefit greatly from his special experience as a scientist, a physicist, a respected member of his profession, but also a respected colleague. When VERN EHLERS talks, we listen.

Mr. EHLERS. Mr. Speaker, I thank the chairman for his kind words, and also have a good deal of sorrow in my heart because of his departure from this Congress. You have contributed so much, Mr. Chairman, and we deeply appreciate what you have done.

Mr. Speaker, I rise today in strong support of this life-saving bill. H.R. 1674, as amended, will provide the tools our communities need to protect their citizens from the threat of tsunamis.

On December 26, 2004, one of the most devastating tsunamis ever recorded struck the unsuspecting nations of the Indian Ocean Basin. According to the U.N., almost a quarter-million people lost their lives or have never been found, and millions more were displaced. These numbers are impossible to comprehend. It represents more than the number of people killed in the Hiroshima and Nagasaki nuclear weapons blasts. The effects of this tragedy will be felt for generations.

As we recovered from the shock of the event, we naturally began to ask the question: How can we prevent this from happening again?

H.R. 1674, as amended, the Tsunami Warning and Education Act, is part of the answer. Tsunami warning systems can save lives by giving people the time they need to get out of harm's way. This bill will expand the coverage of our tsunami warning systems to cover both the coasts of the U.S., not just the Pacific coast, giving more of our citizens critical protection.

Of equal importance, this bill will help communities develop efficient evacuation plans as well as effective systems for broadcasting warnings. It will also help educate the public so that they know how to respond to those warnings. In short, this bill will give our coastal communities the tools they need to save lives.

Our Nation has been fortunate not to have experienced a tsunami of the magnitude of the Indian Ocean tsunami—yet. Nor have we escaped all harm. Tsunamis have killed over 300 people in the U.S. in my lifetime, and the threat remains real, whether in Alaska or Crescent City, California, or any of our other coastal areas.

It is critical that we give our coastal communities the tools and timely information they need to alert their citizens to coming danger, and passing this bill will help make that happen.

It is unfortunate that it often takes a tragic event to bring natural disaster response planning to our attention. This makes it all the more important that we seize on this opportunity to help prevent future tragedies here in the U.S. and around the world. It is of utmost importance that we pass this bill to establish a tsunami forecast and warning system for the United States, aid other countries in doing the same, and educate the public to understand and heed the warnings.

I want to once again emphasize this bill will save lives. I urge my colleagues to join me in strong support of H.R. 1674, as amended.

Mr. WU. Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, today we will be taking action so that America's shorelines do not suffer the same fate as Indonesia's on December 26, 2004. I am very pleased that this prolonged effort has arrived today where Congress is going to take measures to give Americans a warning and an ability to avoid damage from a tsunami before that big tsunami hits.

We are in danger and threatened on our coastlines in Washington. First, I will allude to the Pacific. Right off the coastline of Washington and Oregon in the Pacific is what is called the Cascadia subduction zone. This is an evil twin sister of the fault in Indonesia. It is almost identical to the fault off the coastline of Indonesia that caused that quake that cost hundreds of thousands of lives. We have similar subduction zones in the Alaskan-Aleutian zone. We are in the bull's-eye of a potential tsunami. In fact, one happened on February 26, 1700, off the coastline of Washington, and sent what could have been 50-foot waves onto the coastline. We need to do a better job, and this bill is a good start.

The good news is we have some great technology to deal with this issue. We have these detection buoys that use a product developed in Redmond, Washington, in my district, by a company called Paro Scientific. These buoys are anchored off the coastline and they have a little sensor that is on the bottom of the ocean that can measure the difference of depth of one-tenth of an inch over 2-mile deep water. It is an incredible technology. Then it radios changes in the average depth of the ocean to a satellite. In a matter of seconds, we have a system that can generate information along our coastlines. We have six of these buoys, we need at least 20 in the Pacific. For the first

time, this bill will put some buoys in the Atlantic as well.

□ 1315

This will be a first international tsunami warning system using what are called piezometers to measure the depth of the ocean.

The second thing the bill is going to do is the critical link in the chain of warning because buoys aren't enough. We have got to have a way to warn people, to educate people, to have systems in place so that they can evacuate along the coastlines. A little community called LaPush, Washington now has a system where they can move the whole city in about 12 to 15 minutes. We need to have those systems, and this bill is going to do that.

I want to say there is an additional benefit of this bill. False alarms happen as well. And when false alarms happen, we lose millions of dollars when we have false alarms. This whole system will reduce false alarms so that for the first time we can have a credible, meaningful, reliable tsunami detection and warning system in this country. It is overdue. I am glad we are going to have it happen. It is one of the crowning achievements of the great career of Chairman SHERWOOD BOEHLERT, who has done such great work for the environment and for science. We are all going to miss his great leadership.

I want to note a fellow who just left the Speaker's chair, Representative CHARLIE BASS, who hopefully will take credit for this as well for his great environmental stewardship. And it is a good day for America's shorelines to protect us from tsunamis.

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

I want to thank Mr. INSLEE for those very kind comments. I want to thank all my colleagues. It has been a great privilege to work with you and for you and for this great institution.

I also want to observe, before we bring this to a close, the great work of the staff on both sides of the aisle who have labored long and hard, almost 2 years on this bill alone. We don't give enough recognition to the staff. Those of us who are more visible, we come before the House and we are recorded on C–SPAN and everybody says they are doing some good deeds. But the real driving force behind so much of what we do is the very able professional staff that we literally are blessed with, both Democrat and Republican.

And this comes from a former staff member, but I came to Capitol Hill 42 years ago as a starry-eyed young staffer. I got 3 years off for good behavior. I was elected county executive back home, and for the past 24 years I have been privileged to serve in my own right as a Member. But in those 42 years, one of the most dramatic changes, and people are asking me this all the time as I am taking leave, what has changed about the House and about Congress, this institution? One of the most dramatic changes that is so often overlooked is a change for the good, for the positive, the very high degree of professionalism so evident in the staffs of the committees. And I take the Science Committee as a classic example of how it should be done by all. The professionalism, the hard work, dedication on both sides of the aisle.

And we are going into a new chapter. We as Republicans are going from the majority to the minority. The Democrats are going from the minority to the majority. And people are saying, well, what is going to change? Well, I will tell you what is not going to change in the Science Committee. It is the working relationship across that center divide, the professionals who day in and day out prepare us for the debates, the hearings, and for the activities that we are about. That is not going to change. The Democrats will have a few more and the Republicans will have a few less, but I guarantee you this: As the next Congress comes to a close and people are looking back on its performance, I fully expect that the Science Committee once again will be one of the stars in this Chamber.

So with that, let me say to my colleagues on the committee how fortunate I consider myself to have had the privilege of working with and for you over the years, and as I say to all my colleagues in this Chamber, I urge your support for H.R. 1674, as amended. It is a bill that demonstrates that when we work together, we can accomplish so much for so many.

Mr. Speaker, I insert an exchange of letters between the Committees on Science and International Relations in the RECORD.

I want to thank the staff on both sides of the aisle, who have labored for more than 2 years on this bill. That includes Eric Webster, who has since moved on to NOAA, and David Goldston, Sara Gray, Chad English, and especially Amy Carroll, who has worked tirelessly to keep this bill moving forward.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, December 6, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Committee on International Relations in H.R. 1674, the Tsunami Warning and Education Act, as proposed for consideration under suspension of the Rules of the House.

The Committee on International Relations recognizes the importance of H.R. 1674 and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Committee on International Relations, and that a copy of this letter and your letter in response will be included in the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 6, 2006.

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

DEAR MR. CHAIRMAN: Thank you for your letter regarding floor consideration of H.R. 1674, the Tsunami Warning and Education Act, as proposed for consideration under suspension of the Rules of the House. I appreciate your willingness to work with me so that H.R. 1674 can move expeditiously to the floor.

I agree that your action does not waive, reduce or otherwise affect any jurisdiction your Committee might have over H.R. 1674. As you requested, the exchange of letters between our two committees will be included in the CONGRESSIONAL RECORD during consideration of the bill on the House floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). 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. 1674, as amended.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a a suitable location in the Capitol.

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. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

HONORING THE LIFE OF MILTON FRIEDMAN

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1089) honoring the life of Milton Friedman.

The Clerk read as follows:

H. RES. 1089

Whereas Milton Friedman earned a degree in economics from Rutgers University, and later earned a master's degree from the University of Chicago and a doctorate degree from Columbia University;

Whereas Doctor Milton Friedman is widely regarded as the leader of the Chicago School of economics, and the developer of the theory of monetarism that stresses the central importance of the quantity of money as an instrument of government policy and as a determinant of business cycles and inflation;

Whereas Doctor Friedman's writings and ideas have influenced Presidents, other world leaders, entrepreneurs, and students of economics, and he gave himself generously to public service as an economic adviser to Senator Barry Goldwater's campaign for the presidency in 1964, Richard Nixon's presidential campaign in 1968, the Nixon Administration, Ronald Reagan's 1980 presidential campaign, and the Reagan Administration as a member of President Reagan's Economic Policy Advisory Board;

Whereas Doctor Friedman is a 1976 Nobel Laureate economist and received the John Bates Clark Medal in 1951 honoring the top economists under the age of forty, the Grand Cordon of the First Class Order of the Sacred Treasure by the Japanese government in 1986, the Presidential Medal of Freedom in 1988, the National Medal of Science in 1988, and honorary degrees from universities in the United States, Japan, Israel, and Guatemala;

Whereas Doctor Friedman's ideas were the model for the free market reforms undertaken in eastern European countries as they emerged from communist domination in the early 1990s, helping extend the blessings of prosperity to millions who had long been denied them;

Whereas Doctor Friedman was a prolific producer of both scholarly and popular articles, essays, books, and broadcast media, including the books Capitalism and Freedom and Free to Choose, tri-weekly columns for Newsweek, commentaries in the Wall Street Journal, and two multi-part Public Broadcasting Service television series;

Whereas Doctor Friedman was one of the world's foremost champions of liberty, not just in economics but in all respects;

Whereas Doctor Friedman will be remembered both as one of the most influential economists in history and as one of the twentieth century's greatest heroes of freedom; and

Whereas Doctor Milton Friedman died on November 16, 2006, in San Francisco, California, at the age of 94 of heart failure: Now, therefore be it

Resolved, That the House of Representatives, on the occasion of the death of Doctor Milton Friedman—

(1) mourns Doctor Friedman's passing and expresses its deepest condolences to his family, including his widow Rose Friedman, who is herself an accomplished economist and was instrumental in co-authoring some of his major works; and

(2) honors Doctor Friedman's lifetime of achievements and recognizes his outstanding contributions to freedom, the study of economics, the United States of America, and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Widely acclaimed as the leader of Chicago's School of Economics, Milton Friedman's achievements in the fields of economic science and public policy were remarkable. He was the recipient of the 1976 Nobel Memorial Prize, the 1988 Presidential Medal of Freedom, and the 1988 National Medal of Science, just to name a few. In the early 1990s, Eastern European countries emerging from communism modeled their new free market economies after his teachings.

He was a champion of individual freedoms as well and wrote extensively on the subject throughout his career. Presidents such as Ronald Reagan called on Dr. Friedman for his expertise and advice, and universities in the United States, Japan, Guatemala, and Israel all awarded him with honorary degrees.

Dr. Friedman passed away on November 16 of this year. And for his leadership, achievements, and countless contributions both politically and economically, I hope all Members will join me today in honoring his life and legacy.

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

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

Mr. Speaker, on November 16 the world lost one of its preeminent and influential economists and thinkers of our time. Dr. Milton Friedman is most commonly associated with his theories of monetarism, his devotion to the free market that sought to turn the Keynesian economic revolution on its head, and his visions of an international economic system that is free of pegged and fixed exchange rates.

Friedman's top achievement, among many, was his Nobel Prize in Economics, which he was awarded in 1976. And while many of his achievements are well known, some of his lesser known accomplishments make him an intriguing figure. One of the abstractions Friedman developed in his famous work, ''Capitalism and Freedom,'' was the concept of the negative income tax credit, or the modern-day earned income tax credit. This abstraction advances the idea that people who earn less than a certain amount of money should receive money from the government. Friedman also was a key member of the White House Commission on White House Fellows from 1971 to 1973. But most of all, Milton Friedman was devoted to the centrality of freedom in domestic and international affairs.

And although Friedman was born to humble beginnings as a first-generation American, he rose to become the leader of the Chicago School of Economics. The Chicago School is regarded around the world as an institution that produces outstanding economic scholarship and rigorous theory. Milton Friedman's name will hold a permanent place in economic debate, and so I am pleased and delighted to be in support of this resolution.

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

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 4 minutes to the author of the resolution, Mr. STEARNS of Florida.

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

Mr. STEARNS. Mr. Speaker, on November 16 of this year, America and the world lost not only a brilliant economist but a towering giant of an unbounded vision for freedom. Dr. Friedman was widely recognized worldwide for his economic explanations and philosophies of government and markets. Beyond pure economic analysis, Dr. Friedman promoted liberty and choices in all areas. I am honored to have the opportunity to commemorate his life with this resolution to honor him and have enjoyed collaborating with the distinguished gentleman from New Jersey.

House Resolution 1089 outlines his academic, publishing, and prize-winning accomplishments. I will not relist them here. There is so much to say.

Dr. Friedman's economic prescription advocated we steadily, constantly stabilize the growth of money supply, then more or less just stay out of the way, leaving the economy to the free creative choices of millions of productive individuals, households, and businesses, rather than one micromanaging government. Milton Friedman put individuals, not bureaucrats at best or despots at worst, in the driver's seat.

Essentially we admire him for espousing that economic freedom is necessary for political freedom. And today few would argue that Friedman's ideas went from being seen as radical to now being fully accepted. Most successful countries rely on monetary policy as their chief stabilizing tool. Some shining examples are borne out in Eastern Europe nations that not so long ago dwelled under the Iron Curtain. I think a cartoon that was printed in the Christian Science Monitor in 1990 by Danziger sums it up pretty well. It says ''Statue of Milton Friedman is erected in Poland in place of Whathisname.'' And of course it depicts a collapsed Lenin on his face with a lady chortling ''Hah!'' at the broken statue while other Poles are pulling up a smiling, bespeckled Milton Friedman statue and they have crossed out ''Lenin'' and carved ''Uncle Miltie'' on the statue base.

My colleagues, his crowning achievement was establishing with his wife the Milton and Rose D. Friedman Foundation, based in Indianapolis, Indiana, for the purpose of promoting educational choice and reform for parents and their children. School choice continues to be

passionately debated today; yet experiments from the District of Columbia to my own State of Florida, under Governor Jeb Bush's lead, demonstrate great promise in liberating educational opportunities for all. We have done this successfully for colleges since World War II with the Montgomery GI bill. So why should we deny school choice for kindergartners through senior high school students here in America?

And, finally, my colleagues, I cannot end a tribute to Dr. Friedman without also honoring his wife of 68 years. Rose was his classmate, partner economist, fellow radical for freedom, and, I daresay, the love of his life. I know she and children David and Janet and their grandchildren mourn their beloved Milton but are at peace knowing they contributed to this great man who contributed just so much to the multitudes in this country. For me when I think of the values not only Milton Friedman and his wife promoted, I am moved by this paragraph from the Friedmans' memoirs, ''Two Lucky People.'' Mr. Speaker, this sentiment is bigger than partisan politics. It is more profound than the Washington interest group agenda. It marvelously illustrates optimism for what America could be.

'' . . . So we close this book full of optimism for the future in the belief that those ideas will prevail and that our children and grandchildren will live in a country that continues to advance rapidly in material and biological well-being and gives its citizens ever wider freedom to follow their own values and tastes so long as they do not interfere with the ability of others to do the same.''

Milton Friedman, well done. Rest in peace.

□ 1330

Mr. DAVIS of Illinois. Mr. Speaker, I would like to yield such time as he might consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my colleague from Illinois permitting me to speak on this resolution.

Mr. Speaker, I think it is appropriate for us to pause and reflect on the many contributions of Milton Friedman. At any point we have great thinkers who challenge conventional wisdom. It is appropriate to honor Prof. Friedman. There are some who credit him as the founder of the Chicago School of Economics. There are others who see that he was a free market paragon. I see him as a symbol of what can be done intellectually if people are thinking about the future of problems and creative about solutions.

Milton Friedman understood that, at core, we had a problem in this country with poor people who were poor. They didn't have enough money. He also had suspicion about the various bureaucratic responses that government has assembled over time. And he had presented a provocative proposal to have a guaranteed annual income, a flat basic amount that everybody would be entitled to, regardless of what they did or who they were, that would be cheaper and more effective to administer, that would actually deal with the problem of poor people that they didn't have money. It would reduce the interference in their lives and allow them to respond to a lot of the pressures that we typically associate with how families react.

This was something that was actually briefly considered by the Nixon administration, discarded because it was a little radical at the time. The costs were somewhat uncertain, although Friedman was convinced that in the long run it would actually be cheaper.

This was the inspiration for the earned income tax credit, which is probably the single most effective mechanism, in a Reagan era, that Republicans and Democrats could get behind to reduce poverty. It helped people in a cost-effective way, diminishing the disincentives for work, and was something for which Mr. Friedman never really fully received the acclaim that was deserved by him. This has affected millions of lives in ways that people on both sides of the aisle of a variety of different philosophical perspectives could feel comfortable with.

I think there is also a lesson here, Mr. Speaker, because there are many problems that face us on the floor of this House, that don't have to fall in neat little boxes in a philosophical or a partisan way. We are looking for example, Mr. Speaker, at the investment in agriculture in this country, in a way that cries out for reform. We are spending $23 billion in a year of record-high farm prices.

Now, if my friends on the Republican side and my friends on the Democratic side would think of the teachings and the spirit of Milton Friedman, we could bring people together in a bipartisan way to reform this Depression-era set of programs that is not really an agricultural policy. The ''Freedom to Farm'' bill is observed in the breach, not its actual implementation. We can design a Friedman approach that would be better for the taxpayer, that would be better for the environment, that would actually help individual family farmers more effectively and more directly.

It is but one example that I think, that I hope we can tackle as we move into a new Congress. Perhaps with a new spirit, with a change in the rules so that people will actually be able to more fully and fairly debate on the floor of the House of Representatives, that we can take things like this that can bring the right and the left, the conservative and the liberal, Republicans and Democrats, together to solve problems in a way that will be better for the American people, and we will be better as an institution.

It is with great respect that I join in support of the resolution in honoring Milton Friedman and his career, and I hope that the next Congress is willing to embrace the spirit of his creative mind to be able to do some things that actually we can all agree on need to be done.

Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I thank you for the opportunity to join with my colleague, Mr. STEARNS, to bring this resolution to the floor today. Dr. Milton Friedman is surely a man that is worthy of the honor of this House.

You know, it took courage, it took honor, and it really took genius for Dr. Friedman to challenge the prevailing thought and economic theories of his day. His meticulous economic analysis presented in his books and his lectures and his talks convinced leaders here in the United States, and around the world as well, that inflation could be controlled and it could be controlled through careful control of money supply. That is a theory that has been proven true by the policies of our past Fed chairmen over the last several decades.

Dr. Friedman was known for his ability to defend his theories, to defend the free market ideas with both clarity and grace as well. He is considered a friend of all the economists of the day, Keynesians and socialist economists as well, but he used their critiques to sharpen his own theories. He was on TV for a while in a television series, Free to Choose, and Dr. Friedman introduced his free market concepts to a truly popular audience. He proved himself unafraid to defend himself in the marketplace of general ideas as each segment of this, what was a 10-segment-part program, contained a vigorous debate among politicians of the day, economists and historians as well.

See, Milton Friedman stood, first and foremost, for freedom. He had an earnest belief that a free society is truly a strong society.

So now, fast forward to today. Now, at a time when our freedoms in this country and around the world are under attack, we must defend ourselves from those who would enslave mankind, and we should do so by remembering Dr. Friedman and his intellectual defense of liberty. Remember his long and vibrant life. And we also give our lifelong condolences to his family that he has left behind. He was truly an intellectual giant, and we will all miss him for his abilities and contributions to this world, to this country, and the freedoms that we enjoy today.

Mr. DAVIS of Illinois. Mr. Speaker, I don't believe that I have any additional requests for time. But simply, as a resident of Chicago where Milton Friedman did a great deal of his work, we were always immensely proud of him, and I am very pleased to support this resolution.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise to pay tribute to a friend, a mentor, and a true hero of American liberty and a champion of liberty and justice for all of humankind. The death of economist and libertarian spokesman, Dr. Milton Friedman, last week silenced a powerful voice in the public debate over the role of individual liberty in our society.

As a young man who first became active in politics while I was in high school in the mid-1960s, one of the very first writers who helped shaped my ideas was Milton Friedman in his classic work, ''Capitalism and Freedom.'' Its powerful message of a respect for individual liberty, private property, and limited government inspired me as a young activist in the Youth for Goldwater at that time, I might add, and then again a couple of years later in Youth for Reagan, and continued to guide me as I became a speech writer for President Ronald Reagan and a Member of the United States Congress.

Dr. Milton Friedman was always a creative and innovative thinker. I might add, he was a decent and wonderful warm-hearted human being as well, a man who openly challenged the underlying premises of stateism and of socialism and of the authoritarian impulses that we have often found in politics. His critiques of government schooling, taxation policies, welfare state policies, Social Security, of agricultural subsidies and the rest, all of these predicted long ago the problems that we are having right now with those very same policies; of what they have brought upon our society, the challenges, the tremendous challenges we face because we used those policies and that model as a solution to uplifting the well-being of our fellow Americans.

Last week Milton Friedman's voice was silenced by death, but as long as his writings are read and his ideas cherished, the principle of individual personal economic liberty will remain strong in the United States and around the world.

And I would submit for the RECORD a statement, an exchange, between Milton Friedman and General Westmoreland over the issue of a volunteer Army and the draft. I would submit that for the RECORD as an example of the clear thinking and principles, I think, of Milton Friedman.

In his testimony before the commission, Mr. Westmoreland said he did not want to command an army of mercenaries. Mr. Friedman interrupted, ''General, would you rather command an army of slaves?'' Mr. Westmoreland replied, ''I don't like to hear our patriotic draftees referred to as slaves.'' Mr. Friedman then retorted, ''I don't like to hear our patriotic volunteers referred to as mercenaries. If they are mercenaries, then I, sir, am a mercenary professor, and you, sir, are a mercenary general; we are served by mercenary physicians, we use a mercenary lawyer, and we get our meat from a mercenary butcher.''

Mr. PAUL. Mr. Speaker, I am pleased to support H. Res. 1089, a resolution honoring Milton Friedman. Milton Friedman was one of America's greatest champions of liberty. Launching a career as a public intellectual at a time when dissenters from the reigning Keynesian paradigm where viewed as the equivalent of members of the Flat Earth Society, Milton Friedman waged an oftentimes lonely intellectual battle on behalf of free markets and individual liberty in the fifties and sixties. As the economic crisis of the seventies caused by high taxes, high spending, and inflation vindicated Friedman's critiques of interventionism, his influence grew—not because he moved to the mainstream but because the mainstream moved toward him. Friedman served as an advisor to Presidents Nixon and Ford and as a member of President Reagan's Council of Economic Advisors. In 1976, Friedman was awarded the Nobel Prize in economics.

Milton Friedman's most notable contributions to economic theory where in the area of monetary policy. His 1963 work A Monetary History of the United States 1857–1960, coauthored with Anna Schwartz, was among the first works to emphasize the role Federal Reserve policy played in causing the Great Depression. As Friedman said, ''The Great Depression, like most other periods of severe unemployment, was produced by government mismanagement rather than by any inherent instability of the private economy.''

Friedman's work showed that inflation is not a result of markets but is, as he memorably put it, ''always and everywhere a monetary phenomenon.'' Friedman was the major originator and theoretician of monetarism. Friedman recommended restricting the Federal Reserve's authority to increasing the quantity of money by a fixed yearly amount. While monetarism is far from the ideal free-market monetary system, Milton Friedman deserves credit for focusing the attention of economists on the Federal Reserve's responsibility for inflation.

While he is mainly known for his contributions to economic theory and his advocacy of free markets, Milton Friedman considered his advocacy against the draft, cumulating in his work as a member of President Nixon's Commission on an All-Volunteer Force, his major policy achievement. Milton Friedman's opposition to the draft was in part based on economic principles, but was mainly motivated by his moral commitment to freedom. I ask unanimous consent to insert the attached article, ''Milton Friedman: A Tribute,'' by David R. Henderson, which details Milton Friedman's efforts against the draft, into the record.

Unlike many free market economists who downplay their opposition to government of encroachments on personal liberty in order to appear ''respectable,'' Friedman never hesitated to take controversial stands in favor of liberty. Thus Friedman was one of the most outspoken critics of the federal war on drugs and an early critic of government licensing of professionals. Friedman also never allowed fear of losing access to power stop him from criticizing politicians who betrayed economic liberty. For example, his status as an advisor to President Richard Nixon did not stop him from criticizing Nixon's imposition of wage and price controls.

Milton Friedman's greatest contribution to liberty may have been his work to educate the public about free market economics. Milton Friedman's 1962 work Capitalism and Freedom, introduced millions of people to the freedom philosophy, and it remains one of the most popular, and influential, pro-freedom books in the world.

In 1980, Milton Friedman collaborated with his wife Rose on a television series, Free to Choose. The series, and the accompanying best-selling book, remain among the best introductions to the benefits of economic liberty, and rivals Capitalism and Freedom in popularity. One of my favorite moments of the show is when Milton Friedman compares the robust free market economy of Hong Kong with the then stagnant economy of communist China.

On a personal note, I was honored to receive Milton Friedman's endorsement of my congressional campaign in 1996. One particular quote from his endorsement exemplifies how Milton Friedman's commitment to the free market was rooted in a recognition that a society that respects the dignity and worth of every individual is impossible without limited government, private property, and sound money: ''We very badly need to have more Representatives in the House who understand in a principled way the importance of property rights and religious freedom for the preservation and extension of human freedom in general . . .''

Mr. Speaker, I am pleased to pay tribute to Milton Friedman's tireless efforts on behalf of human liberty, and I urge all my colleagues to join me in supporting H. Res. 1089.

[From ANTIWAR.COM, Nov. 20, 2006]

MILTON FRIEDMAN: A TRIBUTE

''In the course of his [General Westmoreland's] testimony, he made the statement that he did not want to command an army of mercenaries. I [Milton Friedman] stopped him and said, 'General, would you rather command an army of slaves?' He drew himself up and said, 'I don't like to hear our patriotic volunteers referred to as mercenaries.' But I went on to say, 'If they are mercenaries, then I, sir, am a mercenary professor, and you, sir, are a mercenary general; we are served by mercenary physicians, we use a mercenary lawyer, and we get our meat from a mercenary butcher.' That was the last that we heard from the general about mercenaries.''—Milton and Rose Friedman, Two Lucky People, Chicago: University of Chicago Press, 1998, p. 380.

In May 1970, a few days after graduating from the University of Winnipeg with a major in mathematics, I flew to Chicago to look into getting a Ph.D. in economics at the University of Chicago. While there, I went to visit Milton Friedman and he invited me into his office. I had a sense that he had been through this routine before—talking to an idealistic young person showing up and wanting an autograph on his copy of Capitalism and Freedom and, beyond that, simply wanting to meet and talk to him. But he didn't treat our meeting as routine; we had a real talk for about 10 minutes. When I told him that I'd initially been attracted to libertarianism by reading Ayn Rand, he told me that while Rand was well worth reading, there were many other people worth reading too, and I shouldn't get stuck on her. He also stated, ''Make politics an avocation, not a vocation.'' Both were good pieces of advice.

The advice didn't stop there. I ended up getting my Ph.D. at UCLA and going to my first academic job as an assistant professor at the University of Rochester's Graduate School of Management. From then on, I wrote Milton a couple of times a year and he always wrote back, sometimes writing in the margins of my letter to comment on my

questions and thoughts. When I contemplated my first major career change—leaving academia to work at a think tank—he advised me strongly against it (I didn't take this advice), referring to himself as my ''Dutch uncle.'' I had never heard the term before and didn't bother to look it up until writing this piece, but I understood what he meant from the context: a Dutch uncle is someone who gives you tough love, holding you to high standards because of a benevolent regard for your well-being.

But here's the bigger point: with his steady and passionate work to end the military draft, Milton Friedman was the Dutch uncle of every young man in the United States. Or even better, he was like a favorite uncle that they'd never even met. He cared more for them than any president, any general, or any defense secretary has ever cared. How so? Because he wanted every young man to be free to choose whether to join the military or not.

Milton Friedman's work against the draft began in December 1966, when he gave a presentation at a four-day conference at the University of Chicago. Various prominent and less-prominent academics, politicians, and activists had been invited. Papers had been commissioned, and the authors gave summaries, after which the discussion was open to all. Fortunately, the discussion was transcribed. The papers and discussions appear in a book edited by sociologist Sol Tax and titled The Draft: A Handbook of Facts and Alternatives. The invitees included two young anti-draft congressmen, Robert Kastenmeier (D–Wisc.) and Donald Rumsfeld (R–Ill.), and one pro-draft senator, Edward Kennedy (D-Mass.). Also attending were pro-draft anthropologist Margaret Mead and anti-draft economists Milton Friedman and Walter Oi. Friedman gave the general economic and philosophical case for a voluntary military in his presentation, ''Why Not a Voluntary Army?'' Friedman pointed out that the draft is a tax on young men. He stated:

''When a young man is forced to serve at $45 a week, including the cost of his keep, of his uniforms, and his dependency allowances, and there are many civilian opportunities available to him at something like $100 a week, he is paying $55 a week in an implicit tax. . . . And if you were to add to those taxes in kind, the costs imposed on universities and colleges; of seating, housing, and entertaining young men who would otherwise be doing productive work; if you were to add to that the costs imposed on industry by the fact that they can only offer young men who are in danger of being drafted stopgap jobs, and cannot effectively invest money in training them; if you were to add to that the costs imposed on individuals of a financial kind by their marrying earlier or having children at an earlier stage, and so on; if you were to add all these up, there is no doubt at all in my mind that the cost of a volunteer force, correctly calculated, would be very much smaller than the amount we are now spending in manning our Armed Forces.''

Reading through the whole Sol Tax volume, with all the papers and transcripts of the discussion, I had the sense that there was a coalescing of views over the four days, as people from various parts of the ideological spectrum found that they had in common a strong antipathy to the draft and found also that the economists made a surprisingly strong economic case. Both Friedman's speech and his various comments at the conference still make compelling reading. One of his best rhetorical flourishes was his criticism of the charge that those who advocate ending the draft are advocating a ''mercenary'' army. You'll recognize the same kind of argument he used against Westmoreland in the lead quote of this article. Friedman said:

''Now, when anybody starts talking about this [an all-volunteer force] he immediately shifts language. My army is 'volunteer,' your army is 'professional,' and the enemy's army is 'mercenary.' All these three words mean exactly the same thing. I am a volunteer professor, I am a mercenary professor, and I am a professional professor. And all you people around here are mercenary professional people. And I trust you realize that. It's always a puzzle to me why people should think that the term 'mercenary' somehow has a negative connotation. I remind you of that wonderful quotation of Adam Smith when he said, 'You do not owe your daily bread to the benevolence of the baker, but to his proper regard for his own interest.' And this is much more broadly based. In fact, I think mercenary motives are among the least unattractive that we have.'' (p. 366)

In the margin of my 35-year-old, dog-eared copy of the Sol Tax book containing this passage, I wrote one word: ''Wow!'' This is rhetoric at its best, a tight argument passionately stated. When I read this at about age 18, just a year before meeting Friedman in his office, I felt cared-for. Fortunately, being Canadian, I wasn't vulnerable to the draft. But I had the thought that if I had grown up in United States, I would be so thankful that here was this man, himself well beyond draft age and who could probably figure out how to get his son out of the draft, and yet who cared enough to be out in front on this issue.

Two of Friedman's comments about this conference are worth noting. Writing some 30 years later, Friedman noted that the 74 invited participants ''included essentially everyone who had written or spoken at all extensively on either side of the controversy about the draft, as well as a number of students.'' (Two Lucky People, p. 377.) Friedman's other comment is also worth citing:

''I have attended many conferences. I have never attended any other that had so dramatic an effect on the participants. A straw poll taken at the outset of the conference recorded two-thirds of the participants in favor of the draft; a similar poll at the end, two-thirds opposed. I believe that this conference was the key event that started the ball rolling decisively toward ending the draft.'' (p. 378.)

Friedman didn't stop there. He wrote a number of articles in his tri-weekly column in Newsweek making the case against the draft. Friedman was one of 15 people chosen for Nixon's Commission on the All-Volunteer Force. By his estimate, five started off being against the draft, five in favor, and five on the fence. By the end, the Commission was able to come out with a 14–0 consensus in favor of ending the draft. Black leader Roy Wilkins, in a Feb. 6, 1970 letter to Nixon, stated he had been unable to attend many of the meetings due to a major illness and, therefore, could not support its specific recommendations; Wilkins did state, however, that he endorsed the idea of moving toward an all-volunteer armed force. (The Report of the President's Commission on an All-Volunteer Armed Force, New York: Collier Books, 1970; letter from Roy Wilkins.)

It was at one of these meetings that Friedman put Westmoreland on the spot with his comeback about slaves. Knowing that Friedman was persuasive and focused and also a warm human being, I credit him with having swung at least a few of the Commission members in his direction. And although Nixon took his sweet time acting on the recommendations, finally, at the start of his second term, he let the draft expire.

Friedman kibitzed in his Newsweek column, never letting up. He once wrote that the draft ''is almost the only issue on which I have engaged in any extensive personal lobbying with members of the House and Senate.'' (Milton Friedman, An Economist's Protest, 2nd ed., Glen Ridge, N.J.: Thomas Horton and Daughters, 1975, p. 188.)

And Friedman stuck around as an opponent of the draft when the going got tough. In the late 1970s, high inflation caused a serious drop in real military pay and a consequent increase in difficulty meeting recruiting quotas. Of all the threats to bring back the draft in the last 32 years, the threat in 1979 to 1980 was the most serious. Sen. Sam Nunn (D–Ga.) held hearings with the goal of building support for the draft and, at least, registration for a future draft. Hoover economist Martin Anderson organized an important conference on the draft at the Hoover Institution in November 1979 and invited the top proponents and opponents of the draft. (For the papers and transcript of the discussion, see Martin Anderson, ed., Registration and the Draft: Proceedings of the Hoover-Rochester Conference on the All-Volunteer Force, Stanford, California: Hoover Institution Press, 1982.) Friedman was one of the attendees and, at the end, debated Congressman Pete McCloskey on the draft. It was actually the weakest performance I've ever seen by Friedman, but Friedman's ''weak'' is still pretty good.

In 1980, in response to the threat from Sam Nunn, I wrote and circulated the following ''Economists' Statement in Opposition to the Draft'':

''We, the undersigned, oppose moves toward the reimposition of the draft. The draft would be a more costly way of maintaining the military than an all-volunteer force. Those who claim that a draft costs less than a volunteer military cite as a savings the lower wages that the government can get away with paying draftees. But they leave out the burden imposed on the draftees themselves. Since a draft would force many young people to delay or forego entirely other activities valuable to them and to the rest of society, the real cost of military manpower would be substantially more than the wages draftees would be paid. Saying that a draft would reduce the cost of the military is like saying that the pyramids were cheap because they were built with slave labor.''

Friedman's speed at signing made it much easier, I'm sure, to get the signatures of almost 300 other prominent and not-so-prominent economists, including Kenneth Boulding, Harold Demsetz, David Friedman, Alan Greenspan, Donald McCloskey, William Meckling, Allen H. Meltzer, James C. Miller III, William A. Niskanen, Mancur Olson, Sam Peltzman, Murray Rothbard, Jeremy J. Siegel, Vernon Smith, Beryl W. Sprinkel, Jerome Stein, and James L. Sweeney.

The statement, with about 150 signatures, was published as a full-page ad in Libertarian Review, Inquiry, and The Progressive.

Milton Friedman and I had our differences about foreign policy. I tried, in vain, to persuade him to be against the first Gulf war. Even there, though, he publicly supported, in an interview with the San Francisco Chronicle, my economic argument against the war. He stated, ''Henderson's analysis is correct. There is no justification for intervention on grounds of oil'' (Jonathan Marshall, ''Economists Say Iraq's Threat to U.S. Oil Supply Is Exaggerated,'' San Francisco Chronicle, Oct. 29, 1990.) Friedman did oppose the second Gulf war, as evidenced in an interview in the Wall Street Journal, in which he called it, correctly, ''aggression.'' (Tunku Varadarajan, ''The Romance of Economics,'' Wall Street Journal, July 22, 2006; page A10).

As far as I know, though, Friedman did not oppose the second Gulf war publicly when it mattered most—that is, before the March 2003 invasion. But on the draft, Friedman never wavered. For that, many young American men owe him a lot.

Two weeks ago, I attended a conference in Guatemala at which it was announced that Friedman had had a bad fall and was in the hospital. The person who announced it, Bob Chitester, producer of the Friedmans' 1980 television series, Free to Choose, handed out buttons that read, ''Have you thanked Milton Friedman today?'' Thanks, Uncle Miltie.

Mr. LATOURETTE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 1089.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DEWEY F. BARTLETT POST OFFICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1820) to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''.

The Clerk read as follows:

S. 1820

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

SECTION 1. DEWEY F. BARTLETT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, shall be known and designated as the ''Dewey F. Bartlett Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dewey F. Bartlett Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. 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 the bill under consideration.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, a graduate of Princeton University, Dewey Bartlett began his post-collegiate life as a marine combat pilot in the South Pacific during the Second World War. He went on to become a successful rancher and businessman in Oklahoma, and ultimately, it was his interest in improving the State's economy that led him to seek political office.

Bartlett was elected to the Oklahoma State Senate in 1962 and served as its Governor from 1967 to 1971. As Governor, Bartlett dedicated himself to bringing more jobs to the citizens of Oklahoma, and was a huge proponent of vocational-technical education to give workers the skills they needed to succeed. Two years later, in 1973, he became a United States Senator, a post that he maintained until 1979.

In all, Dewey Bartlett devoted over a decade of his life to public service. He was known for his strong work ethic and bipartisan approach to politics, as well as for his commitment to fiscal responsibility and economic growth.

After a 2-year battle with cancer, Mr. Speaker, Dewey Bartlett passed away in the spring of 1979. In recognition of his outstanding service to his State and this country, I urge all Members to join me in voting for S. 1820.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of S. 1820, a bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma as the Dewey F. Bartlett Post Office. S. 1820, sponsored by Senator JAMES INHOFE, passed the Senate by unanimous consent on March 3, 2006.

Dewey Bartlett was born in Marietta, Ohio. During World War II he served in the United States Marine Corps as a dive bomber pilot in the South Pacific. After the war, Mr. Bartlett moved to Oklahoma, working as a farmer, rancher and independent oil producer.

Mr. Bartlett was elected to the State senate in 1962. Four years later he ran for Governor. As Governor, he was recognized for his efforts in economic development.

In 1972 Governor Bartlett was elected to the U.S. Senate, where he served from 1973 to 1979. Sadly, he passed away in Tulsa, Oklahoma on March 1, 1979.

I urge swift passage of this bill.

Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

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Mr. LATOURETTE. Mr. Speaker, at this time it is my pleasure to yield 4 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in proud support of S. 1820, which will designate the 6110 East 51st Place post office in Tulsa, Oklahoma, as the Dewey F. Bartlett Post Office.

I was pleased to introduce the companion legislation, H.R. 4051, which passed the House in March, and I again encourage my colleagues to join me in support of S. 1820. Dewey F. Bartlett was a strong advocate for conservative values, a war veteran and a public servant for Oklahoma and the Nation. He served as the second Republican Governor of Oklahoma and is a distinguished alumni of the United States Senate. He was a true representative of Oklahoma values, leadership and drive, and I am pleased that we are able to honor him in this way.

After graduating from Princeton University in 1942, Dewey Bartlett served in the Marine Corps as a combat dive bomber pilot during World War II. As a result of his courageous efforts in the South Pacific theater, he was awarded the Air Medal. After the war he moved to Tulsa, Oklahoma, and became a farmer, rancher and oilman. He was a partner in the Keener Oil Company, one of Oklahoma's oldest, small independent oil companies.

In 1963, he began his career in public service by joining the State Senate and then, in 1967, he became Oklahoma's 19th Governor. One of his priorities while in office was increasing industry in Oklahoma. As Governor the results of his hard work helped to produce a record $148.4 million in new industries or improvements in existing facilities and created 7,500 jobs for Oklahomans.

From 1972 to 1978, Bartlett served as a Member of the United States Senate. During his tenure, this proud Oklahoman maintained a strong consistent stance on limited government bureaucracy, reducing burdensome taxes and maintaining fiscal responsibility. I am proud to share Dewey Bartlett's vision of conservatism and work daily toward the goal of promoting commonsense Oklahoma values in Congress.

By designating the Dewey F. Bartlett Post Office in Tulsa, we are commemorating an exceptional person who embodied the spirit of Oklahoma.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1820.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS AND LIFE OF EDWARD R. BRADLEY

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1084) to honor the contributions and life of Edward R. Bradley, as amended.

The Clerk read as follows:

H. RES. 1084

Whereas Edward R. Bradley was born on June 22, 1941, in Philadelphia, Pennsylvania;

Whereas he graduated in 1964 with a degree in education from Cheyney State College;

Whereas he taught during the day at William B. Mann Elementary in Philadelphia and spent his evenings working at local radio station WDAS for free;

Whereas in 1965, when riots broke out in Philadelphia, Ed Bradley, lacking recording equipment, covered the riots from a neighborhood pay phone;

Whereas Ed Bradley's coverage of the Philadelphia riots earned him a full-time paid position with WDAS;

Whereas Ed Bradley was hired in 1967 as a reporter for WCBS radio in New York;

Whereas in 1968 he was the only African American on air at WCBS, or at any New York City radio station;

Whereas he joined CBS News in 1971 as a stringer in its Paris bureau, covering the Paris Peace talks, and remained with CBS News for 35 years;

Whereas he was transferred in 1972 to CBS Saigon bureau to cover the Vietnam War and while covering the War in Cambodia was injured by a mortar round;

Whereas he covered Jimmy Carter's campaign in 1976 and served as a CBS news floor correspondent for coverage of the Democratic and Republican National Conventions;

Whereas he became the first African American White House correspondent for CBS news from 1976 to 1978;

Whereas in 1981 Ed Bradley joined 60 Minutes as an on-air correspondent and remained with 60 Minutes for 26 years;

Whereas in 2000, Ed Bradley was the only television journalist granted an interview with condemned Oklahoma City Bomber, Timothy McVeigh, which earned him an Emmy award;

Whereas Ed Bradley received numerous awards of distinction for his in-depth reporting and coverage, including 20 Emmy awards, Lew Klein Excellence in the Media Award (2006), Paul White Award (2000), Damon Runyon Award (2003), Robert F. Kennedy Journalism Award (1995), and a Lifetime Achievement Award from the National Association of Black Journalists (2005); and

Whereas in addition to invaluable contributions to journalism, Ed Bradley's reporting also spurred social activism and change with his report on AIDS in Africa, ''Death by Denial,'' which helped influence the pharmaceutical industry into discounting and donating AIDS drugs to Africa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the contributions of Edward R. Bradley as an award winning American journalist; and

(2) expresses its deepest condolences upon his death to his wife, Patricia Blanchet, surviving family members, and friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself as much time as I might consume.

Known best for his investigative reports on the CBS news program 60 Minutes, Ed Bradley won 19 Emmy Awards throughout his journalism career, including one for lifetime achievement in 2003. Just one year after graduating from college, he reported on the Philadelphia riots and earned a position with a local radio station. He became a reporter for CBS News in 1971, where he remained for 35 years and took on projects that were challenging and oftentimes a call for action.

His June 2000 report, ''Death by Denial,'' for example, helped expose the AIDS crisis in Africa and convinced the pharmaceutical industry to donate medicine to the region. His report the previous year, called ''Unsafe Haven,'' prompted Federal investigations into America's psychiatric hospitals.

In addition to his many professional accomplishments, Ed Bradley is remembered by his friends for leading a personal life of balance, virtue and humor. He loved to jump on stage with his good buddy and friend, Jimmy Buffett, who nicknamed Bradley ''Teddy Bear'' and referred to him as a great journalist who still knew how to have a good time.

In November of this year, after a long and private struggle with leukemia, Ed Bradley passed away. He leaves behind him a legacy of journalistic talent and achievements, as well as a personal story of courage and determination.

I urge my Members to join me today in supporting H. Res. 1084, as amended.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield as much time as he might consume to the sponsor of this resolution, the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank the chairman of the committee and the ranking member for allowing me to speak and also for bringing this bill up so quickly.

Edward Rudolph Bradley was born on June 22, 1941, in West Philadelphia, about 8 blocks from my house. He attended my alma mater, St. Thomas More High School. He graduated about 3 years ahead of me. I knew him personally, saw him in school, and he always was a gentleman and someone who always helped anyone who needed any help in any manner. With him being a senior and me being a freshman, I needed a lot of help, and he always took the time to do that.

He taught at William B. Mann Elementary in Philadelphia and spent his evenings working at a local Philadelphia radio station, WDAS, for free. In 1965, when riots broke out in Philadelphia and Philadelphia was in a major turmoil, Bradley, lacking recording equipment, covered the riots from a nearby pay phone and did an excellent job reporting back and also trying to soothe the problems we were having there.

Bradley's coverage of the North Philadelphia riots earned him a full-time paid position with WDAS. Bradley was hired in 1967 as a reporter for WCBS radio in New York. In 1968 he was the only African American on air at CBS, or at any New York news radio station.

Ed Bradley joined CBS News in 1971 as a stringer in its Paris bureau, covering the Paris peace talks, and remained with CBS News for 35 years. He was transferred in 1972 to CBS Saigon bureau to cover the Vietnam War and, while covering the war in Cambodia, was injured by a mortar round.

Ed Bradley covered Jimmy Carter's campaign in 1976, served as a CBS News floor correspondent for coverage of the Democratic and Republican National Conventions, which he covered and reported very fairly. Bradley became the first African American White House correspondent for CBS from 1976 to 1978. In 1981, Bradley joined 60 Minutes as an on-air correspondent and remained with 60 Minutes for 26 years.

In 2000, Bradley was the only television journalist granted an interview with condemned Oklahoma City bomber Timothy McVeigh, which earned him another Emmy Award.

Bradley received numerous awards of distinction for his in-depth reporting and coverage, including 20 Emmy Awards, Lew Klein Excellence in the Media Award, 2006; Paul White Award, 2000; Damon Runyon Award, 2003; Robert F. Kennedy Journalism Award, 1995; and Lifetime Achievement Award from the National Association of Black Journalists in 2005.

In addition to valuable contributions to journalism, Bradley's reporting also spurred social activism, but also spurred change with his reporting on AIDS in Africa, ''Death by Denial,'' which helped influence drug companies into discounting and donating AIDS drugs to Africa.

He is survived by his wife, Patricia Blanchet. He will surely be missed in the City of Philadelphia, and we in the City of Philadelphia are extremely proud and honored to call him one of our own.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding. I thank my good friends on both sides for bringing this resolution forward before the 109th Congress ends.

Mr. Speaker, Ed Bradley was much honored by his peers, the best honor always to receive, from those who judge harshest and judge best. It is very appropriate that Ed Bradley would be honored here in the halls of the Congress of the United States.

Perhaps he was destined to be honored in any case, because he was a pioneer, a first of his kind. We are still in an era when the first blacks are coming forward and we honor them simply for piercing the iron veil of race, but we honor Ed Bradley in this Chamber today as a leader of his profession.

Indeed, we honor Ed Bradley because he became, in his profession, an admired American figure. That is very hard to do in the field of journalism today. Journalism is almost down there with Members of Congress, but there are journalists who are universally admired, and Ed Bradley was one of those journalists.

He was in, perhaps, the most difficult aspect of journalism, at least that for which he became best known, investigative journalism, and, indeed, he was part of the premier investigative journalism program, 60 Minutes.

What Ed Bradley did is really difficult to do. You have got to be fair, but you have got to ask very hard, uncomfortable questions. Somehow he was able to do that without having people dislike him, and without having the television audience believe he had overreached. Here is a man who began as an elementary school teacher and went to the top of the journalism profession at a time when blacks were not supposed to be in the journalism profession at all.

Bradley excelled in his profession in ways that you have just heard from the sponsor of this resolution, 20 Emmys and all the rest. I also want to say that here is a man who had many friends who loved him despite his fame and fortune. Would that Members of Congress could be loved in spite of their profession, not because of it. Two of those who loved him most, are also dear friends of mine, Charlayne and Ron Gault. Charlayne Gault is the functional equivalent of Ed Bradley in journalism as a woman who entered this field at a time when there were very few blacks at the New York Times and in television.

Some of us may have seen the memorial service to Ed Bradley that was televised. It was a real testament to the fact that Ed Bradley loved life. All of us workaholics here in the Congress who are about to go home need to have looked at that memorial service, because Ed was remembered as much for his love of jazz, a jazz aficionado, as he was for his extraordinary reputation as a journalist.

Now, most of us are likely not to be remembered for being in Congress at all, but the notion of being remembered for loving life and living life and yet going to the top of your profession, there is no better life than that. Thus, it is with great pride that I rise to thank the sponsors of this resolution for honoring a man who did honor to his profession. We give honor to his family by reminding them that he is still remembered and will not be forgotten in his profession and in the life of our country.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume to conclude for our side.

I rise today in strong support of House Resolution 1084, as amended, a resolution that honors the life of Ed Bradley. Most of us know Ed Bradley from his 25 years of work on the CBS news magazine 60 Minutes, and his many interviews with world figures, celebrities and cultural icons.

The men and the women who sat in the chair across from Bradley doing his 60 Minutes interviews were figures of importance, people to whom we should pay attention, and we could rely on Bradley to make sure that no skeleton in the darkest corner of his subject's closet was safe from the tenacious journalists.

Bradley got his break by covering the 1965 riots while working part-time for free at a Philadelphia radio station. His talent did not go unnoticed for long. Bradley caught the ear of New York, and CBS radio hired him in 1967. He became the lone African American to report the news on the airways in New York.

Bradley went on to work in international television news in 1971. He worked for CBS news in Paris, Vietnam and Cambodia, where he proved himself as the quintessential journalist in sometimes dangerous situations.

□ 1400

During his coverage of the Vietnam War, Bradley was injured by shrapnel from a mortar shell, a true testament to his devotion to getting a story. Bradley began working on the 60 Minutes news show in 1981, and he remained there until his death last month from leukemia.

I had the opportunity to be sitting close to the mayor of the City of Chicago at the Democratic Convention when he and Ed Bradley got into a serious exchange, one that everybody in our city always remembers.

A tenacious style and hard-hitting coverage earned Bradley many accolades and awards over the years. He won 19 Emmys and countless other awards by bringing us some of the most memorable television news moments over the past 25 years. Whether he was standing on the floor of a Presidential convention, sitting across the table from a world leader, teaching us about the AIDS epidemic from a remote region of Africa, reporting about war and humanitarian crises in Vietnam or Cambodia, or calling from a public phone booth in Philadelphia to report on the 1965 riots, Bradley was a welcome guest in our homes and hearts for almost 40 years.

I again express my strong support for this resolution that honors Ed Bradley.

Ms. LEE. Mr. Speaker, For nearly forty years, Ed Bradley dedicated his life to journalism and uncovered some of history's greatest stories. His legacy, his life's work, is a story for all of us to admire.

Ed was a man of journalistic integrity, he not only set a high standard for his fellow journalists; he also helped to break down barriers in a field that traditionally has not reflected the true diversity of our Nation.

For most of his life, Ed sought the truth in matters that affected the American public. From his initial coverage of the Vietnam War to his award-winning report on AIDS, his contribution to history will not go unnoticed or forgotten.

Throughout his career, Ed took interest in the role of African-Americans in journalism and politics. He always found time to talk to minority youth and helped inspire new generations to enter both of these professions. When we last spoke, he expressed interest in the work of the Congressional Black Caucus.

Ed Bradley was only 65. He had so much left to give, but let us not forget his story, his commitment to enriching American lives, and his belief in a better world.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, H. Res. 1084, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT PRESIDENT SHOULD POSTHUMOUSLY AWARD PRESIDENTIAL MEDAL OF FREEDOM TO LEROY ROBERT ''SATCHEL'' PAIGE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 91) expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige.

The Clerk read as follows:

S. CON. RES. 91

Whereas Satchel Paige, who was born on July 7, 1906, in Mobile, Alabama, lived a life that was marked by his outstanding contributions to the game of baseball;

Whereas Satchel Paige was a dominating pitcher whose baseball career spanned several decades, from 1927 to 1965;

Whereas Satchel Paige played in the Negro Leagues and became famous for his unusual pitching style and his ability to strike out almost any player he faced;

Whereas Satchel Paige pitched 62 consecutive scoreless innings in 1933;

Whereas due to the practice of segregation in baseball, Satchel Paige was prohibited for many years from playing baseball at the major league level;

Whereas Satchel Paige played for many Negro League teams, including—

(1) the Chattanooga Black Lookouts;
(2) the Birmingham Black Barons;
(3) the Nashville Elite Giants;
(4) the Mobile Tigers;
(5) the Pittsburgh Crawfords; and
(6) the Kansas City Monarchs;

Whereas while pitching for the Kansas City Monarchs, Satchel Paige won 4 consecutive league pennants from 1939 to 1942, and later won a 5th pennant in 1946 with that team;

Whereas after the desegregation of baseball, Satchel Paige signed a contract to pitch for the Cleveland Indians at age 42, and soon thereafter became the oldest rookie ever to play baseball at the major league level;

Whereas the extraordinary pitching of Satchel Paige helped the Cleveland Indians

complete a championship season in 1948, as the team won the American League Championship and the World Series;

Whereas Satchel Paige threw an estimated 300 career shutouts;

Whereas in 1971, Satchel Paige became the first Negro League player to be inducted into the Major League Baseball Hall of Fame;

Whereas the legendary pitching of Satchel Paige earned him numerous awards and accolades, including—

(1) a nomination to the All Century Team by Major League Baseball as 1 of the greatest players of the 20th century; and

(2) a selection to the 50 Legends of Baseball by the Postal Service;

Whereas despite years of discrimination that limited the play of Satchel Paige to the Negro Leagues, his prowess on the pitching mound earned him the respect and admiration of fans and players throughout the world of baseball;

Whereas Satchel Paige passed away on June 8, 1982; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the United States, was established in 1945 to recognize citizens of the United States who have made exceptional contributions to—

(1) the security or national interests of the United States;

(2) world peace;

(3) the culture of the United States or the world; or

(4) the citizens of the United States or the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy ''Satchel'' Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, Satchel Paige began playing baseball at a time when segregation prevented African American players from participating at the Major League level. He was a powerhouse pitcher for what was called the Negro League, and in 1933 pitched 62 consecutive scoreless innings for his team. With his animated personality, he was the main attraction at games and fans marveled at the famous pitches he creatively coined with names like ''bat dodger'' and ''the hesitation pitch.''

In July of 1948, after segregation in baseball had ended, Satchel Paige signed a contract with the Cleveland Indians. He was 42 years old at the time and he was the oldest rookie in the Major Leagues. The Indians won the American League championship and the World Series that year, thanks in no small part to his pitching talent.

I would add as an addendum, Mr. Speaker, being from Cleveland, Ohio, that is the last time that the Cleveland Indians have won the World Series.

In total, Satchel Paige threw close to 300 career shutouts, and in 1971 he was the first Negro League player inducted into the Major League Baseball Hall of Fame.

He is remembered by his family and friends not just as a baseball player who made history, but as a man who was full of warmth, full of energy and quick to make people laugh. Satchel Paige's contributions to the sport of baseball and United States culture are undoubtedly exceptional, and I am happy to support this resolution.

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

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

Mr. Speaker, it is believed that Leroy ''Satchel'' Paige was born on July 7, 1905. In 1965, 60 years after Page's estimated birth, he took the mound for the last time and threw three shutout innings for the Kansas City Athletics.

Paige's pitching was amazing and his showboating was legendary. Joe DiMaggio called Paige ''the best and fastest pitcher I have ever faced.'' His career highlights spanned five decades. Pronounced the greatest pitcher in the history of the Negro Leagues, Paige compiled such feats as 64 consecutive scoreless innings, a stretch of 21 straight wins, and a 31–4 record in 1933. For 22 years, Paige mauled the competition in front of sellout crowds. His goal was to pitch in the Major Leagues.

In 1948, Paige's dream came true. The Cleveland Indians were in need of extra pitching for the pennant race. Paige stepped to the mound and helped the Indians win. He also played for St. Louis and Kansas City.

When Paige's Major League career was completed, he compiled a modest 28–31 record with a 3.29 earned run average. He also served as a coach for the Atlanta Braves in 1968. In 1971, Paige was given the ultimate honor. He was elected to join the very best in baseball history by being elected to the Hall of Fame.

Mr. Speaker, I am honored to support S. Con. Res. 91.

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

Mr. LATOURETTE. 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 91.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HONORING THE MEMORY OF ARNOLD ''RED'' AUERBACH

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 497) to honor the memory of Arnold ''Red'' Auerbach.

The Clerk read as follows:

H. CON. RES. 497

Whereas Arnold ''Red'' Auerbach was born on September 20, 1917, in Brooklyn, New York, the son of immigrants from Minsk, Russia;

Whereas Red started playing basketball as a public school student in Brooklyn and later became a star guard for Eastern District High School, making all-scholastic second team in his senior year;

Whereas Red started his coaching career at St. Albans Prep School and Roosevelt High School in Washington, D.C., before serving in the United States Navy from 1943 to 1946;

Whereas, in 1946, Red began his professional coaching career with the Washington Capitols in the Basketball Association of America (BAA) and led the team to the 1947 and 1949 division titles, joining the Boston Celtics as coach in 1950 after the BAA merged with the National Basketball Association (NBA);

Whereas Red's record of success on the basketball court and in the Celtics' front office is unmatched;

Whereas during Red's leadership of the Boston Celtics, the team won 16 NBA championships, including 9 championships, with a record 8 in a row, during Red's tenure as coach;

Whereas when Red retired from coaching in 1966 to become general manager of the Celtics, he was the winningest coach in NBA history with 1,037 victories and had won almost two-thirds of the games he had coached over a 20-year NBA coaching career;

Whereas during his nearly 57-year tenure with the Celtics as Head Coach, General Manager, Vice Chairman of the Board, and President, Red was the architect of one of the greatest dynasties in the history of professional sports;

Whereas Red infused the Celtics organization with the values of teamwork, respect, tenacity, and loyalty, creating a culture known as ''Celtic Pride'' that will be forever associated with the Boston Celtics franchise;

Whereas Red's imprint on the Celtics, the NBA, and the game of basketball is permanent and visible today in innovations that Red developed, including the ''sixth man'' role and fast break style of play;

Whereas Red was an effective and tireless ambassador for the game of basketball, both in the United States and overseas, conducting clinics, barnstorming with the Celtics, starring in the successful television series ''Red on Roundball'', writing 7 books on basketball, including the influential ''Basketball For The Player, The Coach, and The Fan'', and participating with Celtic great and Hall of Famer Larry Bird in the instructional video, ''Winning Basketball'';

Whereas Red received numerous awards and honors in recognition of his extraordinary achievements, such as selection as the NBA Coach of the Year in 1965, induction into the Naismith Memorial Basketball Hall of Fame in 1969, designation as the NBA ''Executive of the Year'' in 1980, and selection as ''The Greatest Coach in the History of the NBA'' by the Professional Basketball Writers' Association of America in 1980;

Whereas Red's lighting of his cigar in the closing moments of an imminent Celtics' victory became an enduring symbol of success in Boston and around the world;

Whereas Red's legacy extends beyond the game of basketball and includes his important contributions to the advancement of a colorblind society through his decision to draft the NBA's first African-American player, Chuck Cooper, in 1950, hire the first African-American head coach in professional sports, Bill Russell, in 1966, and field the first starting lineup in the NBA consisting entirely of African-American players in 1964; and

Whereas the name ''Red Auerbach'' will forever be synonymous with winning, intensity, integrity, and charitable causes: Now, therefore, be it

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

(1) Arnold ''Red'' Auerbach was a basketball genius who embodied the values of creativity, determination, versatility, and commitment to helping the less fortunate;

(2) Red Auerbach was a leader in the effort to remove racial barriers and allow merit to prevail in professional sports, through his decisions to draft, hire, and prominently feature African-Americans on the Boston Celtics basketball team; and

(3) Red Auerbach's place among the greatest coaches and executives of all time is assured, his contributions to the betterment of society will always endure, and his life exemplifies the very best ideals of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

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

There was no objection.

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

Mr. Speaker, few coaches or managers in the history of sports, let alone basketball, are as legendary as Arnold ''Red'' Auerbach. His career with the Boston Celtics began in 1950, and right away he began setting new records and benchmarks.

The Celtics won nine NBA championships in 10 seasons under his watch as coach, and Auerbach's draft of an African American was a first for the NBA. He continued to break down racial barriers in sports as the first coach in the NBA to start with a lineup of all black players, and the first executive in the history of all professional sports to appoint a black coach.

He revolutionized the way basketball was played, focusing entirely on the team rather than on individuals, and he created an arsenal of tactics that had never been used before.

Red Auerbach will also be remembered for his lively personality on and off the court. His passion for the game was second to none, and Celtic fans awaited with anticipation for him to ceremoniously light his cigar on the sidelines, a signal to everyone that the game belonged to his team.

Coaches with the talent and spark like Red Auerbach are indeed rare. In honor of all he did for the game of basketball and professional sports as a whole, I urge all Members to join me in supporting this resolution.

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

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

Mr. Speaker, I rise today in support of the resolution that recognizes the achievements and the life of famed basketball coach, Arnold ''Red'' Auerbach. Auerbach was both a player and a coach during his career in collegiate and professional basketball, but we all best remember Red as the cigar-chewing coach of the Boston Celtics.

As coach of the Celtics, Auerbach led his team to ten Eastern Division titles in 16 years and nine National Basketball Association titles overall. His most astonishing achievement of his 17-year career as coach of the Celtics was winning eight straight NBA titles, a feat unmatched before or since.

Red coached the Celtics from 1959 to 1966, but he did not stray far from the team when his coaching days ended. He moved from the court to the front office and was an executive with the franchise until 1980. Auerbach will always be remembered as the coach of one of the most famous basketball dynasties in history. He will always be regarded by many as the best NBA coach of all time.

The picture of Red Auerbach that most of us carry in our minds is the image of him lighting up a cigar on the sidelines after his Celtics had won another game, but there are a few lesser known facts about Auerbach that mean a great deal to me and to all African Americans.

Red's great vision led him to draft the first African American basketball player in NBA history, he was the first coach to start an all African American lineup in the NBA, and Auerbach was the first executive to hire an African American to coach a professional basketball team. Red changed the way professionals play the game of basketball, and these achievements helped to change the face of basketball as well.

On October 28, the basketball world lost a great coach, and the rest of us lost a great American citizen. Although we mourn his loss and will miss his presence at NBA events, we cannot help but see his influence on the game of basketball, wherever it is played. I ask for the adoption of this resolution.

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

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

Ms. NORTON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY), the cosponsor of this resolution with me.

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman, and I thank the Members of the House for allowing us to have these few minutes on the floor of the House of Representatives to honor, to recognize one of the greatest Americans of the 20th century, one of the greatest basketball coaches of all time, but also a man who was a pioneer in race relations.

In 1950, he was the first person to draft in the NBA an African American. In 1966, he named Bill Russell as the coach of the Boston Celtics, the first African American coach of any major sport in the United States. In 1965, he won the NBA title playing five African American starters on an NBA team. No one had ever done that before, because he was blind to race.

I know this, because in 1959 when I was 13 years old, Red Auerbach decided that he was going to have four teams that would alternate playing a game at Boston Garden right before the Boston Celtic game at 1 o'clock. He had a YMHA team, Young Men's Hebrew Association; a Chinese American team; an African American team from Roxbury; and he had a CYO team, a Catholic Youth Organization team, and I was on that team. I was one of the 10 boys on that Catholic team. And we played alternating Sundays right before the Celtics game, in uniform with all the fans coming in; Chinese, African American, Jewish, white, in Boston, in 1959.

Red Auerbach was a very special man, because he was dedicated to being color-blind. He was dedicated to excellence, regardless of where the talent came from. It was a message that all of us in Boston saw and heard, and to a very large extent this new African American Governor, this great new Governor that we have in Massachusetts, Deval Patrick, he is a political godchild not only of Bobby Kennedy and John F. Kennedy and Martin Luther King, but also in Boston, in Massachusetts, of Red Auerbach and the message he was sending through Bill Russell, through these other players a generation ago, to all of us in our State. So we are so, so proud of him.

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He always knew that a team could be bigger than the sum of its parts if they all worked together. That was his message. That was something that made him the most successful basketball coach in the history of basketball. It was that notion of teamwork.

After each victory, he pulled out a cigar, and I know that it is in violation of House rules to smoke, although in the State of Massachusetts, in all public places, it is illegal to smoke, except written into the law Red Auerbach, because he had a special exception, and out here on the House floor today, to Red I say that you were the ultimate winner, that you were someone who not only won on the court but you won

in life and you sent that message to all of us. We thank you for your example.

I thank the gentlewoman from the District of Columbia for recognizing me.

Mr. Speaker, I rise in strong support of this resolution to honor ''Red'' Auerbach, the legendary basketball coach and executive of the Boston Celtics, who passed away in October at the age of 89.

Mr. Speaker, Red Auerbach was a winner. As a coach, he won more than a thousand games, including 9 world championships and an unbelievable 8 in a row—a record that still stands today. Overall, he won almost two-thirds of the games he coached over a 20-year NBA career. The 16 world championship banners that hang from the rafters in Boston Garden today are an everlasting testament to Red's incredible talent.

As an executive leading the Celtics, he was the architect of one of the greatest dynasties in the history of professional sports. The players he brought onto the Celtics—often by outwitting and outmaneuvering the general managers of the other teams in the league—remain among the greatest to ever play the game: Bill Russell; Bob Cousy; John Havlicek; Kevin McHale; and of course, Larry Bird.

Red understood that it took much more than individual stars to win consistently. That's why he constructed teams with players who knew and excelled at their specific roles, building a whole that always was greater than the sum of its parts. It wasn't unusual for players from other teams to suddenly start playing better when they joined the Celtics than they ever had with their previous team.

Red infused the entire Celtics organization with the values of teamwork, respect, tenacity and loyalty, creating a culture known as ''Celtic Pride'' that forever will be associated with the Boston Celtics franchise.

It's impossible to overstate Red's impact on the City of Boston and the entire New England region. With his leadership, the Celtics became hometown heroes, and Red was a living legend.

Growing up as a boy in Massachusetts, I always got a thrill when Red would let the CYO teams from across the state play on that incredible parquet floor in Boston Garden. It was a highlight for us, and it also was an example of Red's work to break down racial and class barriers. To have white kids and black kids, Hispanic and Jewish kids from communities across the state mixing together was unusual in Boston in the 50s and early 60s, and Red was the one making it happen.

Red's lasting impact on our country transcends basketball. His unrivalled ability to identify gifted players was fueled by his laser focus on talent and attitude, which left no room for considerations of race, creed or color.

In 1950, Red drafted the NBA's first African-American player, Chuck Cooper. He hired the first African-American head coach in professional sports in 1966 in Bill Russell and was the first coach to put together a starting lineup consisting entirely of African-American players in 1964.

While Red made his indelible mark in Boston, his home remained in Washington, DC throughout his career with the Celtics. I was fortunate to be invited to Red's famous lunches at the China Pearl restaurant, where Red would hold court in the middle of a diverse group of journalists, athletes, doctors, coaches, and other friends he had made over the years. Watching Red, it was clear that he was a natural leader—he would have made a great Speaker of the House in his day.

Red's place among the greatest coaches and executives of all time is assured, his contributions to the betterment of society will always endure, and his life exemplifies the very best ideals of our country.

There will never be another Red Auerbach—he was an American original. Our hearts go out to Red's family and friends. I encourage my colleagues to support this resolution in Red's honor.

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

I thank the gentleman for those comments. That is a very appropriate prop to use this time. I have just an additional word about Red Auerbach.

Mr. Speaker, when you have won two-thirds of the games you ever coached over a 20-year period, there is hardly anybody in America who is not going to claim you. Brooklyn has every right to claim Red Auerbach for growing up there. Boston certainly claims him. Actually, Russia could claim him. The man was born in Russia, and we remember the time when Russia used to claim to invent everything whether it happened there. Well, this did happen there.

I am here to claim Red Auerbach, too, because he actually began his coaching career right here in the District of Columbia, coaching on two high school teams, one, a private high school team, St. Albans; the other, a public high school team, Roosevelt High School. Wouldn't you know it?

The great characteristics of sportsmanship should be remembered as much as the more than thousand games that Red Auerbach won, the notion of respect and loyalty, the culture he brought to the game, which, if I may say so, often today seems absent from the game and from sports. As we remember Red Auerbach, I hope we will remember his standards and the culture that he insisted upon by the example he set in the sport where he excelled above all others.

He never stopped working for basketball in countless ways, as an ambassador of the game, his television series, Red on Round Ball. The man wrote seven books about basketball.

Finally, of course, today it may seem unbelievable that as recently as 1950 Auerbach distinguished himself by drafting the first African American player in the NBA, Chuck Cooper. Goodness sakes, very late in the history of our country, particularly if we consider that the game is, if anything, inordinately dependent today on African American players.

Then, of course, about 16 years later, it would seem he hired the first African American head coach in professional sports. That is a real breakthrough because you have to have the courage to move with someone whom you believe can do exactly what you are doing and what those who are leaders of the game did, and of course he found the right man and the right time in Bill Russell. As recently as 1964, Red started the first all African American lineup of players. I think there was some reluctance to do that by some. Regardless of what it might have done for the game before that, Red Auerbach simply did it.

There are many ways, Mr. Speaker, for a man or a woman to show courage on race. There are many ways to be a civil rights leader. For America and especially for those who needed him most, we in the House today say thanks, Red.

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H. Con. Res. 497. As a Boston Celtics fan, I am proud to be a cosponsor of this resolution, which honors the memory of Arnold ''Red'' Auerbach.

Red Auerbach was known as the man who turned the Boston Celtics into a dynasty franchise. A fiery and competitive coach, he understood the importance of each individual player's role on a team. He was also a savvy businessman who made his decisions based on what was best for his team, regardless of how society might have viewed him. His methods and coaching styles were copied by many, leading to Auerbach being called the inventor of modern professional basketball and one of the greatest coaches in professional sports history.

Born on September 20, 1917, in Brooklyn, NY, Auerbach was a basketball captain and also school president at Eastern District High School. He went on to earn both a bachelor's and a master's degree from George Washington University, where he played basketball for three years. His marriage in 1941 to Dorothy Lewis, as well as his ties to his alma mater, led Auerbach to establish his home in the Washington, DC area, where he also began his basketball coaching career. In 1950, he began his legendary run as the head coach of the Boston Celtics.

As the Celtics coach, he won nine National Basketball Association championships, including eight straight from 1959 to 1966, which still stands as a record in North American professional sports. Fearless and not easily swayed by the prevalent attitudes surrounding him, Auerbach drafted the NBA's first black player, named the first black coach in any professional sports league, and had the first all-black starting lineup in NBA history. After the 1966 season, he decided to hand over the coaching reins, but remained with the Celtics as an executive, and he would be affiliated with the organization for the rest of his life.

Red Auerbach passed away on October 28, 2006, just shy of attending his 57th straight Celtics game opener in Boston. Red Auerbach was the epitome of the Celtics, and his legendary status made it seem he would live forever. While it is hard to picture the Celtics and the world without him, Red Auerbach has left his mark. His guiding principles—family, loyalty, teamwork—should not only be taught on the basketball court, but guidelines we should all follow.

Red Auerbach leaves behind two daughters, Nancy Collins and Randy; one granddaughter; and three great grandchildren. May we keep his loved ones in our thoughts and prayers, and may his memory live on forever.

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

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 497.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING ST. DENIS, FRANCE, FOR NAMING STREET IN HONOR OF MUMIA ABU-JAMAL

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1082) condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner.

The Clerk read as follows:

H. RES. 1082

Whereas on the night of December 9, 1981, Police Officer Danny Faulkner was shot and killed in cold blood during a traffic stop in Philadelphia, Pennsylvania;

Whereas in the process of arresting the driver of a car traveling the wrong way down a one-way street, the driver's brother appeared from across the street and proceeded to open fire on Officer Faulkner while his back was turned away; the driver's brother was identified as Mumia Abu-Jamal;

Whereas Mumia Abu-Jamal struck Officer Faulkner four times in the back with his gun; although seriously injured, Officer Faulkner returned fire, striking his attacker; undeterred, Mumia Abu-Jamal stood over Officer Faulkner and shot him in the face, mortally wounding him; Mumia Abu-Jamal attempted to flee, but collapsed several feet from the slain Officer Faulkner, murder weapon in hand;

Whereas Mumia Abu-Jamal was charged and convicted of first degree murder by a jury of his peers; although Mumia Abu-Jamal has had numerous legal appeals, including appeals to the Pennsylvania Commonwealth Court of Appeal, the Pennsylvania State Supreme Court, and the United States Supreme Court, his conviction has been upheld each time;

Whereas on April 29, 2006, the municipal government of St. Denis, a suburb of Paris, dedicated a street in the honor of Mumia Abu-Jamal;

Whereas December 9, 2006, marks the 25th anniversary of Officer Danny Faulkner's murder at the hand of Mumia Abu-Jamal; and

Whereas the official recognition and celebration of a convicted murderer of a United States police officer is an affront to law enforcement officers across the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the murder of Philadelphia Police Officer Danny Faulkner;

(2) urges the municipal government of St. Denis to take immediate action to change the name of Rue Mumia Abu-Jamal and, if such action is not taken by the municipal government of St. Denis, urges the Government of France to take appropriate action against the city of St. Denis to change the name of Rue Mumia Abu-Jamal; and

(3) commends all police officers in the United States and throughout the world for their commitment to public service and public safety.

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

The Chair recognizes the gentleman from Wisconsin.

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 House Resolution 1082 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 House Resolution 1082, the resolution that condemns the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner. In 1981, Officer Faulkner was shot multiple times by Abu-Jamal, who was then convicted and sentenced to death. Although Abu-Jamal's conviction was upheld on appeal, the death sentence was overturned on habeas review in 2001, 20 years after the crime was committed.

The city of St. Denis exhibited gross disregard for the family of Officer Faulkner, the city of Philadelphia and the families of slain law enforcement officers all over the United States when it callously announced the naming of a street to honor Abu-Jamal during the 2006 National Police Week.

House Resolution 1082 condemns the heinous murder of Officer Daniel Faulkner and urges the city of St. Denis to reconsider the decision to name a street after a convicted police murderer. Should the city of St. Denis fail to act, the resolution asks the government of France to take action to correct this injustice and concludes by commending all police officers for their commitment to public service and safety.

This resolution has received the support of the Fraternal Order of Police and the National Troopers Coalition.

I would like to thank the gentleman from Pennsylvania (Mr. FITZPATRICK) for his leadership on this issue. I urge my colleagues to support this resolution.

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

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

I am today joined by a number of my colleagues in expressing strong opposition to this measure in the manner in which it comes before us today.

This proposal, introduced only 2 weeks ago, has conveniently made its way here to the House floor without the benefit of a single hearing, markup or any other consideration or discussion by our committee.

Now, one could understand the need to circumvent the safeguards embodied in the traditional legislative process if this measure proposed to solve some of the problems of the 46 million Americans who every day go without health insurance.

One could also understand the need to rush the bill through if it sought to improve our local schools, proposed to make college more affordable, or attempted to enhance the standard of living of roughly 38 million people in America who currently live in poverty.

Unfortunately, this bill fails to address any pressing public policy problems, but instead its sole aim is to influence the decisions of a local government located several thousand miles away in Paris, France.

As many may know, the details surrounding the conviction of Mumia Abu-Jamal for the murder of Police Officer Daniel Faulkner are filled with a great deal of controversy. Legal experts have questioned the numerous irregularities that occurred during the course of the trial, including the failure to conduct adequate ballistic tests on Abu-Jamal's gun and the clearly contradictory testimony given by at least two of the prosecution witnesses.

Yet and still, and regardless of one's personal feeling with respect to Abu-Jamal's guilt or innocence, we should not be using the precious time we have to address the needs of the American people with a resolution such as this.

Let us agree to let the French Government focus on the needs of its people while we focus on the needs of everyday, hardworking people here in America.

We can start by providing better jobs, better schools, more affordable health care, not by passing this resolution.

I must note that since his imprisonment, Abu-Jamal has continued his political activism and has completed his bachelor of arts from Goddard College, has earned a master of arts from California State University, and from his cell has made commencement speeches to graduating classes in a number of colleges across the country. He was a guest speaker on the immortal techniques on the musical album. The organization, Access of Justice, interviewed him for their job. Vanity Fair wrote that a supporter of Mumia's, Phillip Block, visited him in prison and asked Jamal whether he regretted shooting a cop, to which Mumia allegedly answered yes. Block, who otherwise supported Mumia, stated he came forward after he grew concerned about the vilification of Officer Faulkner, and this story goes on.

I think this is not one of the great suspension matters which we should be bringing to the floor at this particular time.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the author of the resolution.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, on the night of December 9, 1981, Philadelphia Police Officer Daniel Faulkner made a routine traffic stop when the driver of a Volkswagon was spotted driving the wrong way down a one-way street. While attempting to take the driver of the vehicle into custody, the brother of the driver appeared from across the street and opened fire on Officer Faulkner while his back was turned away.

The shooter's name was Weslie Cook, who was also known by his alias, Mumia Abu-Jamal. Not only did Mumia shoot Danny Faulkner in the back, but in a final moment of what can only be described as contempt and cold hatred, he stood over Officer Faulkner's prone body and fired again, the bullet striking Faulkner in the head, which instantly killed him.

During the altercation, Officer Faulkner was able to return fire, his shots wounding Mumia Abu-Jamal enough to keep him from leaving the scene of the murder. Police arrived on the scene and found Mumia with the murder weapon close by.

Soon after the crime, Mr. Speaker, Mumia was tried by a jury of his peers. Four eyewitnesses confirmed that Abu-Jamal was in fact Officer Faulkner's murderer, and not even his own brother William Cook agreed to testify in his defense. The jury deliberated only 2 days before convicting Abu-Jamal of first degree murder.

Although Mumia tried many times to have his conviction overturned by Pennsylvania's commonwealth court, the Pennsylvania supreme court, and even the United States Supreme Court, Mumia Abu-Jamal's conviction stood firm and, in fact, still stands today.

The murder of Officer Faulkner has been burnt into the memory of his colleagues, friends, family and into the thoughts of countless police officers across the country as a senseless act of violence.

However, something strange happened during Mumia's trial and subsequent appeals. He became something of a celebrity to the extreme fringe left. Free Mumia movements started to spring up across the country. Activists started calling him a political prisoner.

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Word spread, and soon his name became known across the world, leading us to this moment and the consideration of this House resolution.

In early May of this year, I read a disturbing story in the Philadelphia Enquirer. The story reported that on April 29, the Parisian suburb St. Denis named a street of their city in honor of Mumia Abu-Jamal. I was shocked and I was disgusted.

The man who, in 1970 as a founding member of the Black Panthers in Philadelphia, wrote, ''I for one feel like putting down my pen. Let's write epithets for Pigs!'' was being honored as a political prisoner. According to the Enquirer article, Suzanne Ross, the co-chair of the Free Mumia Coalition of New York City, said that ''in France, they see him as a towering figure.'' Well, Ms. Rosen, in the United States the vast majority of Americans see him for what he is: a heartless and unrepentant cop killer.

I was so disturbed by this story that I felt compelled to introduce legislation, not just 2 weeks ago, but back in May, to condemn the decision of the city of St. Denis to name a street after this criminal and to urge them to immediately rename the street. If such an action is not taken, the legislation calls on the Government of France to correct the ill-conceived decision of the city and of the municipal government.

Finally, the bill condemns the murder of Daniel Faulkner, and recognizes the sacrifice and commitment law enforcement officers across the world show each day in securing the public safety and the order of the law. I also want to recognize representatives of the law enforcement community who have worked tirelessly to tell Danny Faulkner's story and to pursue justice in his case, including the Philadelphia FOP and its president, Bobby Eddis; the Pennsylvania FOP, and its national organization.

Mr. Speaker, Mumia Abu-Jamal is not a political prisoner. He is a murderer with a penchant for public relations. He has been able to sway extreme liberal and Socialist groups to his side in a sick effort to ride his story of political oppression to freedom. Apparently, the city government of St. Denis has swallowed this lie, hook, line and sinker. It is an affront to Officer Daniel Faulkner's memory, to his widow Maureen, and everyone who puts on a uniform.

As we approach the 25th anniversary of Officer Faulkner's murder, I call on all my colleagues to join me in support of this legislation. We must stand together as one and send a strong message to the world that cop killers deserve to be punished, not to be celebrated.

Mr. CONYERS. Mr. Speaker, I yield as much time as he may need to the gentleman from Virginia, Mr. BOBBY SCOTT, a distinguished member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are all saddened by the death of a police officer cut down in the line of duty, and our hearts go out to his family, friends, and coworkers. We all want to see justice for victims and for society for such a tragic loss. Yet, we must leave the search for justice to our courts to apply our constitutional system of administering justice.

There have been advocates and interested parties on both sides of the issue of the Mumia Abu-Jamal case from the beginning. Regardless of one's views of the merits or the lack of merits of this case, the contentions in the pending case, the Congress of the United States is not the proper forum to debate or determine the merits of this case. The existing appealable issues in the case are now pending before the United States Court of Appeals for the Third Circuit, and Congress should not attempt to wield the court's gavel or presuppose its decision. And this is not an automatic go-through-the-motions appeal. The Federal District Court upheld the conviction, though it did overturn the death penalty in the case. Abu-Jamal is appealing the part of the case upholding the conviction; the State is appealing the part overturning the death sentence. So there are clearly judicial issues on both sides, and Congress should not interject itself on a matter pending before a court of law established to resolve the merits of legal issues.

I thought we had learned from the Terry Schiavo case why Congress should not seek to serve as a judicial appeal arena on emotionally charged issues. Of course, the recent record reflects issues to strip Federal courts of jurisdiction to even hear cases related to emotion-laden issues, which would suggest that we have not learned our lesson. But I do remain hopeful. Let the judiciary do its job. Any suggestion that the legislative branch can or should fix or have a say in a pending case before the courts not only demeans the judicial branch, but it diminishes respect for the law.

Nor should Congress seek to respond to or otherwise address the actions of a municipality in a foreign sovereign nation, and certainly not in the matter contemplating holding the nation accountable for the ministerial actions of its subordinate jurisdictions, as this resolution attempts to do. We should not expect the United States to be urged by a foreign legislative body, as the resolution says, to take appropriate action against one of our municipalities when the foreign government disagrees with the action taken by one of those cities.

There are many advocates for overturning the death sentence in this case, here in the United States as well as other countries. I understand some of those advocates are planning a rally in Philadelphia on December 9, the anniversary of his arrest. The city of Philadelphia will undoubtedly approve a permit for that rally. Now, are we going to pass a resolution condemning the city of Philadelphia for approving a rally in favor of Abu-Jamal, or should we take Federal action appropriate against the city for taking that action?

We also know that the city of San Francisco has made Abu-Jamal an honorary citizen. Are we going to take Federal action against San Francisco because of that action?

And what standard are we setting by this resolution? Municipalities around the world and right here in the United

States take actions that many of us may disagree with. You would think that some in Congress would agree or disagree with many of the resolutions passed by municipalities expressing their opposition to the USA PATRIOT Act or their opposition to the war in Iraq. Are we going to urge the United States to take appropriate action against those cities for criticizing the United States and its military actions? And do we create the opposite effect of the apparent attempt of the resolution by calling even more attention to the otherwise obscure event that is the subject of this resolution? Frankly, I had never heard of the action of the city of St. Denis before I saw this resolution, and I suspect few people in the United States or anywhere else had ever heard of this action. By complaining about those giving attention to the case and the issues through this resolution, we are simply giving more attention to it.

The death penalty is a controversial issue in this country and around the world. It is an issue of conscience by many here as well as abroad, regardless of how heinous a crime for which someone may have been sentenced to death. The United States is one of few major countries in the world where the death penalty is still applied. Amnesty International and other human rights groups criticize the United States policies on the death penalty as inhumane and inconsistent with international human rights standards, and we encounter many difficulties in getting international cooperation because of it. When we try to have a captured capital crime defendant extradited from another country back to the United States, we routinely face opposition from countries of origin and other countries because we have the death penalty. In fact, a letter from St. Denis has mentioned their opposition to the death penalty as one of the reasons for their action.

And so we should not be shocked by those who are facing death penalties when they are designated as martyrs of what some consider to be a barbaric and archaic practice. Mr. Speaker, because we should not, as the resolution says, urge the Government of France to take appropriate action against the city of St. Denis, when we haven't even done the same against cities right here in the United States, and because this case is pending in the Third Circuit, we should reject this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, as a citizen of the Commonwealth of Pennsylvania, I rise today to speak in favor of House Resolution 1082. When I first read or heard that the leadership of the Paris suburb of St. Denis had decided to name a street in that municipality for Mumia Abu-Jamal, I thought I had just disappeared down Lewis and Carroll's rabbit hole in Alice in Wonderland. Everything had gone topsy-turvy; left had become right, up was down, and, most significantly, right was now wrong.

Mumia Abu-Jamal is a man to be condemned, not honored. On December 9, 1981, he shot Philadelphia Police Officer Danny Faulkner. He shot him in the back, then he shot him four more times. The last round from a 38-caliber handgun struck the officer in the face and killed him. Four eyewitnesses at the scene saw him do it and testified as such in a court of law. Abu-Jamal was apprehended at the scene, and his 38, containing five spent shell casings, was found there as well. And I won't even get into the alleged hospital confession.

Abu-Jamal was tried by a jury of his peers in a Philadelphia courtroom. He was convicted of first degree murder and sentenced to death. Philadelphia's Democratic District Attorney Lynn Abraham called it ''the most open and shut murder case'' that she had ever seen. In fact, current Pennsylvania Democrat Governor Ed Rendell was district attorney at the time, and his office tried that case.

Abu-Jamal also admitted to shooting the officer. And while this confession and a death sentence that he received has been the subject of subsequent appeals, every court that has looked at this case has affirmed the jury's finding that Abu-Jamal murdered Officer Faulkner.

Abu-Jamal, a cop killer, is now feted as a minor celebrity by people like Fidel Castro, a few Hollywood movie stars, and of course the leadership of a small suburb of Paris, France. And some people have argued that they support Abu-Jamal because they oppose the death penalty. May I say, rather respectfully, that the Jamal case is not the case to make that case against the death penalty. We have a death penalty statute in the Commonwealth of Pennsylvania precisely because of cases like this one.

The man that he executed, meanwhile, a true hero who protected and served the people of Philadelphia, is dead, and his widow Maureen continues to grieve for him. I have met with Maureen when I served in the Pennsylvania General Assembly. I know that she misses Danny every day. Only the Mad Hatter could make sense of a scenario like this.

Please, I urge every Member of this House to vote in favor of this resolution sponsored by my good friends and colleagues MIKE FITZPATRICK and ALLYSON SCHWARTZ.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman, Ms. SCHWARTZ, 4 minutes.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

I rise today in strong opposition to the decision by the city of St. Denis, France to dedicate a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Daniel Faulkner.

Every day, law enforcement officers selflessly risk their lives to protect us and our communities, and 25 years ago Officer Faulkner paid the ultimate price for his service to the city of Philadelphia.

On December 9, 1991, Officer Faulkner was shot to death during a traffic stop at 12th and Walnut Street. Officer Faulkner was a respected and loved member of the Philadelphia community, a loving husband to his wife Maureen. He was only 25 years old when he was murdered.

The city of Philadelphia is still mourning the loss of Officer Faulkner, yet some have allowed Mumia Abu-Jamal, his convicted murderer, to become an international cause celebre. Most recently, the French city of St. Denis named a street after this man.

Abu-Jamal was found guilty by a jury of his peers, a sentence that has been upheld by State and Federal courts. It is unfortunate that elected officials in France, who surely understand the importance of honoring those who risk their lives to preserve the rule of law, pay tribute to such a man. In the United States, naming of public places such as buildings and streets is an honor reserved for individuals who have brought significant contributions to their communities, to our Nation, or to the society at large.

Perhaps the mayor and elected officials of St. Denis could learn from the city of Philadelphia, which in the year 2000 named a portion of the Roseville Boulevard in my district in remembrance of Officer Faulkner. Or perhaps the mayor will respond to the collective outrage expressed today by the U.S. House of Representatives when it passes this resolution; because he did not, when I wrote to him earlier this year to express my strong opposition to his actions. Instead, I received a response making clear that the city would not be deterred.

Mr. Speaker, we cannot allow Officer Faulkner's public service to be diminished by the actions of a foreign city. The resolution before us remembers his service to our community and to our Nation. It condemns those involved in his murder and the city of St. Denis for celebrating them. And it recognizes that while 25 years have passed since Officer Faulkner's passing, he has not been forgotten.

Sadly, since Officer Faulkner's murder, 110 brave law enforcement officers have given their lives serving and protecting the communities of my State. I want to take this opportunity to reflect and remember the four officers we lost just this last year: Pennsylvania State Police Corporal Joseph Pokorny; Reading Police Officer Scott Wertz; Upper Saucon Township Police Officer David Petzold; and Police Officer, in Philadelphia, Gary Skerski. Gary Skerski was a constituent of mine. He had befriended my staff, and he was a beloved member of our community. I know how much he is missed by his wife Ann and their two young children as well as the residents of Port Richmond, the Philadelphia neighborhood

where he lived and was so involved. I know the St. Denis actions are an offense not only to Daniel Faulkner and his family, but also to the Philadelphia Fraternal Order of Police and to Officer Skerski and all of our Nation's fallen heroes.

I urge my colleagues to support this resolution and to send a message to the leaders of St. Denis that police officers, not cop killers, are heroes worthy of our respect, admiration, and remembrance.

□ 1445

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, I include for the RECORD a letter provided by the French Embassy from the city of St. Denis from their mayor.

NOVEMBER 7, 2006.

MARTIN BOZMAROV,
Attorney,
Issy-Les-Moulineaux,

DEAR MR. BOZMAROV: On behalf of the Philadelphia City Council, you informed me that a delegation from that council, headed by its chairman, will be coming to Saint-Denis to ask the City of Saint-Denis to reconsider naming one of our streets ''Mumia Abu-Jamal.'' You also informed me that the delegation would like to address the Saint-Denis City Council meeting of November 30.

This request calls for an explanation of the reasons underlying the city's decision to name one of its streets after Mumia Abu-Jamal.

As you know, Mumia Abu-Jamal has proclaimed his innocence for nearly a quarter century. He has always denied firing the shots that resulted in the death of police officer Daniel Faulkner on December 9, 1981. His defenders, as well as the movements and associations that have rallied on his behalf, have accumulated a considerable number of elements that justify his request for a new trial.

These have largely highlighted the unfair nature of the investigation: the lack of ballistics tests, the failure to take fingerprints, the failure to secure the area and perform other tests. It seems that important witnesses were bribed, excluded or intimidated. Several police reports were contradictory. And the American press itself asserted that Judge Sabo had exerted pressure in demanding the death penalty against Mr. Abu-Jamal on July 3, 1982.

Even more troubling, a man who acknowledged he was Mr. Faulkner's killer never testified in court, on the pretext that his confession did not come within the deadline for the proceedings.

All of these aspects largely justify the doubts that exist with respect to Mr. Abu-Jamal's guilt and the growing movement supporting him, to which we wanted to contribute.

Our action also expresses our total opposition to the death penalty, which threatens Mr. Abu-Jamal each day. For even now, despite all the international agreements on human rights, the death penalty continues to be handed down in a majority of American states.

Several dozen American prisoners are on death row. There are more than 60 in Texas alone. Executions are still taking place, and it takes the courageous mobilization of a part of U.S. public opinion to rescue certain convicts from this barbarous practice.

It is in this context that Mumia Abu-Jamal has become one of the emblematic figures in the fight for justice and for the abolition of the death penalty in the United States and throughout the world. And it is precisely this fight that we wanted to support in naming one of our city streets after him.

In this movement, the town of Saint-Denis is not alone. You are aware that committees supporting this prisoner from Philadelphia have been formed in many communities of France and other European countries. You also know that Mumia Abu-Jamal has been made an honorary citizen of Paris, that French parliamentarians have visited him regularly in prison, and that each year, concerts, demonstrations, marches and assemblies are organized in his support.

In fact, this is not the first time that international public opinion has rallied in support of American citizens who appear to be unjustly accused in their own country. That was the case for Nicola Sacco and Bartolomeo Vanzetti between 1920 and 1927, for Julius and Ethel Rosenberg, who were executed by electric chair in 1953, and in 1973 for Angela Davis, who was initially convicted of murder before being fully acquitted.

In these circumstances, we are happy that the inauguration of a Rue Mumia Abu-Jamal in Saint-Denis lends additional support to this fight. We are proud of this act and have no intention of reversing it.

As for the City Council session of November 30, I would like to remind you that it is public and therefore open to anyone who would like to attend. However, only members of the City Council are authorized to take the floor.

Finally, I would like to mention that quite recently, during a mission to the United States in the course of which he met with Mumia Abu-Jamal, our deputy Patrick Braouezec was not received by the mayor of Philadelphia, even though he had an appointment.

Sincerely,

DIDIER PAILLARD.

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

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

Mr. Speaker, this resolution does one thing, and that is it tells a suburb of Paris to butt out in terms of making a statement relative to how the criminal justice system processed the case of the murder of Officer Faulkner.

This is not an issue of whether or not the Federal Government or any of the States should have the death penalty, and I come from a noncapital punishment State. Whether or not a State has the death penalty is a decision that is to be made by their elected representatives. The elected representatives of my State since 1853 have chosen not to impose capital punishment.

But in this case the death sentence was reversed in 2001, so that is a settled issue. Mumia Abu-Jamal is not going to be put to death.

Now 5 years after this happens, the city of St. Denis decides to name a street after a convicted cop killer. I would like to know what the French would think if we started naming streets anywhere in the United States for people who had been convicted of murdering their police officers. I think they would tell us it is none of our business, and they would be right.

What this resolution says is that the city of St. Denis should not decide to honor and glorify somebody that a jury of 12 unanimously beyond a reasonable doubt said murdered Officer Faulkner. That is all the resolution says. I think that in terms of saying that we Americans can solve our problems within our own constitutional system, we ought to be allowed to do so without some foreign country glorifying a person who has been convicted not only of first degree murder, but first degree murder against a public safety officer whose sworn duty it was to protect the citizens of our country. This resolution should be approved. I ask for a ''yes'' vote.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to voice my disappointment about H. Res. 1082, a resolution condemning the decision by St. Denis, France to name a street after Mumia Abu-Jamal, being rushed to the House floor as a suspension bill.

The resolution condemns the murder of Philadelphia Police Officer Danny Faulkner and urges the municipal government of St. Denis, France, to change the name of a street named after Mumia Abu Jamal immediately. It also urges the French government to take appropriate action against the city to change the name of the street.

I do not support the killing of police officers or any law enforcement officials and my heart goes out to the family of Officer Danny Faulkner. However, I respect the rights of other countries and sovereign nations. I do not believe it is the place of the United States House of Representatives to dictate street names in France or any other country.

I also respect the balance of powers in our Nation and the jurisdiction of our courts. Appeals by both the prosecution and the defense are scheduled to be reviewed by the Third Circuit Court of Appeals next year. As Members of Congress, I do not believe it is our place to interject our views on a particular case currently pending in the Federal Courts.

With only three legislative days left in the 109th Congress, there are far more pressing issues we should be addressing, such as education, health care and minimum wage. This resolution invokes too many controversial and sensitive issues to be simply placed on the suspension calendar without any hearings and limited debate.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 1082.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this question will be postponed.

RECOGNIZING NOTARIZATIONS IN FEDERAL AND STATE COURTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1458) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce, as amended.

The Clerk read as follows:

H.R. 1458

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

SECTION 1. RECOGNITION OF NOTARIZATIONS IN FEDERAL COURTS.

Each Federal court shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the Federal court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 2. RECOGNITION OF NOTARIZATIONS IN STATE COURTS.

Each court that operates under the jurisdiction of a State shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELECTRONIC RECORD.—The term ''electronic record'' has the meaning given that term in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(2) LOGICALLY ASSOCIATED WITH.—Seal information is ''logically associated with'' an electronic record if the seal information is securely bound to the electronic record in such a manner as to make it impracticable to falsify or alter, without detection, either the record or the seal information.

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

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. 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 H.R. 1458, as amended, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1458, a bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located.

A notary public administers oaths and serves as an impartial witness when certain documents are signed. Many States require these documents, such as affidavits, deeds, and powers of attorney, be notarized before they can become legally binding on parties. Since the point of legal notarization is to deter fraud, a notary must positively identify the signatory to a document and ensure that he or she signs the document knowingly and willingly.

Notaries are currently licensed by individual States. However, legal disputes are not always confined to the geographic and judicial domain of a single State. The bill ensures that lawfully notarized documents from one State are also acknowledged by sister States in interstate commerce. The bill also clarifies standards by which electronic seals are to be recognized. This is especially important as more lawyers and business people notarize documents electronically.

I emphasize that H.R. 1458 does not conflict with the 10th amendment's defense of States' rights. In fact, the bill promotes States' rights through its compatibility with the full faith and credit clause of article IV of the Constitution.

The bill address an obscure but important subject in the legal and business realms, and I urge my colleagues to support it.

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

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

Mr. Speaker, I too rise in support of this legislation which would require Federal and State courts to recognize the validity of a document notarized in other States. It has been clearly and accurately described. It would operate to smooth out evidentiary rules which would treat notarized documents differently from public documents.

Under section 1738 of title 28, Federal and State courts must recognize the official acts of State legislatures and courts. With respect to notarized documents, however, courts must determine whether they are authentic. This can delay court proceedings and negate the entire purpose of notarization, which is to authenticate the identity of the person signing the document.

The measure before us would make it easier for notarized documents to be admitted into evidence and thus speed up court proceedings. We on this side are in total agreement of that. I urge support of the legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT), the author of the bill.

Mr. ADERHOLT. Mr. Speaker, I appreciate the chairman's support in allowing this bill to be brought to the floor to the House of Representatives today. I would also like to thank my friend, Mike Turner of Freedom Court Reporting in Alabama, who first brought this matter to my attention.

I am pleased we have been able to work together with the committee of jurisdiction to find a satisfactory remedy to the issue of recognition of notarizations across State lines.

During the hearings held on this bill by the Subcommittee on Courts, the Internet and Intellectual Property, Ranking Member Berman pointed out that, ''Although the topic of notary recognition between the States is not necessarily the most exciting issue, it is an extremely practical one.'' To my colleague across the aisle, I would have to agree with both points.

During that hearing in March, we heard from several witnesses who all agreed that this is an ongoing and a difficult problem for interstate commerce. To businesses and individuals engaged in business across State lines, this is a matter long overdue which is being resolved.

H.R. 1458 will eliminate the confusion that arises from States who refuse to acknowledge the integrity of documents notarized out of State. H.R. 1458 would require that documents be recognized in any State or Federal court if the subject affects interstate commerce and the document is duly notarized by a seal or if a seal is tagged to an electronic document.

Currently, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, will submit an application, and takes an oath of office. Some States require applicants to enroll in educational courses, pass exams, and even obtain a notary bond. Nothing in this legislation will change these steps. It shall be made clear that we are not trying to mandate how States regulate notaries public they appoint. In addition, the bill would also not preclude the challenge of notarized documents such as a will contest.

During the subcommittee hearing, the executive director of the National Notary Association stated, ''We like this bill because it is talking about a standard for the legal effects of the material act, the admissibility of it, not at all interfering with the State requirements for education and regulation of the notaries themselves.''

Thank you again, Mr. Chairman, for your support of this legislation and allowing the legislation to move forward today. I urge my colleagues to support

H.R. 1458 under the suspension of the rules today.

Mr. SMITH of Texas. Mr. Speaker, Representative ADERHOLT's bill eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses.

Many documents executed and notarized in one state, either by design or happenstance, find their way into neighboring or more distant states.

If ultimately needed in any one of the latter jurisdictions to support or defend a claim in court, that document should not be refused admission solely on the ground it was not notarized in the state where the court sits.

H.R. 1458 ensures this will not happen.

A notarization in and of itself neither validates a document nor speaks to the truthfulness or accuracy of its contents.

The notarization serves a different function—it verifies that a document signer is who he or she purports to be and has willingly signed the document.

By executing the notarial certificate, the notary public, as a disinterested party to the transaction, informs all other parties relying on or using the document that it is the act of the person who signed it.

Consistent with the vital significance of the notarial act, H.R. 1458 compels a court to accept the authenticity of the document even though the notarization was performed in a state other than where the forum is located.

Mr. Speaker, I conclude by pointing out that much of the testimony we received at our Subcommittee hearing on the bill addressed the silliness of one state not accepting the validity of another state's notarized document in an interstate legal proceeding.

Some of the examples were based on petty reasons—for example, one state requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister state that requires documents to be notarized with a raised, embossed seal.

Passing the bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution.

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

The SPEAKER pro tempore (Mr. MORAN of Kansas). 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. 1458, as amended.

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

A motion to reconsider was laid on the table.

PHYSICIANS FOR UNDERSERVED AREAS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4997) to permanently authorize amendments made by the Immigration and Nationality Technical Corrections Act of 1994 for the purpose of permitting waivers of the foreign country residence requirement with respect to certain international medical graduates, as amended.

The Clerk read as follows:

H.R. 4997

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 ''Physicians for Underserved Areas Act''.

SEC. 2. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note; Public Law 103–416) (as amended by section 1(a)(1) of Public Law 108–441) is amended by striking ''June 1, 2006.'' and inserting ''June 1, 2008.''.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall take effect as if enacted on May 31, 2006.

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

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4997 currently under consideration.

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

There was no objection.

□ 1500

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

Mr. Speaker, H.R. 4997, the Physicians for Underserved Areas Act, reauthorizes for 2 years the program under which physicians on J–1 visas can work in underserved areas. The program expired on June 1 of this year.

Each year numerous foreign doctors come to the United States to complete their residency training. Many do so using the J–1 visa. One of the requirements for physicians who use the J–1 visa is that the participant return to his or her own country for 2 years upon completion of the training program in the United States. The purpose of this foreign residency requirement is to encourage U.S.-trained physicians to return to their country and to improve medical conditions there.

Since 1994, Congress has waived the 2-year foreign residency requirement for physicians who agree to work in an underserved area of the United States, as designated by the Department of Health and Human Services. Each State receives 30 such waivers a year.

The waiver program allows States to recruit physicians to areas that have trouble attracting newly trained American physicians. Because of this waiver program, many communities that might otherwise have no access to medical services now have physicians nearby. It also responds to an overall shortage of physicians in the United States, which is a disconcerting trend.

A 2-year reauthorization of this program in its current form also gives Congress time to consider whether future changes may be needed to the program. For example, larger States like Texas have expressed a need for additional waivers beyond the 30 currently allowed. It is important that we consider ways to address this problem without putting the small States at a disadvantage. By reauthorizing the waiver program, we will provide States with some relief for the physician shortage they are facing, particularly in rural and underserved areas.

I urge Members to support this bill.

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

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

I am pleased to have reached a bipartisan agreement to extend the J–1 visa waiver program for another 2-year period. This visa waiver program is critically important to bringing essential medical services to residents of underserved rural and urban areas, including my own district in Detroit, Michigan. The J–1 program allows some foreign doctors who have completed their medical training in the United States to remain here to practice medicine for 2 years if they will serve patients in a region of the country that the Federal Government defines as medically underserved. These tend to be less affluent urban areas with high population densities and insufficient access to general practitioners and specialists as well as rural areas that are far from medical centers and may have trouble attracting enough doctors to meet the communities' needs. These communities are particularly desperate for physician services because of the growing national shortage of doctors our country is facing.

This past summer a Los Angeles Times article detailed the looming crisis in medical care in the United States as the demand for medical service explodes. The article noted industry fears that shortages may even become more severe over the next decade due to the flat medical school enrollments, aging baby boomers, and the high number of doctors heading for retirement.

While some communities enjoy a glut of physicians, one in five Americans, in fact, live in rural and urban areas with so few doctors that the Federal Government has classified these regions as ''medically underserved.'' It is these Americans that foreign doctors assist when they get a J–1 visa waiver to practice medicine in communities that don't have enough American doctors.

I believe we need to make improvements in this program so that it better meets the needs of the underserved. Right now some States who receive J–1 doctors through the ''Conrad-30 program'' do not lose their allotment of 30 waivers each year while other States find that 30 waivers are insufficient to meet the medical needs of their communities. In addition, some States may

not need 30 waivers, but other States have trouble recruiting all the doctors they need. The result is that some citizens are still unable to get essential medical care.

We need a plan that ensures that States having trouble recruiting enough doctors will be able to fill their allotment for J–1 doctors and ensure that States which fill their annual allotment of J–1 doctors can get more such doctors to meet their needs without impinging upon those allotted to any other State. In this way the needs of all States and, most importantly, all of the citizens in underserviced areas can be met until U.S. medical schools are able to increase the number of graduates to meet our domestic needs.

I look forward to working with my colleagues in the House and Senate in the 110th Congress to improve, extend, and sustain this vital visa program in the very near future.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the author of the bill, the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I want to thank Chairman HOSTETTLER and Ranking Member JACKSON-LEE and the two chairmen and ranking members of the full committee, who are here today, for their leadership and effort.

This has been a long time coming. The J–1 visa Conrad program has expired 6 months ago, and communities are waiting for the certainty of this legislation's passing, and I am grateful to the leadership of the committee as well as the House to see that this bill is on the floor today.

I came to Congress as a Member who wanted to do something about preserving and improving the way of life in rural America, and one of the things I quickly discovered was if there is going to be a future for rural communities we are going to have to have access to affordable medical care. If you want your community to have that future, you have got to have hospital doors that remain open, physicians in communities, home health care, nursing home care, and other professional health care providers that can meet the needs. Otherwise, our senior citizens that make up such a large portion of our population will reluctantly move away and young families will decide we can't take the risk of living in a community that does not allow us the opportunity to have our children treated with adequate medical facilities.

The J–1 visa program, though not solving all of the challenges we face in meeting the health care needs of Americans, is one step in that direction that needs to be there. It needs to be in place, and I am pleased that the committee has recognized its importance.

The physician shortage that has been mentioned is real. In fact, the U.S. Department of Health and Human Services estimates that although a quarter of the population of our country lives in rural America, only 10 percent of the physicians serve that population. We have a tremendous gap. And the unique thing about this, as is with many what I would call rural health care issues, is it brings urban Members of Congress and rural Members of Congress together because our needs are so identical. We are so underserved that the core center of cities and the most unpopulated areas of the country face the same challenges: How do we meet the health care needs of Americans who choose to live where they live? Kansas has been able to recruit 66 physicians since 2002 when we developed our State program, and it has made a tremendous difference. Three communities, Rush County Memorial Hospital now has had three J–1 visa physicians, the only physicians in the county. The same thing with Greensburg, Kansas. For the last 10 years, no physician in the community but a J–1 visa, and those J–1 visa doctors have attracted three mid-level practitioners. And, finally, the most recent success in Kansas is a community health clinic, the United Methodist Mexican-American Ministries, where they just recruited a J–1 visa doctor from Peru who now can address the needs of many Hispanic members of that community in southwest Kansas. It is wonderful now to have a bilingual J–1 visa doctor.

Again, there are issues that we would love to work on to address the distribution of J–1 visa physicians, and I look forward to trying to meet that challenge with my colleagues from across the country. But this program is important. It saves lives. It is often the only health care opportunity that many Americans will ever receive, and the J–1 visa program is about good health and saving lives.

I am very grateful for the opportunity to be here today.

Mr. CONYERS. Mr. Speaker, I would like to yield such time as she may consume to the distinguished gentlewoman from Texas, SHEILA JACKSON-LEE, the ranking member of the Subcommittee on Immigration in the Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding, and I look forward to his leadership in the 110th Congress. I thank him for his leadership on this legislation. I thank the full committee chairman as well. I pay great respect to my good friend from Kansas, Mr. MORAN, for his leadership and authoring of this bill and for his very careful, meticulous work with the committee of jurisdiction, the Judiciary Committee, and the Subcommittee on Immigration, Border Security, and Claims.

This is what you call a stellar example of real immigration reform. Rational, reasonable thinking, putting immigration in a good light. And it is a right light and a positive light. And it is, as Mr. MORAN has just previously said, about good health care. And I am delighted to hear his noted examples that this is a real question for good health care in America.

The Physicians for Underserved Areas Act that I have worked on with the chairman of the subcommittee, Mr. HOSTETTLER, would reinstate and extend the J–1 visa waiver program. Foreign doctors who want to receive medical training in the United States on J visas are required to leave the country afterwards. They must return to their own countries for 2 years before they can receive a visa to work in the United States as physicians. In 1994, Congress established a waiver of this requirement. The waiver is available to doctors who will commit to practicing medicine for no less than 3 years in a geographic area designated by the Secretary of Health and Human Services as having a shortage of health care professionals. The good news is that it is both in rural and urban areas that we can find this very vital and important tool.

Just a few weeks ago, I saw a doctors hospital in Houston literally shut down. Shut down for a number of reasons, management care problems. But that means that those doctors will be scattered in many different places. Urban areas can also be the victims of a lack of doctors.

The waiver program has been successful for more than a decade. It permits each State to obtain waivers permitting up to 30 physicians to work in medically underserved areas. It is not a permanent program. It is sunsetted on June 1 of this year. That is why we need the Physicians for Underserved Areas Act. H.R. 4997 would reinstate and extend the program for 2 years. This is the second time that we have co-sponsored this extension with Mr. HOSTETTLER.

We have a longstanding commitment to ensuring that legislation that can be bipartisan moves through this committee and the full committee. The need for physicians in underserved areas is not a partisan issue. The J–1 visa waiver is also known as a Conrad program to reflect the fact that Senator CONRAD established it. Senator CONRAD and I have worked together on the program and decided that more data was needed on how successfully the program is being implemented. So we asked the General Accounting Office to investigate the implementation of the J–1 visa program. GAO issued a report in November of this year, and among other things, GAO found that the use of the J–1 visa waiver is a major means of providing physicians to practice in underserved areas of the United States. More than 1,000 waivers were requested in each of the fiscal years 2003 through 2005 by States and three Federal agencies, the Appalachian Regional Commission, the Delta Regional Authority, and the Department of HHS. GAO also found that the present system of providing up to 30 waivers per State is not working. A substantial percentage of States do not

need 30 waivers. There were 664 unused waivers in fiscal year 2005. Other States need more than 30 waivers a year for their medically underserved areas. The States that report needing more than 30 waivers only want between 5 and 50 more physicians. Their needs can be met by redistributing some of the unused waivers, but this must be done carefully. Some States expressed concern to GAO about redistributing unused waivers. They are afraid that physicians would wait and apply to more populous States that would be receiving the redistributed waivers. This problem has to be resolved before we can move forward with the development of a redistribution plan. That was a very important issue for some States such as Texas, but out of a commitment to bipartisanship but really the recognition that the J–1 visa extension is so crucial to the health needs of so many Americans, we have come together to look forward into the 110th Congress for the leaders who are going forward on this issue to begin to address how do we make more fair the redistribution of these visas and to ensure the best health care for Americans.

□ 1515

We are hoping that the other body will likewise see the wisdom of delaying this issue which hospitals in the State of Texas have worked very hard on. And I want to make it very clear that I look forward to working with hospitals around America to ensure that this redistribution process is fairly put in place so that we will have the kind of doctor distribution that will help all of us.

Let me also acknowledge, as I bring my remarks to a close, that although this is a bill that simply generates an extension, might I say to you that this has been a long journey to come this far, and I want to thank all of the staff. I want to thank, of course, Mr. POMEROY, who I hope will make remarks. We worked very closely with his office. And Mr. MORAN. As I said, the chair of the full committee, the chair and the ranking member.

As I close, let me acknowledge the fact that this may be the last bill that I will have the opportunity of working with Mr. HOSTETTLER on, and I simply wanted to acknowledge his integrity and his commitment and dedication to important principles, and his work on this particular legislation as we worked together, and thank him again for his service, and also his attentive concern to legislation that we hope will be seen in the next Congress, and that is the energy workers compensation bill, which we have just had five hearings on, which the last one was yesterday, and that will help to compensate many victims.

I conclude by thanking all of the sponsors and saying this a good bill, and I ask my colleagues to support it.

I rise in support of the Physicians for Underserved Areas Act, H.R. 4997, that I have offered with my colleague Representative JOHN HOSTETTLER. It would reinstate and extend the J–I Visa Waiver Program.

Foreign doctors who want to receive medical training in the United States on J visas are required to leave the country afterwards. They must return to their own countries for two years before they can receive a visa to work in the United States as physicians. In 1994, Congress established a waiver of this requirement. The waiver is available to doctors who will commit to practicing medicine for no less than three years in a geographic area designated by the Secretary of Health and Human Services as having a shortage of health care professionals.

The waiver program has been successful for more than a decade. It permits each state to obtain waivers permitting up to 30 physicians to work in medically underserved areas. It is not a permanent program. It sunsetted on June 1st of this year. The Physicians for Underserved Areas Act, H.R. 4997, would reinstate and extend the program for two years. This is the second time that I have cosponsored an extension with Representative HOSTETTLER. We have a long standing relationship of cooperation on this issue. The need for physicians in underserved areas is not a partisan issue.

The J–I Visa Waiver is also known as the Conrad program, to reflect the fact that Senator KENT CONRAD established it. Senator CONRAD and I have worked together on the program. We decided that more data was needed on how successfully the program is being implemented, so we asked the General Accountability Office (GAO) to investigate the implementation of the J–I Visa Waiver Program.

GAO issued a report in November of this year. Among other things, GAO found that the use of J–I visa waivers is a major means of providing physicians to practice in underserved areas of the United States. More than 1,000 waivers were requested in each of fiscal years 2003 through 2005 by states and three federal agencies—the Appalachian Regional Commission, the Delta Regional Authority, and the Department of Health and Human Services.

GAO also found that the present system of providing up to 30 waivers per state is not working well. A substantial percentage of the states do not need 30 waivers a year. There were 664 unused waivers in FY2005. Other states need more than 30 waivers a year for their medically undeserved areas.

The states that reported needing more than 30 waivers only want between 5 and 50 more physicians. Their needs can be met by redistributing some of the unused waivers, but this must be done carefully. Some states expressed concern to GAO about redistributing unused waivers. They are afraid that physicians would wait and apply to the more popular states that would be receiving the redistributed waivers. This problem has to be resolved before we can move forward with the development of a redistribution plan.

We will continue to work on a distribution system next year. I am confident that we will succeed in developing a new version of the J–I Visa Waiver Program that would facilitate the use of all of the available waivers and place the physicians where they are needed most.

It has been a long journey to get this bill to the floor. In addition to the work it took to get subcommittee and full committee markups, we have had an ongoing dialogue with our counterparts in the Senate. They wanted the program to have a redistribution program now. They do not want to wait until next year. I share their desire for a redistribution system. It would be a great help to my state, the State of Texas. Nevertheless, I do not want to do it at the cost of hurting the states that are finding it difficult to attract waiver physicians. My staff has advised me that the senators are very close to reaching an agreement on postponing consideration of redistribution. We will work on a resdribution program in the 110th Congress.

In closing, I would like to say a few words about my colleague, Representative HOSTETTLER. I have enjoyed working with Mr. HOSTETTLER. He is an honest and sincere man who is dedicated to his principles. Recently, we worked together to respond to attempts by the administration to impose cost containment measures on the Energy Worker's Compensation bill. We both felt that this was outrageous, and we have cooperated in conducting a series of 5 oversight hearings to ensure that everything about the situation would be out in the open and to leave a roadmap for the next Congress. Mr. HOSTETTLER has led this subcommittee with distinction. I wish him well in whatever he chooses to do in the future.

I urge you to vote "yes" for H.R. 4997—For good health care in America.

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Dakota (Mr. POMEROY), who is the original cosponsor of this legislation.

Mr. POMEROY. Mr. Speaker, I want to congratulate the gentlewoman from Texas, SHEILA JACKSON-LEE, for the remarks she just made, particularly in respect to the cooperation with Chairman HOSTETTLER.

You know, this bill is before us at this critical hour for this program because of the work of the chairman and the persistent advocacy of the gentlewoman. What impresses me in particular is the gentlewoman's agreement to advance this bill forward, even though it was not reformed in ways that she had sought.

For rural areas, this was just so urgent. And we are really pleased that we can get this done, even as the session comes to conclusion. You see, we have trouble in rural areas. We have trouble getting doctors that we need to practice there. And this Conrad 30 program has played an incredibly important role in getting doctors into areas who need them in rural America. In fact, the physician practice vacancies in North Dakota have been cut roughly in half out in the rural areas as a result of this program. If this program were to expire, we would literally have hospitals without doctors. We would have people without the care they need. Frankly, we would have lives lost, because when you are getting into areas of western Kansas or North Dakota, you are talking about vast reaches of territory that take considerable time to cross before you can get someone, who may have an emergency medical condition, to an urban center where they might be treated.

So this program which is tried, true, tested and part of the landscape, is about to expire. Again, to sum up, continuation of it continues what we have got. We have agreed, I have agreed with the gentlewoman to take a look at how we reform it in ways that respond to her concerns. But I am just so pleased that she has agreed to move this forward, and also pleased with the working relationship she has with Chairman HOSTETTLER.

So, at this point in his congressional career, he instilled a sense that this come to the floor for a conclusion. Good for you, madam, gentlewoman, SHEILA JACKSON LEE, and good for you, Chairman HOSTETTLER. This is one rule America sorely needs. We thank you for it.

Mr. Speaker, I rise today in support of H.R. 4997, the Physicians for Underserved Areas Act, which helps to address the physician shortage in rural areas across America.

H.R. 4997 reauthorizes for two years the Conrad 30 program. This program, which was established by fellow North Dakotan, Senator KENT CONRAD, allows graduates of foreign medical schools who complete their training in the United States on a J–l cultural exchange visa to remain in the U.S. for three years if they agree to serve in a medically underserved community.

Many of these medically underserved communities are in rural areas. In fact, only about ten percent of physicians practice in rural America despite the fact that nearly one-fourth of the population lives in rural areas. In my own state of North Dakota, eighty-one percent of North Dakota's counties are designated as health professional shortage areas, or HPSAs.

In communities like Crosby and Tioga, North Dakota, the J–l visa waiver physicians pool serves as the primary resource to meet rural clinics and hospitals physician needs. For example, Dr. Ivan Tsutskiridze, serves Crosby, North Dakota, under the Conrad 30 program and is the communities' sole physician. Prior to the creation of the program, Crosby and other communities were chasing physicians. In fact, since 1994, this program has cut in half the number of family practice physician vacancies in North Dakota.

The importance of this program is evident. Last year alone, over 6,000 physicians participated in the J–l waiver program and it is heavily relied upon by a majority of the states. However, its need for reauthorization remains as the physician shortage in this country is projected to reach 200,000 by 2020. That is why I am pleased to see this bill before the House today to reauthorize this important program that has provided many rural areas with capable, much-needed physicians.

I would like to thank the people who have worked to bring this bill to the floor today, especially Representative JOHN HOSTETTLER, Representative SHEILA JACKSON-LEE and Representative JERRY MORAN. This bill makes a real difference for medically underserved areas across the United States and in North Dakota. I urge a "yes" vote on H.R. 4997.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I would like to add my appreciation to all of the staff, majority and minority, who helped in the waning hours of this particular Congress, the 109th Congress, to help move this bill to suspension and to help move it forward. And I do thank Kristen Wells and Nolan Rappaport for their excellent cooperation and work on the minority staff in generating what I think is an important extension for doctors across America.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 4997, the Physicians for Underserved Areas Act. This bill will permanently authorize the J–1 visa waiver program, allowing foreign physicians certain visa waivers in exchange for their service in medically underserved areas within the United States including the territories. A recent study conducted by the Government Accountability Office (GAO) attributed the J–1 visa waivers as a major means through which communities have successfully placed physicians in underserved areas.

The J–1 visa waiver program, since its inception in 1994, has brought physicians from areas around the world to the United States to improve access to primary medical care for individuals in underserved communities. Every year, nearly 1,000 requests for J–1 visa waivers are submitted, which is a testament to this program's popularity and effectiveness among U.S. medical schools and medically underserved communities.

As the representative from Guam, I know first-hand the challenges rural and medically underserved areas face. For instance, there is no oncologist on the island of Guam today. Cancer patients must travel to Hawaii to receive treatment. Because of the J–1 visa waiver program, however, the Government of Guam was able to apply for J–1 visa waivers for two physicians in 2005.

The Physicians for Underserved Areas Act, by making this program permanent, will go far toward helping medically underserved areas like the one I represent. Healthcare is a national priority, and as legislators, we are tasked with doing all that we can at the federal level to ensure that adequate medical care is available to all and that medical professionals can be recruited to serve medically underserved communities.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). 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. 4997, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) 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 extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.".

A motion to reconsider was laid on the table.

RELIGIOUS LIBERTY AND CHARITABLE DONATION CLARIFICATION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4044) to clarify the treatment of certain charitable contributions under title 11, United States Code.

The Clerk read as follows:

S. 4044

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 "Religious Liberty and Charitable Donation Clarification Act of 2006".

SEC. 2. TREATMENT OF CERTAIN CONTRIBUTIONS IN BANKRUPTCY.

Section 1325(b)(3) of title 11, United States Code, is amended by inserting ", other than subparagraph (A)(ii) of paragraph (2)," after "paragraph (2)".

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

The Chair recognizes the gentleman from Wisconsin.

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 Senate 4044 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. 4044, the Religious Liberty and Charitable Donation Clarification Act of 2006.

During the 105th Congress the Religious Liberty and Charitable Donation Protection Act of 1998 was signed into law by President Clinton. This bipartisan measure, introduced by Senator HATCH, sought to protect the rights of debtors to continue to make religious and charitable contributions after they filed for bankruptcy relief. In addition, the act protects religious and charitable organizations from having to turn over to bankruptcy trustees donations these organizations received from individuals who subsequently filed for bankruptcy relief.

As many of you will recall, a major overhaul of the Bankruptcy Code was enacted last year as the Bankruptcy Abuse Prevention and Consumer Protection Act. The clear intent of that act was not to disturb the rights of debtors to continue to make charitable contributions or to tithe pursuant to the 1998 act. Nonetheless, at least one court has construed Bankruptcy Code section 1325, amended by the 2005 act, to prohibit chapter 13 debtors with above-median incomes from making charitable contributions or tithing.

To address this judicial confusion, this bill simply clarifies that a chapter 13 debtor who is subject to section 1325(b)(3) of the Bankruptcy Code, may make charitable contributions or tithe to the same extent determined in accordance with Bankruptcy Code section 1325(b)(2)(A)(ii).

S. 4044 is a bipartisan measure that makes good sense. Donations are used by religious or charitable organizations to fund valuable services to society which serve the common good. This principle, for example, is recognized in the Internal Revenue Code's provisions concerning the deductibility of certain charitable contributions. Individuals who, for religious or other reasons, wish to donate to such organizations, even if they are in bankruptcy themselves, should not be deprived of this right.

I urge my colleagues to support this bill.

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

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume. And I am pleased to rise in support of the Religious Liberty and Charitable Donations Act of 2006.

This, ladies and gentlemen, is a continuation of an effort we began in 1997 when Congress responded to cases holding that pre-petition tithes and other charitable contributions could be deemed to be fraudulent transfers, and that the trustee could recoup these tithes from the religious institutions receiving the donations.

We all agreed that this was a clearly perverse result, and to clarify the law we passed the measure, Religious Liberty and Charitable Donation Protection Act of 1998.

Then a funny thing happened. This Congress forgot about the value of religious charity embodied in that legislation. Instead, forsaking the biblical injunction to forgive debts and deal generously with the poor, this Congress became a registered agent for the credit card industry.

How?

Well, it is because of the aggressive overreaching of the lending industry and a Congress willing to write into law any scrap of paper handed to it by large financial institutions that we have come to this point today. The decision in the Diagostino case relied solely on the text of the law Congress passed. It restricts a debtor in chapter 13, with current monthly income above the State median, to the narrow strictures of the means test which relies on what the IRS says a person needs to live on.

We debated the reliance on IRS guidelines to determine what a family needs to survive. We were all told not to worry, the IRS knows best and will provide all. Well, almost all.

It turns out that when you owe the IRS money, they don't want you making donations to your house of worship or to charity. And the IRS rule became a part of the Bankruptcy Code because Members of this House voted to give IRS bureaucrats that power.

We had managed to get a statutory allowance for tithing in the means test and in chapter 13, but the final language pushed through by the sponsors and the credit card industry did an end run around these provisions.

And that is how we got here. And I am glad that there is a will to fix it. This bill will allow chapter 13 debtors to tithe in their plans on the same basis as provided in the section 1325(b)(2)(A)(ii).

Keep in mind that while we are fixing the law for tithes and other charitable donations, basic problems in the law remain unchanged.

By wiping out the allowable expenses in chapter 13 for debtors with an income above the State median and replacing them with rigid IRS-based means tests, the new law still leaves families and small businesses at the tender mercies of the IRS. What else will we find was left out?

When the new law was being considered, Members were assured that the IRS guidelines would provide the right answer in all cases. And as we have discovered, that hasn't worked out as well as the credit card industry said it would.

This bill is supported by the United Way, the Red Cross, the National Council of Churches, Interfaith Alliance, the United Church of Christ, the National Baptist Churches USA, and the African Methodist Episcopal Church and others. I am pleased to urge all Members to support it.

But Members are fooling themselves if they think this is a discrete problem in a law that one proponent has described as perfect and that the sponsors told us was so well drafted that no amendments could even be considered.

The hubris has hurt real Americans and it will again.

Let's fix this mistake. It is the right thing to do, but we had better get used to doing it. The new Code is a disaster, the natural consequence of subcontracting work out of the Congress to lobbyists, which I am sure will be coming to an end very shortly.

I urge the passage of this legislation. I congratulate the chairman of the committee for bringing this matter to our attention.

□ 1530

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

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

Mr. Speaker, just very briefly, bringing this bill up in passing shows that the U.S. House of Representatives on a bipartisan basis has a much bigger heart than the Internal Revenue Service. Some people may have doubted that in the past. We are here to show them that they are wrong.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 4044.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

VESSEL HULL DESIGN PROTECTION AMENDMENTS OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1785) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes, as amended.

The Clerk read as follows:

S. 1785

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

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—VESSEL HULL DESIGN PROTECTION

Sec. 101. Short title.
Sec. 102. Designs protected.
Sec. 103. Definitions.

TITLE II—INTELLECTUAL PROPERTY PROVISIONS

Sec. 201. Sense of Congress relating to Bayh-Dole Act.
Sec. 202. Filing of applications for extensions of a patent term.

TITLE I—VESSEL HULL DESIGN PROTECTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Vessel Hull Design Protection Amendments of 2006''.

SEC. 102. DESIGNS PROTECTED.

Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) VESSEL FEATURES.—The design of a vessel hull or deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).''.

SEC. 103. DEFINITIONS.

Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking ''vessel hull, including a plug or mold,'' and inserting ''vessel hull or deck, including a plug or mold,'';

(2) by striking paragraph (4) and inserting the following:

''(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.''; and

(3) by adding at the end the following:

''(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.''.

TITLE II—INTELLECTUAL PROPERTY PROVISIONS

SEC. 201. SENSE OF CONGRESS RELATING TO BAYH-DOLE ACT.

(a) FINDINGS.—The Congress finds the following:

(1) Article I, section 8, clause 8, of the United States Constitution provides that Congress shall have the power ''[t]o promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries''.

(2) The 96th Congress enacted Public Law 96–517, entitled ''An Act to amend the patent and trademark laws'' (commonly known as the ''Bayh-Dole Act'', in honor of its two lead sponsors in the Senate, the Honorable Birch Bayh and the Honorable Bob Dole), in 1980.

(3) For 15 to 20 years before the enactment of the Bayh-Dole Act, Members of Congress considered, discussed, and deliberated on the proper resolution of issues implicated by the Act.

(4) Before the enactment of the Bayh-Dole Act, the United States was confronted by great economic uncertainty and presented with unprecedented new challenges from foreign industrial competition.

(5) Before 1980, only 5 percent of patents owned by the Federal Government were used by the private sector—a situation that resulted in the American people being denied the benefits of further development, disclosure, exploitation, and commercialization of the Government's patent portfolio.

(6) The Bayh-Dole Act established a ''single, uniform national policy designed to . . . encourage private industry to utilize government financed inventions through the commitment of the risk capital necessary to develop such inventions to the point of commercial application'', and eliminated the 26 different Federal agency policies that had existed regarding the use of the results of federally funded research and development.

(7) The Bayh-Dole Act fundamentally changed the Federal Government's patent policies by enabling inventors or their employers to retain patent rights in inventions developed as part of federally funded research grants, thereby promoting licensing and the leveraging of contributions by the private sector towards applied research, and facilitating the transfer of technology from the laboratory bench to the marketplace.

(8) Examples of the tangible products and technologies that have resulted from the Bayh-Dole Act include, inter alia, an improved method for preserving organs for transplant, a lithography system to enable the manufacture of nano-scale devices, the development of new chemotherapeutic agents, the discovery of new therapies for the treatment of patients diagnosed with rheumatoid arthritis, and countless other advances in materials, electronics, energy, environmental protection, and information technologies.

(9) These new therapies, technologies, and inventions, which have resulted from the collaborative environment fostered by the Bayh-Dole Act, have directly contributed to the ability of medical researchers to discover and commercialize new treatments that alleviate patient suffering, enhance the ability of doctors to diagnose and treat disease, and target promising new medical research.

(10) The Bayh-Dole Act has stimulated two of the major contemporary scientific trends of the last quarter century—the development of the biotechnology and information communications industries—and the Act is poised to continue playing a central role in new fields of innovative activities, including nanotechnology.

(11) The Bayh-Dole Act has resulted in benefitting taxpayers by generating millions of dollars in annual licensing royalties for universities and nonprofit institutions—revenues that are reinvested in furtherance of additional research and education programs.

(12) The incentives provided under the Act and the exchange of technology and research between and among the research community, small businesses, and industry, have resulted in new cooperative ventures and the emergence of sophisticated high-technology businesses, which provide a major catalyst for innovation and entrepreneurial activity.

(13) More than 4,000 new companies have been created to develop and market academic research and development since 1980, and it is estimated that nearly 2300 of these companies were still in operation at the end of fiscal year 2003.

(14) Lita Nelsen, director of the Technology Licensing Office at the Massachusetts Institute of Technology, has described the Bayh-Dole Act as ''one of the most successful pieces of economic development and job-creation legislation in recent history''.

(15) The Bayh-Dole Act was described in a 2002 article in The Economist (US) as ''[p]ossibly the most inspired piece of legislation to be enacted in America over the past half-century. . . . More than anything, this single policy measure helped to reverse America's precipitous slide into industrial irrelevance''.

(16) The Government Accountability Office (GAO) found that university administrators and small business representatives considered the Bayh-Dole Act to have had ''a significant impact on their research and innovation efforts''.

(17) A study of business executives found that 9 out of 10 identified the Bayh-Dole Act as an ''important factor'' in decisions to fund research and development in academia.

(18) Howard Bremer, who served as patent counsel to the Wisconsin Alumni Research Foundation from 1960 to 1988, once observed that, ''[o]ne important factor . . . is that the success was achieved without cost to the taxpayer. In other words, no separate appropriation of government funds was needed to establish or manage the effort''.

(19) A 1998 GAO study found that the law had a positive impact on all involved and that the increased commercialization of federally funded research that resulted from implementation of the Act had positively affected both the Federal Government and the American people.

(20) The President's Council of Advisors on Science and Technology reported to the President in May 2003 that the Act ''dramatically improved the nation's ability to move ideas from research and development to the marketplace and into commerce'' and that the system put in place for transferring technology from nonprofit institutions, which includes universities and Government laboratories, to the private sector has worked well.

(21) The Bayh-Dole Act states, ''[i]t is the policy and objective of the Congress to promote the utilization of inventions arising from federally-supported research or development; . . . to promote collaboration between commercial concerns and nonprofit organizations, including universities; . . . to promote the commercialization and public availability of inventions made in the United States by United States industry and labor; [and] to ensure that the Government obtains sufficient rights in federally-supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions''.

(22) The Congress finds that the policies and objectives of the Bayh-Dole Act have been achieved and that the patent law has played a critical role in stimulating technological advances and disclosing useful technical information to the public.

(23) The Congress finds that federally-funded research at universities and Government laboratories and the partnerships between such nonprofit institutions and the private sector play a critical role in developing the technologies that allow the United States to lead the world in innovation.

(24) The Bayh-Dole Act and its subsequent amendments, which include the Trademark Clarification Act of 1984 (Public Law 98-620), have played a vital role in enabling the United States to become renowned as the world leader in scientific research, innovation, ingenuity, and collaborative research that involves institutions of higher education and the private sector.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Bayh-Dole Act (Public Law 96–517) has made substantial contributions to the advancement of scientific and technological knowledge, fostered dramatic improvements in public health and safety, strengthened the higher education system in the United States, served as a catalyst for the development of new domestic industries that have created tens of thousands of new jobs for American citizens, strengthened States and local communities across the country, and benefitted the economic and trade policies of the United States; and

(2) it is appropriate that the Congress reaffirm its commitment to the policies and objectives of the Bayh-Dole Act by acknowledging its contributions and commemorating the silver anniversary of its enactment.

SEC. 202. FILING OF APPLICATIONS FOR EXTENSIONS OF A PATENT TERM.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress historically has provided vigorous support for innovation in the useful arts by establishing a system of patent protection for products and processes.

(2) Through section 156 of title 35, United States Code, the Congress sought to promote the development of innovative drugs by granting patent term restoration to companies to recover a portion of the patent term for such drugs that was consumed during the approval process conducted by the Food and Drug Administration.

(3) Consistent with the historic purpose of promoting innovation, patent legislation, and subsequent rules promulgated by the United States Patent and Trademark Office (PTO), have routinely given the PTO wide discretion to excuse late filings and other mistakes that might otherwise result in the forfeiture of underlying patent rights.

(4) Contrary to this routine practice, however, under section 156 of title 35, United States Code, the PTO has no discretion to excuse a filing that is even one day late.

(5) In order to be consistent with the intent of protecting patent rights and promoting further innovation, the PTO should be granted limited, circumscribed discretion to consider patent term restoration applications filed in an untimely manner.

(b) FILING OF APPLICATIONS.—

(1) IN GENERAL.—Section 156 of title 35, United States Code, is amended by adding at the end the following new subsection:

''(i) UNINTENTIONAL DELAY.—The Director may accept an application under this section that is filed not later than 5 days after the expiration of the 60-day period provided in subsection (d)(1) if the applicant files a petition showing, to the satisfaction of the Director, that the delay in filing the application was unintentional. Such petition must be filed with the application in the case of an application filed on or after the date of the enactment of this subsection and must be filed not later than 5 days after such date of

enactment in the case of an application which, on such date of enactment, is pending, is the subject of a request for reconsideration of a denial of a patent term extension under this section, or has been denied a patent term extension under this section in a case in which the period for seeking reconsideration of such denial has not yet expired. The Director shall make a determination on a petition under this subsection not later than 30 days after the date on which the petition is received. If no determination has been made on the petition within that 30-day period, the petition shall be deemed to be denied.''.

(2) REVIVAL FEES.—Section 41(a)(7) of title 35, United States Code, is amended—

(A) by striking ''or for an'' and inserting ''for an''; and

(B) by inserting after ''reexamination proceeding,'' the following: ''or for an unintentionally delayed application for patent term extension,''.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any application for patent term extension under section 156 of title 35, United States Code, which—

(A) is filed on or after the date of the enactment of this Act; or

(B) on such date of enactment—

(i) is pending;

(ii) is the subject of a request for reconsideration of a denial of a patent term extension under section 156; or

(iii) has been denied a patent term extension under such section 156 in a case in which the period for seeking reconsideration of such denial has not yet expired.

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

The Chair recognizes the gentleman from Wisconsin.

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 S. 1785 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. 1785, a bill to amend the Vessel Hull Design Protection Act. The version before us is the manager's amendment to the bill. In addition to the vessel hull design amendments, S. 1785 includes the text of three other intellectual property bills that have been the focus of considerable bipartisan discussion and deliberation. These bills are not controversial and therefore have been included as a part of the manager's amendment.

First, S. 1785 amends the Vessel Hull Design Protection Act by requiring courts to examine the statutorily protected components of a vessel, the hull as well as the deck, separately when determining whether a third party has infringed on a design.

This change responds to a Fifth Circuit Court case which, if allowed to stand, will render the statute meaningless, thereby encouraging knock-off artists to sell boats with inferior-designed hulls to consumers. The Judiciary Subcommittee on the Courts, the Internet, and Intellectual Property reported this bill favorably to the full committee on March 1, 2006.

Second, S. 1785 includes the text of House Concurrent Resolution 319, which commemorates the Bayh-Dole Act on its 25th anniversary. This is the law that enables inventors to retain their property interest in patented products that are subsidized by Federal financing. The concurrent resolution was unanimously approved by the Judiciary Committee earlier this year.

Third, S. 1785 includes the text of H.R. 5120, a bill that amends title 35, United States Code, to conform certain filing provisions within the Patent and Trademark Office. This legislation allows the director of the PTO to accept a pharmaceutical patent extension request for not later than 5 days after the current statutory deadline, which is 60 days from the date that the Food and Drug Administration approves the drug for use.

The applicant must prove to the director's satisfaction that the delay in filing was unintentional. In any event, the director retains the discretion to grant or to deny an extension. It is not automatic. The Subcommittee on Courts, the Internet, and Intellectual Property conducted a hearing on H.R. 5120 on September 14.

Finally, S. 1785 includes the text of H.R. 2955, the Intellectual Property Jurisdiction Clarification Act. This measure responds to a recent court case by reaffirming the plenary authority of the Federal Circuit to hear all patent appeals, which was the clear intent of Congress since the circuit's creation in 1982. This bill was reported by the Judiciary Committee on April 5 of this year by a voice vote.

Mr. Speaker, S. 1785 incorporates timely bipartisan legislation to enhance public safety, commemorate the Bayh-Dole Act and make other needed clarifications and improvements to U.S. intellectual property law.

I urge my colleagues to support the legislation and send it to the other body to ensure its timely consideration and passage.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the legislation consisting of these intellectual property bills that have been very fully and accurately described by our Chairman SENSENBRENNER.

I rise in support of this legislation, which consists of three intellectual property bills.

VESSEL HULL PROTECTION

First, the bill amends the Vessel Hull Design Protection Act by requiring courts to examine the copyright protected components of a vessel—the hull as well as the deck—separately when determining whether a third party has infringed a design. This change responds to a 5th Circuit case that would render the statute meaningless, thereby encouraging knock-off artists to sell boats with inferior designed hulls to consumers.

BAYH-DOLE RESOLUTION

Section 201 of the package consists of H. Con. Res. 319, a resolution that commemorates the Bayh-Dole Act on its 25th anniversary. The Bayh-Dole Act, named after Sen. Birch Bayh (D–IN) and Sen. Bob Dole (R–KS), is the law that enables inventors to retain their property interests in patented products that are subsidized by federal funding. It is fitting that we again have senators named BAYH and DOLE in the Senate. The Committee reported this bill favorably in April.

PATENT TERM EXTENSION APPLICATIONS

Section 202 consists of the text of H.R. 5120. It permits the Director of the Patent and Trademark Office to accept late-filed requests for patent term extension. The applicant must prove that the delay in filing was unintentional. In addition, the Director retains the discretion to grant an extension and is not required to issue one.

I urge my colleagues to vote "yes" on this legislation.

Mr. Speaker, I am now pleased to recognize the gentleman from Oregon (Mr. WU), from the Science Committee, for as much time as he may consume.

Mr. WU. I thank the ranking member, and I thank the chairman.

Mr. Speaker, I rise in support of section 201 of S. 1785 and, in particular, its well-deserved commendation of the Bayh-Dole Act of 1980. This act, and its 1984 amendments, were cited by The Economist in December 14, 2002, as possibly the most inspired piece of legislation to be enacted in the past half century.

The reasons are apparent if one looks at the revolutionary changes that began with Bayh-Dole. In 1980, perhaps half a dozen universities were strongly committed to commercialization of university research results. Today, it is hard to find a university that does not have a tech transfer licensing program to take advantage of this legislation.

In the 1970s, we were struggling to keep up with international competition. Bayh-Dole made research universities a major tool in our tool box as an antidote to that decline.

Initially, by keeping the intellectual property rights to the ideas they generated, universities were able to bring in revenues, share with professor inventors, as industry began to commercialize the fruits of university research. Some of the inventions in biotechnology and computer software and hardware by institutions such as the Oregon Health and Science University, the University of Oregon and Stanford University, were listed by AUTM, the Association of University Technology Managers, in the top 100 inventions that changed American life.

As success has mounted and more and more university professors thought about the commercial implications of their work, new opportunities opened

up for professors. This led to university research centers, research parks and technology transfer offices, adding many more services as professors began startup companies. Bayh-Dole is a major reason why both research universities and small high-tech companies with university roots are such major drivers of today's American economy.

None of this would have been possible without the cooperation of the Committee on the Judiciary and its Courts Subcommittee and the Committee on Science and its Technology Subcommittee, where I am proud to serve as subcommittee ranking Democratic member.

It is fitting that Chairman SENSENBRENNER, who was on both committees at the time of the 1984 amendments, and who went on to serve as chairman of both full committees, has chosen to bring this commemoration forward in a bipartisan manner that involves both committees.

I thank both gentlemen. I thank him for his continued leadership, and I look forward to working with him, not only to commend Bayh-Dole today, but perhaps also to update and improve in the coming years after a successful quarter century run.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. JENKINS).

Mr. JENKINS. Thank you, Chairman SENSENBRENNER, for yielding this time.

Mr. Speaker, H.R. 5120, which is incorporated into section 202 of S. 1785 has drawn bipartisan sponsorship from 23 of our colleagues in the House. I introduced this measure because I believe it is both good patent policy and sound health care policy.

It corrects an inequity in the patent law and will encourage important innovation in medical research, precisely the purpose that Congress sought to accomplish in enacting the Hatch-Waxman Act. In the patenting process, there are several examples of relief that are available for late filings, late payments and deficient filings.

By enacting section 202 of S. 1785, we are continuing to promote the basic purpose of Hatch-Waxman, and we are strengthening Hatch-Waxman. It is important to do this so that our Nation will continue to lead the way in medical research, and so that patients will not be denied promising new innovative developments.

Mr. Speaker, I include for the RECORD letters from medical practitioners and consumer groups from across this country supporting this legislation. Included are letters from the Cleveland Clinic Foundation Heart Center, the Emory University Healthcare Heart Center, and the University of California Los Angeles Medical Center Cardiology Section. Their credentials and their views are impressive. They emphasize the health care advantages of this measure, particularly its effect on opening up new advantageous avenues of medical research to prevent and treat stroke.

THE CARLYLE FRASER HEART CENTER
AT CRAWFORD LONG HOSPITAL,
Athens, GA, June 15, 2006.

Congressman JOHN LEWIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LEWIS: I received a phone call today from Clive Meanwell, Chief Executive Officer of The Medicines Company, regarding H.R. 5120, relating to the patent restoration provisions of the Hatch-Waxman law. I am the Director of Interventional Cardiology at Emory Crawford Long Hospital and have been on the faculty of Emory University School of Medicine for thirteen years. I am also the President of the Greater Atlanta Division of the American Heart Association (AHA), and a medical reporter for FOX–5 television. The major focus of my profession is the care of patients with advanced and complex cardiovascular disease, particularly those undergoing interventional procedures (commonly known as stents) of the arteries of their heart and elsewhere in the body.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. Angiomax is a critically important product which is used in the overwhelming majority (thousands) of the interventional procedures at Emory. Angiomax is an important therapy because it provides safe, effective, and cost-effective anti coagulation during interventional procedures. In addition, several Emory physicians have performed extensive research on Angiomax. Emory was one of the leading U.S. centers in a recent trial studying this product. I am perhaps one of the Nation's leading experts and researchers in this area and have lectured internationally and published extensively in this area. Within the last month, we submitted approximately twenty individual research abstracts on Angiomax to the American Heart Association and Transcatheter Cardiovascular Therapeutics national meetings. Our research shows that Angiomax provides equal efficacy to other drugs, costs less, is easier to use, and causes less risk of bleeding complications. Bleeding complications have been shown to increase mortality and are particularly common in patients who are: elderly, female, African-American, and those with kidney disease, anemia, and high blood pressure. I have attached two of our abstracts highlighting the consequences of bleeding complications. These types of patients make up the majority of the patients at our institution. Better outcomes and a reduction in healthcare costs with Angiomax is what we want for the patients of our community.

But that is only part of the story. Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke but more studies are needed. Stroke is the Nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousand more are disabled for life. I know that you are aware that Georgia is part of the high-risk ''stroke belt''. In my capacity with the AHA, one of our major initiatives is reducing the risk of stroke. Unfortunately, the blood thinning and clot-busting agents currently utilized to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer bleeding side effects. But the very costly and time-consuming clinical trials (which Emory will likely be involved with) which will be needed to explore this and other promising new uses (such as patients undergoing open-heart surgery) will not be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research in stroke is undertaken to evaluate the use of Angiomax in the treatment and prevention of this debilitating disease. I would be happy to discuss this matter further with you at your convenience.

Very truly yours,

STEVEN V. MANOUKIAN, M.D.,
Director, Interventional Cardiology, Emory Crawford Long Hospital, Emory University School of Medicine.

THE 60 PLUS ASSOCIATION,
Arlington, VA, September 13, 2006.

Hon. F. JAMES SENSENBRENNER,
Chairman, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the members of the 60 Plus Association, I am writing to inform you of our support for H.R. 5120, a bill to Amend Title 35, United States Code, To Conform Certain Filing Provisions within the Patent and Trademark Office. This important legislation would amend the Hatch-Waxman Act, correcting a disconcerting irregularity in the Act that hinders drug innovation and life-saving research.

Patent law is designed to encourage innovation and advancement. The Hatch-Waxman Act supports this purpose in a variety of ways including not penalizing the owner of a drug patent for the time it has to wait for FDA approval. However, the Act's rigid 60-day deadline for filing an application for patent term restoration with the Patent and Trademark Office (PTO) undermines these objectives, as it does not allow the PTO any discretion to excuse minor mistakes. H.R. 5120 would provide the PTO with this vital discretionary authority to accept an application for patent term restoration filed within 5 days after the current deadline if the PTO finds that the filing delay was unintentional.

As you are probably aware, coronary artery disease kills 500,000 Americans each year—earning the dubious distinction of being the leading cause of death in America for both men and women. And stroke is the Nation's number one cause of disability, affecting 700,000 Americans each year. Angiomax is a drug which has already been shown safe and effective in angioplasties and has shown initial promise for patients with coronary artery disease or stroke. Unfortunately, because of a minor administrative error that caused its manufacturer's application to be filed one day late, Angiomax may never reach these cardiac and stroke patients, even though it had earned the right to patent restoration.

H.R. 5120 would prevent such destructive and unnecessary results, now and in the future. A similar clerical error has already happened to two other companies, who also missed the filing deadline by one day. And, human error being what it is, it is virtually certain to happen to other companies in the future.

The 60 Plus Association urges the House Judiciary Committee to support this important, bipartisan legislation that will benefit millions of seriously ill patents, many of whom are 60 years of age and older. It is incredibly unfortunate that years of patent protection on drugs are forfeited due to a

minor clerical error and, as a result, the benefits of further research and development of critical drugs are often lost.

The 60 Plus Association appreciates your leadership on this issue. We hope you will consider these points and support this vital legislation—legislation that will directly benefit the aging population. If you have any questions or concerns, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely,

JIM MARTIN,
President, 60 Plus Association.

RETIRESAFE,
September 13, 2006.

Hon. F. JAMES SENSENBRENNER,
Chairman, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the almost 400,000 senior citizens represented by RetireSafe, I am writing to inform you of our support of H.R. 5120, legislation that would correct a troubling anomaly in the patent law that can hinder innovation and stymie life-saving research. Currently, the Hatch Waxman Act allows the owner of a drug patent to obtain time restored to its patent to make up for time lost while awaiting FDA approval. H.R. 5120 would permit the Patent and Trademark Office to accept an application within 5 days of the deadline if the PTO determines the filing delay was unintentional.

RetireSafe urges the House Judiciary Committee to support this much needed legislation that can benefit millions of seriously ill patents. It's unfortunate, but when years of patent protection on a drug are forfeited due to a minor clerical error, the benefits of further research and development of critical drugs is often lost. Ironically, there are more than 30 patent laws and regulations on the books giving the PTO the discretion to accept minor application errors and late filings, but not under Hatch-Waxman. We believe such rigid rules undermine the intent and basic purposes of the patent law.

Furthermore, there are absolutely no downsides to fixing this problem. The bill would not upset the balance of Hatch-Waxman; it would simply avoid a premature cutoff of earned patent rights due to minor clerical error. Generic manufactures will also still have the same right they now enjoy to file an application to bring out a new drug, and this right would still be keyed to the date FDA approves the patent owner's drug use.

For instance, take the case of the drug Angiomax, made by a small drug company, which had earned the right to patent restoration but missed the filing deadline by one day. Research into promising new applications of Angiomax for cardiac and stroke patients—applications which are critical to older Americans—will be cut short if this legislation is not passed. If Angiomax loses its patent protection prematurely, this critical research opportunity will be lost entirely as it will never be conducted by generic manufacturers. The end result will mean that 13 million Americans including the millions of seniors with coronary artery disease will never benefit from this potentially life-saving drug.

Angiomax is just one example of a drug that has faced this filing deadline issue. Two other companies have missed the Hatch-Waxman filing deadline by one day and others will doubtless make minor filing errors in the future. Cardiac and stroke patients will clearly benefit from this bill. H.R. 5120 is good public policy that will help save lives and provide a better quality of life for seriously ill patients, and it should be enacted immediately.

In short, H.R. 5120 does not give anything to patent owners that the Hatch-Waxman law did not intend to give them and does not take anything away from the generic manufactures that the Hatch-Waxman law intended to provide. It merely gives PTO the discretion to consider whether or not to accept an application for patent term restoration after hearing all the facts.

I urge you and your committee to support H.R. 5120 and help millions of seniors in this country who are currently suffering or at risk for coronary artery disease and need innovative life-saving medications. It is my hope you will agree that H.R. 5120 is good public policy with an overriding public health benefit.

Sincerely,

MICHELLE PLASARI,
RetireSafe.

FREEDOMWORKS,
Washington, DC, September 13, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. JOHN CONYERS, Jr.,
Ranking Member, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS, on behalf of the 800,000 members of Freedom Works, I am writing to urge your support for H.R. 5120, a bill that would address a concern that has arisen in patent law and provide an environment that facilitates innovation and continued development of products that are beneficial to potentially millions of Americans. Freedom Works has a long history of involvement with issues arising from the drug approval process, promoting policies that eliminate unnecessary delays that limit consumer access to important new therapies. In addition, Freedom Works believes that at times the patent process may be abused and generics provide an important source of competition that generates substantial benefits to consumers. This legislation, however, is not an abuse of the system; it is an adjustment to the process that will ensure continued research and development. This issue also highlights the burden imposed by the drug approval process and I would urge Congress to also consider reforms in this area as well to ensure Americans have the access to the best care possible.

Briefly, H.R. 5120 would grant the U.S. Patent Office the discretion to consider an application for patent term restoration that unintentionally has been filed late, but within five days of the expiration of the 60-day filing period established in the Hatch-Waxman Act (see 35 U.S.C. Section 156(d)(1)). The U.S. Patent Office has the discretion to accept late-filed submissions in a variety of patent and trademark proceedings, but it does not in instances of patent term restoration filings. H.R. 5120 would correct this anomaly.

Under the Hatch-Waxman Act, patent term restoration is an inducement for innovators and firms to undertake risky, time-consuming, and costly drug development and the FDA approval processes. Without patent term restoration, incentives for drug innovation are diminished and consumers would bear the costs as fewer resources are devoted to important lifesaving drug therapies.

As an example, the Medicines Company failed to receive patent restoration because its filing was unintentionally filed one day late. The firm was in the process of conducting important additional research on Angiomax, a drug initially approved as a blood thinning agent. New research, however, suggests that Angiomax may be beneficial for use in the prevention and treatment of stroke, which is the leading cause of disability and third leading cause of death in the United States. Unfortunately, without patent restoration, the ability to conduct the additional research and commit to the costly approval process are eliminated, leaving consumers with fewer choices for critical health care decisions.

Unlike other areas of patent law, the inflexible filing deadline is clearly draconian. The Hatch-Waxman act provides incentives to invest in the costly and time-consuming drug approval process, yet the inflexibility built into the current law can destroy those incentives and have a disproportionate impact on the process, and reduce opportunities for innovation. H.R. 5120 brings this application of patent law more in line with the broader process for patent and trademark proceedings. Given the importance of innovation in the field of health care, and the potential impact on the lives of Americans, I urge you to support this important legislation.

Sincerely,

MATT KIBBE,
President and CEO.

CENTER FOR INDIVIDUAL FREEDOM,
Alexandria, VA, September 12, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, House Judiciary Committee, Washington, DC.

Congressman JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee, Washington, DC.

DEAR CONGRESSMAN SENSENBRENNER AND CONGRESSMAN CONYERS: On behalf of the Center for Individual Freedom and its more than 250,000 supporters and activists nationwide, I am writing to urge you to support H.R. 5120. This bill grants the Patent and Trade Office Director the discretion, where fair and appropriate, to accept slightly overdue patent-term restoration applications under the Hatch-Waxman law.

Under current law, an application unintentionally filed even one day late must be denied—the Director possesses absolutely no discretion whatsoever. Such a rigid command creates unfair outcomes, and arbitrarily jeopardizes enormously valuable property rights.

Throughout other realms of business, legal, and personal life, equitable grace periods exist. For example, other federal agencies such as the Internal Revenue Service possess discretion to accept slightly overdue submissions. If even the ''Tax Man'' can have a heart, the Patent and Trademark Office should also be allowed similar discretion.

It is also important to put H.R. 5120 into perspective: the bottom line is that a company should not have to pay the price of millions or even billions of dollars in revenue due to a simple and unintentional clerical error. Companies invest billions of dollars in product research and development, and recouping those investments through patent protection is what allows our innovative economy to thrive.

Moreover, other patent laws and regulations allow the Patent and Trade Office discretion to excuse minor mistakes, such as filing documents or making payments. Thus the current Hatch-Waxman deadline provision stands as an anomaly by prohibiting any type of discretion. In our view, this anomaly should be fixed, and H.R. 5120 does just that.

If an individual unintentionally pays their mortgage payment one day late, does the bank seize their home? No. If property taxes are paid one day late due to a bank disbursement error, does the government automatically seize your property? Obviously not. Should a different standard apply to a company whose very existence depends upon a patent that they hold?

Opponents of this rational legislation claim that it would somehow benefit one particular company, but that is incorrect. Rather, any company that can prove that its slight delay was unintentional would be treated more fairly. This is simply good public policy.

Indeed, the only beneficiaries of perpetuating the current regulations are generic companies who stand to gain an unfair windfall by pouncing whenever a patent owner accidentally files a few days late. Perpetuating such inequitable windfalls for generic companies is an inappropriate public policy result. Maintaining the Hatch-Waxman mandate as-is will lead to the further loss of highly valuable patent rights for no good reason. In contrast, fixing it through H.R. 5120 will help all innovators, both present and future.

Further, H.R. 5120 does not give the patent holder a ''carte blanche, no questions asked'' grace period. It does not allow for indefinite patents, nor does it imply continued protections due to intentional negligence. Rather, it allows a five-day grace period for a patent restoration filing that was unintentionally delayed. Five days.

Finally, Congress routinely revisits statutes in order to fix loopholes and anomalies. Very simply, mistakes happen, as does the law of unintended consequences. In the case of Hatch-Waxman, allowing a simple five-day grace period will not undermine or compromise the growth of the generics market in the United States. Rather, H.R. 5120 will merely align patent restoration filing rules with the other discretions enjoyed by the Patent and Trademark Office.

Accordingly, the Center for Individual Freedom urges you and all members of the Judiciary Committee to pass H.R. 5120, allowing it full consideration by the U.S. House of Representatives. Fairness and equity demands it, and we will monitor members' votes on this critical matter and communicate them to our constituency.

Thank you very much for your time and consideration.

Sincerely,

TIMOTHY H. LEE,
Director of Legal and Public Affairs.

THE CLEVELAND CLINIC
FOUNDATION HEART CENTER,
Cleveland, OH, April 24, 2006.

Congresswoman STEPHANIE TUBBS JONES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE TUBBS JONES: I understand that you are considering a bill, HR 5120, related to the patent restoration provisions of the Hatch-Waxman law. I am an interventional cardiologist practicing at the Cleveland Clinic. I engage in the clinical care of patients with cardiovascular disease as well as in clinical research related to this complex and unique group of patients.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. I use Angiomax and have been involved In the study of Angiomax in acute care cardiovascular procedures, including heart attack and angina. Angiomax is an important therapy that provides safe and effective anticoagulation in interventional procedures with less bleeding than other treatments. These advantages also save the health care system money by reducing bleeding and providing single drug therapy versus combination drug therapy.

Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke, but more studies are needed. Stroke is the nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousands more are disabled for life, Unfortunately, the blood thinning and clot-busting agents now available to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer side effects. But the very costly and time-consuming clinical trials needed to explore this promising new use won't be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research on Angiomax in the prevention and treatment of strokes is undertaken to evaluate the drug in the treatment and prevention of this debilitating disease. I am available to discuss this matter further with you at your convenience.

Very truly yours,

DEEPAK L. BHATT,
Associate Director, Cleveland Clinic Cardiovascular Coordinating Center, Staff, Cardiac, Peripheral, and Carotid Intervention, Associate Professor of Medicine, Department of Cardiovascular Medicine, Cleveland Clinic Foundation.

DEPARTMENT OF MEDICINE, UCLA
SCHOOL OF MEDICINE, CENTER FOR
THE HEALTH SCIENCES,
Los Angeles, CA September 6, 2006.

Congresswoman NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN: I understand that the Subcommittee on Courts, the Internet and Intellectual Property of the Judiciary Committee of the House of Representatives is considering a bill, H.R. 5120, relating to the patent restoration provisions of the Hatch-Waxman law. I am an interventional cardiologist practicing at The UCLA Medical Center and the Greater Los Angeles Veterans Administration Medical Center. I engage in the clinical care of patients with cardiovascular disease as well as in clinical research related to this complex and unique group of patients.

I am writing in support of H.R. 5120 because I understand that, if it passes, the anticoagulant drug Angiomax may become eligible for patent term restoration. This would allow for further investment in clinical development. I use Angiomax and have been involved in the study of Angiomax in acute care cardiovascular procedures. Angiomax is an important therapy that provides safe and effective anticoagulation in interventional procedures with less bleeding than other treatments. These advantages also save money by reducing bleeding and providing single drug therapy versus combination drug therapy.

Patent term restoration for Angiomax is important because preliminary experience suggests that Angiomax may be useful in preventing and treating stroke but more studies are needed. Stroke is the Nation's number one cause of disability and third leading cause of death. Over 700,000 Americans suffer strokes each year—one every 45 seconds; over 165,000 die and many thousands more are disabled for life. Unfortunately, the blood thinning and clot-busting agents now available to treat stroke patients can cause dangerous side effects, including intracranial bleeds (as was seen so vividly with Israeli Prime Minister Sharon). Angiomax may be useful in the prevention and treatment of strokes with fewer side effects. But the very costly and time-consuming clinical trials needed to explore this promising new use won't be feasible unless patent term restoration under the Hatch-Waxman Act is available to the drug's developer.

It is vital that H.R. 5120 be enacted so that research in stroke is undertaken to evaluate the use of Angiomax in the treatment and prevention of this debilitating disease. I am available to discuss this matter further with you at your convenience.

Very truly yours,

RAMIN EBRAHIMI,
Associate Clinical Professor, University of California Los Angeles, Director, Cardiac Catheterization Laboratory, Greater Los Angeles VA Medical Center, Assistant Director, Nuclear Cardiology, Greater Los Angeles VA Medical Center.

Section 202 is narrowly tailored legislation. It simply confers discretion on the Patent Office to consider an unintentionally late-filed patent term restoration application submitted to the Patent Office within 5 days of the 60-day deadline in current law. It does not confer any substantive rights on any applicant, but merely allows the applicant to present the facts surrounding the late filing to the Patent Office. The director of the Patent Office then has 30 days to rule on the petition.

Honest mistakes should not cause irreparable hardship for innovators or patients. A few days unintentional late filing mistake at the Patent Office should not be cause for blocking promising medical research that could lead to important health care advantages.

Mr. Speaker, I appreciate all the efforts the committee has invested in bringing this legislation to the floor, and I hope that we can now proceed with the enactment of S. 1758.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1785, as amended.

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

The title of the Senate bill was amended so as to read: ''An Act to make certain improvements relating to intellectual property, and for other purposes.''.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF RUTH BROWN

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1090) honoring the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists.

The Clerk read as follows:

H. RES. 1090

Whereas Ruth Brown passed away on November 17, 2006;

Whereas Ruth Brown, a rhythm and blues singer and songwriter known as Miss Rhythm, was one of Atlantic Records's first recording and performing stars;

Whereas Ruth Brown's elegant voice made her a hit from the 1940s onward with such songs as ''So Long'' and ''Teardrops from My Eyes'';

Whereas Ruth Brown's career spanned the post-World War II era through the Civil Rights Movement to the 21st century, a period which also saw the genre music move into the American mainstream;

Whereas Ruth Brown helped found the Rhythm and Blues Foundation in 1988 to recognize, promote, and preserve rhythm and blues music;

Whereas Ruth Brown worked with Congress to advance the cause of copyright royalty reform so that rhythm and blues artists could receive deserved copyright royalties from their music;

Whereas Ruth Brown's talent was recognized with a Tony Award for Best Actress in a Musical in ''Black and Blue'' in 1989, a Grammy Award for her album ''Blues on Broadway'' in 1989, induction into the Rock and Roll Hall of Fame in 1993, and a Lifetime Achievement Award from the Blues Foundation in 1999;

Whereas Ruth Brown's autobiography, ''Miss Rhythm,'' received the Ralph J. Gleason Music Book Award; and

Whereas Ruth Brown is survived by 2 sons, 4 siblings, 3 grandchildren, and a multitude of cousins, nieces, nephews, friends, and admirers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life of Ruth Brown;

(2) recognizes Ruth Brown for her efforts toward reforming the copyright royalty system on behalf of rhythm and blues recording artists;

(3) commends Ruth Brown for her success in ensuring that rhythm and blues recording artists would receive deserved copyright royalties; and

(4) expresses its deepest condolences to Ruth Brown's family and friends.

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

The Chair recognizes the gentleman from Wisconsin.

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 materials on House Resolution 1090 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 am privileged to join with my friend, Ranking Member CONYERS, in support of this resolution to honor the life of Ruth Brown, a pioneering rhythm and blues singer who passed away last month. Ruth Brown was a well-known performer who paved the road for other R&B artists. In the 1950s she topped the R&B charts with a series of hits that helped establish Atlantic Records as a leading recording label for pop singers.

□ 1545

The label became known as ''the house that Ruth built.'' That means Yankee Stadium is not the only ''house that Ruth built.''

Ruth Brown's style and singing ability influenced numerous other well-known musical artists, including Bonnie Raitt and Little Richard. Later in her career, she was awarded Tony and Grammy honors and was inducted into the Rock and Roll Hall of Fame.

But Ruth Brown's most enduring contributions and her most remarkable qualities might have been her persistence and passionate desire for justice. During her last two decades, she devoted herself to the cause of collecting unpaid royalties for musicians, spending much of her time working with Congress to promote copyright royalty reform. She also helped establish a nonprofit foundation in Philadelphia to help finance medical care for needy musicians.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. CONYERS) for introducing this resolution, and I join him in urging the Members of the House to support this resolution to honor the extraordinary life and accomplishments of Ruth Brown and to extend the House's deepest sympathy to her family and friends.

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

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

Mr. Speaker, I thank the chairman, JIM SENSENBRENNER, for his very personal remarks about Ruth Brown and I thank him and our colleagues, CHARLES RANGEL, JERRY NADLER, BARBARA LEE and BOBBY SCOTT, who all recognize the accomplishments of rhythm and blues singer Ruth Brown, who passed away on November 17, 2006. She was not only a great artist of contemporary music, but a fighter who reformed copyright royalty payments for recording artists.

She had a great talent, as has been described, and became one of Atlantic Records' first recording stars. For that, she was inducted into the Rock and Roll Hall of Fame and received a 1999 Lifetime Achievement Award from The Blues Foundation. She had an autobiography, ''Miss Rhythm,'' and received the Ralph Gleason Award for Music.

Aside from her outstanding singing career, though, Ruth Brown came to the attention of the Congress because she was a tireless advocate for the rights of other musicians and artists in the rhythm and blues category. She worked with us to advance the cause of copyright royalty reform so that rhythm and blues artists could at last receive the royalties that they deserved from their music. She also helped found the Rhythm and Blues Foundation in 1988 to recognize, promote and preserve rhythm and blues music. The important work of this foundation continues to this day. She came to the Hill and worked with not only the Judiciary Committee, but with the Congressional Black Caucus as well.

The resolution we introduce today acknowledges the important contributions to American culture and recognizes Ruth Brown for her efforts to reform the royalty system and expresses the House's deepest condolences to the Ruth Brown family and friends. We remember her as a wonderful, beautiful musician, but also as a dedicated fighter for justice in the copyright field that is within our jurisdiction.

So it is with great regret that we acknowledge the contributions of the late Ruth Brown.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 1090.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STOLEN VALOR ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1998) to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

The Clerk read as follows:

S. 1998

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 ''Stolen Valor Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.

SEC. 3. ENHANCED PROTECTION OF MEANING OF MILITARY DECORATIONS AND MEDALS.

(a) EXPANSION OF GENERAL CRIMINAL OFFENSE.—Subsection (a) of section 704 of title 18, United States Code, is amended by striking ''manufactures, or sells'' and inserting ''purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports,

produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value''.

(b) ESTABLISHMENT OF CRIMINAL OFFENSE RELATING TO FALSE CLAIMS ABOUT RECEIPT OF DECORATIONS AND MEDALS.—Such section 704 is further amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

''(b) FALSE CLAIMS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both.''; and

(3) in paragraph (1) of subsection (c), as redesignated by paragraph (1) of this subsection, by inserting ''or (b)'' after ''subsection (a)''.

(c) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—Such section 704 is further amended by adding at the end the following:

''(d) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—If a decoration or medal involved in an offense described in subsection (a) or (b) is a distinguished-service cross awarded under section 3742 of title 10, a Navy cross awarded under section 6242 of title 10, an Air Force cross awarded under section 8742 of section 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.''.

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section 704, as so redesignated, is further amended—

(1) by inserting ''ENHANCED PENALTY FOR OFFENSES INVOLVING'' before ''CONGRESSIONAL MEDAL OF HONOR''; and

(2) by striking paragraph (2) and inserting the following:

''(2) CONGRESSIONAL MEDAL OF HONOR DEFINED.—In this subsection, the term 'Congressional Medal of Honor' means—

''(A) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

''(B) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

''(C) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.''.

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

The Chair recognizes the gentleman from Wisconsin.

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 S. 1998 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. 1998, the Stolen Valor Act, which expands existing law prohibiting the fraudulent use of military decorations or medals.

The men and women of our Armed Forces risk their lives every day to preserve America's freedom. They sacrifice for our liberties with courage, patriotism and humility. They do not seek fame or celebrity status when told that they are heroes, and they often respond, ''I am just doing my job.''

While we can never fully pay our military heroes our debt of gratitude, America honors their service and sacrifice with military decorations and medals such as the Purple Heart, the Bronze Star, the Navy Cross, and our Nation's highest military decoration, the Congressional Medal of Honor.

Unfortunately, the significance of these medals is being devalued by phony war heroes who fabricate their honors and military careers. They do so for greed and selfishness, and disrespect the service and sacrifice of our military heroes, as well as the honor they uniquely deserve. Federal law enforcement authorities have responded to these imposters by launching a dozen investigations currently underway.

In Illinois, one man attended numerous Marine Corps functions, military funerals and fund-raisers, posing as a retired Marine Corps colonel. He claimed to have been awarded the Purple Heart eight times, the only marine to have obtained such a distinction, as well as the Navy Cross. It turns out he never served a single day as a Marine.

In St. Louis, Federal authorities arrested a man at a local Marine Corps event who claimed to be a decorated officer. He had previously been spotted at the annual Marine Corps Birthday Ball wearing a Navy Cross, two Silver Stars, four Bronze Stars and numerous other medals. He, too, never served a single day as a marine.

Perhaps the most egregious example of this fraud was perpetrated by a 10-year marine sergeant who secured $66 million in security contracts from the military based upon fictitious combat experience in Panama and Somalia, with fabricated Silver Stars, Purple Hearts, Bronze Stars and Air Medals. Upon learning of the man's fraudulent combat record, the military revoked the contracts, but by this time he had already fled the country.

The FBI estimates that for every legitimate Navy SEAL team member, there are roughly 300 imposters. Moreover, there are roughly only 124 living recipients of the Medal of Honor, yet more than twice as many falsely claim to have received it.

The Stolen Valor Act enhances penalties for those who masquerade as decorated war heroes. It expands the existing prohibition against wearing, manufacturing or selling military decorations or medals without legal authorization. The bill also imposes penalties for falsely representing one's self as the recipient of any medal or honor authorized by Congress for the armed services, and increases penalties for violations involving a Distinguished Service Cross, an Air Force Cross, a Navy Cross, a Silver Star, a Purple Heart or the Congressional Medal of Honor.

On September 7, the other body passed this bill by unanimous consent. I urge my colleagues to support this bill.

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

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

Mr. Speaker, I am pleased to join Chairman SENSENBRENNER in supporting this measure, the Stolen Valor Act, introduced in both this body and the other body, which enjoys the widespread support of a long list of bipartisan cosponsors. In fact, here in the House the measure has a total of 110 Democratic and Republican cosponsors.

The legislation starts out by honoring the brave men and women who courageously serve our country. It also protects the precious medals that are awarded during the course of their service by establishing a new set of criminal penalties against anyone who fraudulently claims to be a medal recipient or displays a fake medal in his home or office.

Recipients of the Congressional Medal of Honor, the Distinguished Service Award, the Silver Star and Purple Heart have made considerable sacrifices for our country and, as such, deserve a tremendous amount of our gratitude and respect. It can be said that this legislation represents just one of the many ways of saying thanks for a job well done.

The bill is supported by several of our military groups, the Veterans of Foreign Wars, the Military Order of the Purple Heart and the FBI Agents Association. I, too, strongly urge my colleagues to lend their unanimous support to this commonsense proposal.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of S. 1998, the Stolen Valor Act. To many Americans, the collections of colored ribbons and bronze medals that adorn the uniforms of military personnel and veterans are difficult to comprehend. To those who have served, the rows of ribbons and medals serve as an unwritten resume. A quick glance can tell much: how many deployments at sea he has made, in what combat theaters she has served, or even the value placed upon his work by his superiors.

But even for those who did not serve, these decorations and awards have a

deeper meaning and value that far outweigh their monetary worth. In many instances, they symbolize overcoming an instinctual desire for self-preservation found in all of us and summoning a level of courage rarely found but highly coveted.

It is for this reason that some seek to bestow on themselves the symbols of honor and sacrifice earned by others. Regardless of their rationale, those that impersonate combat heroes dishonor the true recipients of such awards.

By passing the Stolen Valor Act this afternoon, we have a unique opportunity to return to our veterans and military personnel the dignity and respect taken by those who have stolen it and dishonor them.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Colorado (Mr. SALAZAR), the original author of this measure, who has worked on it with leaders in both the House and the other body for a considerable period of time.

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

□ 1600

Mr. SALAZAR. Mr. Speaker, first of all, let me thank Chairman SENSENBRENNER and Ranking Member CONYERS for allowing us to bring this important legislation forward. As you all know, Senator CONRAD from the Senate side, both his staff and my staff worked in a bipartisan effort to bring this important act forward.

This act would actually place a criminal penalty on those who falsely claim to have risked their lives for their country, and restoring honor to those who have truly earned it.

Last year, in Pueblo, Colorado, I met with Pam Sterner of Pueblo, who was attending Colorado State University in Pueblo, and also with Medal of Honor recipient Peter Lemmon of Colorado Springs.

Pam had recently completed a working paper on the issue of military medals fraud for a political science class at Colorado State University, Pueblo. With her research and with some of her language, we drafted the Stolen Valor Act of 2005.

Current law basically allows Federal law enforcement to prosecute individuals who physically wear medals on their person. The problem has been occurring where individuals are claiming to have earned these medals and there is no way for authorities to be able to prosecute these individuals. These frauds and these phonies have diminished the meaning and the honor of the recognitions received by our military heroes.

In addition to diminishing the meaning, on several occasions phonies have used their stature as a decorated war hero to gain credibility that allows them to commit more serious frauds.

B.G. Burkett's award winning book, ''Stolen Valor,'' first exposed the problems of these medals fraud. The authors show that killers have fooled the most astute prosecutors and gotten away with murder. They show phony heroes who have become the object of national award-winning documentaries on national network television. They show liars and fabricators who have flooded major publishing houses with false tales of heroism which have become best-selling biographies.

Not only do the authors show the price of the myth has been enormous for society, but they spotlight how it has severely denigrated the service, patriotism, and gallantry of the best warriors America's ever produced.

The Stolen Valor Act, H.R. 3352, makes a language fix to the current Federal statute, to include making verbal and written claims to be the recipient of a military medal that they were not entitled to.

This bill expands penalties currently in effect for the Medal of Honor to apply to the so-called valor medals, including but not limited to the Distinguished Service Crosses of the respective military branches and the Purple Heart.

Our bill, H.R. 3352, a companion bill of Senate bill 1998, now has 110 cosponsorships with, as Ranking member CONYERS stated, 73 Democrats and 37 Republicans.

H.R. 3352 has been endorsed by numerous veterans and law enforcement organizations, including the Congressional Medal of Honor Society, the Military Order of the Purple Heart and the FBI Agents Association.

The Stolen Valor Act may well be the most sweeping legislation affecting military awards since the Medal of Honor review of 1917, during which this criteria for awarding our Nation's highest military award was strengthened. During the 1917 review, Congress began establishing a series of lesser awards which has evolved to become the Pyramid of Honor. This is a series of medals awarded to members of the military in increasing levels of importance and prestige.

Subsequent to this review of 1917, little had been legislated in regard to these awards beyond authorization of new awards or slight changes in the awards process. Additionally, the Stolen Valor Act of 2005 restores a precedent established by General George Washington. This was when he first instituted our first individual military award in 1782.

In his General Orders issued from his headquarters in Newburg, New York, on August 7, 1782, General Washington established the Badge for Military Merit, which in 1932 was revised as the Purple Heart. General Washington noted the following point with regard to military awards: ''Should any who are not entitled to these honors have the insolence to assume the badges of them, they shall be severely punished.''

The success of the Stolen Valor Act is notable because both Democrats and Republicans from both Houses have worked together in a unique display of teamwork on behalf of our brave men and women in uniform.

Mr. Speaker, it is time to protect and honor those who have earned the right to wear these prestigious medals.

Mr. Speaker, I urge my colleagues to vote ''yes'' on Senate bill 1998, the Stolen Valor Act of 2005.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in support of S. 1998, the Stolen Valor Act. I commend my colleague from Colorado for introducing this, Ranking Member CONYERS and Chairman SENSENBRENNER for this important bill, because it will strengthen the penalties for the misuse and misrepresentation of our Nation's highest military honors. I am a proud cosponsor of H.R. 3352, the House version of this bill. I thank Congressman SALAZAR and Senator CONRAD for working in a bipartisan spirit to make this legislation a reality.

I have had the opportunity during my time in Congress to present medals of valor to many veterans in my district. Though their service was many years ago, it is an inspiring experience to hear these veterans talk about their service to our Nation with great pride and also reflecting the humility of the generation it served. For many of those who lay their lives on the line for our country, there is no greater honor than the receipt of a medal honoring their bravery and sacrifice, reflecting the sentiment of a grateful Nation.

It is disturbing to me that people would illegitimately sell these medals or display them as a false symbol of their own valor. While our soldiers have valiantly defended our freedom on the battlefield, others have displayed false symbols of service, misleading our citizens, cheapening the symbol, and dishonoring the heritage, traditions and servicemembers who have had to live the reality of military service.

When General George Washington instituted our Nation's first military award, he set forth a number of principles to follow, including one that stated, ''Should any who are not entitled to these honors have the insolence to assume the badges of them, they shall be severely punished.''

Those who illegally wear, sell or produce decorations and medals should be punished. These actions are disrespectful to generations of our Nation's veterans and war heroes. The Stolen Valor Act will strengthen the punishment for those who falsely portray themselves as recipients of military decorations and medals.

Military decorations and medals honor our Nation's brave service men and women and inspire future generations to military service. They remind us of the great price of freedom, the excruciating time of separation, of loss, of pain, of sadness, and the joys of camaraderie that few can understand.

I urge my colleagues to support the Stolen Valor Act and help preserve the integrity of our Nation's military honors.

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

Mr. Speaker, since this is likely the last piece of legislation the House Judiciary Committee will control time on the floor, I would like to take this moment and opportunity to reflect back on the good and outstanding work of JAMES SENSENBRENNER during his tenure as chairman of the House Judiciary Committee.

It has been my privilege to serve with Chairman SENSENBRENNER in my role as ranking member of the Judiciary Committee over these last three Congresses.

During that time, the Judiciary Committee has become one of the most active committees in the House, processing the second largest number of bills of any committee. It is rare a week goes by that this committee is not on the floor of the House considering frequently complex and significant legislation that impacts the lives of millions of Americans.

There is no question that Mr. SENSENBRENNER has led the committee firmly and fairly at all times during his chairmanship, but there are three things that I would like the record to reflect.

The first is his tireless advocacy for the jurisdiction of the Committee on the Judiciary. Our rule X jurisdiction ranges far and wide, and Chairman SENSENBRENNER has been a constant advocate in protecting our legislative prerogatives, and I can assure him that all the members of the Judiciary Committee are very grateful for the zeal in which he has conducted that part of his responsibility.

Secondly, the chairman has been a strong advocate for antitrust laws and for the concept of competition. Time and time again, we worked together to see that the interests of the American public were put ahead of any special interests.

Finally, I feel very personally affectionate toward the chairman for the critical role that he has played in the passage of voting rights legislation. It was the Voting Rights Act of 1965, why I initially joined the Judiciary Committee, that I participated in this vastly and hugely important piece of legislation. Mr. SENSENBRENNER was not there then, but it was when we got around to some reauthorizations that his commitment to this constitutional concept was as strong as mine.

In 1982, it was his role and commitment that helped get the extension of the bill through this body and the other body as well, but it was only last year that we were able to begin the work that got us through the current extension of legislation. The reason that this was important was that, first of all, we were able to have the work product of the Committee on the Judiciary not only pass the House without amendment but the exact bill was passed in the other body as well, eliminating, of course, the necessity for a committee to work out any differences.

It was then that we realized that on this question of protecting the right of our citizens to vote, the cornerstone of our democracy, that Chairman JIM SENSENBRENNER and Ranking Member CONYERS could not be more closely working together, not that there were not huge problems that had to be worked out and resolved, not just between ourselves but between other Members of the committee and some of our colleagues not even on the committee. We were able to do that with dispatch. I quickly add the names of the gentleman from North Carolina (Mr. WATT) and the Constitutional Subcommittee ranking member, JERRY NADLER, as well and the gentleman from Ohio (Mr. CHABOT), who worked with us all together on this matter.

So I am pleased to make these remarks as his term expires. I look forward to him working on the Committee on the Judiciary in future sessions of Congress.

With that, Mr. Speaker, I am pleased to announce there are no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I deeply appreciate the words of my friend and colleague, the gentleman from Michigan (Mr. CONYERS).

This is kind of a tough act to follow, but I would like to state for the record that the Judiciary Committee, because it has such a vast jurisdiction and an awful lot of controversial legislation, that by working with Mr. CONYERS and the members of the minority, and having the majority and minority staff work together, we knew that there were some philosophical differences on many of the pieces of legislation that could not be bridged without a vigorous debate and votes both in committee and on the floor of the House of Representatives. But the cooperation and the respect and the trust that we had across the aisle were able to narrow those differences so that what we did debate were true differences in approach and true differences in policy.

I keep on telling the high school classes that I talk to about what really goes on here that 95 percent of the bills that we pass are worked out in committee, and the debate and votes on the floor merely ratify decisions that have been made earlier in committee. The problem is that compromise agreement, and I would even submit accomplishment, do not get any media attention. It is allegations of misconduct, actual knock out, drag down fights in those areas that we do have disagreements on that really monopolize the news media.

□ 1615

As a result, people get the wrong impression that all we do out here is fight and argue amongst ourselves. And while we do a lot of that, and I think the framers of the Constitution intended the Congress of the United States to do that, the tremendous work product of the committee over the last 6 years I think has been due in large part by the trust and respect and agreement that we have had in working across the aisle.

And while I was sitting here listening to the debate, I was going through the calendars of the House of Representatives looking at the number of committee reports we filed, and I think it is somewhere in the 90 to 100 number range during this Congress. And a lot of these reports were really on controversial and complicated legislation where we needed to have a committee report to explain what the intent of Congress was, and that type of cooperation allowed us to have that tremendous output of work product.

It has been my honor to chair this committee for the last 6 years, but I can say one of the things that I am most proud of is the fact that, where it has been possible, I have been able to reach across the aisle and work with my friend from Michigan, and I think that he and I have each directed our respective staffs to do the same thing, and we can be proud of what we have done not only in this Congress but in the previous two Congresses. And although our roles will be kind of reversed in the next Congress, I look forward to continuing to build on that cooperation so that the country knows that the Judiciary Committee not only is the place to be at, but it is the folks that get things done.

So I thank you very much for your very, very good comments. You have been instrumental in putting together that record of accomplishment, and I think we can be proud of what the committee has done.

Mr. GRAVES. Mr. Speaker, I proudly rise in support of S. 1998, the Stolen Valor Act. I am extremely pleased that this body is able to consider this bill before we adjourn, because recent events in my district and across our nation have illustrated why Congress must act quickly to address the underlying issue of this bill.

Under current law, it is illegal to wear, manufacture, or sell military decorations without legal authorization. However, it is legal, but not ethical, to falsely represent oneself as having been awarded a decoration or medal of the United States Military.

This legislation will expand the prohibitions listed above to include conducting other transactions not already illegal without authorization, and falsely representing oneself as having been awarded any decoration or medal authorized by Congress for the Armed Forces or any of the service medals or badges. It also increases penalties for violations involving a Distinguished Service Cross, Air Force Cross, Navy Cross, Silver Star, or Purple Heart.

Every year around Veterans Day—a day where we honor our Nation's heroes for their service and sacrifice—numerous individuals come out of the woodwork to claim military decorations that were not awarded to them.

This is wholly disrespectful to those who have been legitimately awarded these high honors in the line of duty, and dilutes the significance attached to each lawfully awarded decoration.

This issue was brought to my attention by veterans in my district, upset about two recent cases of "stolen valor" in the state of Missouri. In this instance, a man spoke before a group at a Veterans Day event in Chillicothe, Missouri—in my district—and claimed a Navy Cross that he had not been awarded. A short while later, a man was arrested at a Marine Corps League meeting in Saint Louis, Missouri after claiming a number of decorations including the Navy Cross, which he was not awarded.

Mr. Speaker, the Stolen Valor Act provides a solution to address this growing fraud. One of the great privileges I have had in Congress is presenting veterans in my district with their rightfully earned honors and decorations. Many decorated veterans, when asked about their heroic actions, respond that they were just doing their duty. Mr. Speaker, it is our duty to protect the integrity of these decorations reserved to honor the heroic service and sacrifice of our nation's servicemembers. We cannot allow imposters to cheapen the value of these honors, and we cannot allow imposters to seek fame and fortune from falsehood. I urge my colleagues to join me in supporting the passage of S. 1998, the Stolen Valor Act.

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

The SPEAKER pro tempore (Mr. KLINE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1998.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

VETERANS PROGRAMS EXTENSION ACT OF 2006

Mr. BROWN of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6342) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6342

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 "Veterans Programs Extension Act of 2006".

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

Sec. 1. Short title; table of contents.
Sec. 2. Extension of certain expiring provisions of law administered by the Secretary of Veterans Affairs.
Sec. 3. Expansion of eligibility for Survivors' and Dependents' Educational Assistance program.
Sec. 4. Deadline and permanent requirement for report on educational assistance program.
Sec. 5. Reauthorization of biennial report of Advisory Committee on Women Veterans.
Sec. 6. Parkinson's Disease research, education, and clinical centers and multiple sclerosis centers of excellence.
Sec. 7. Authorization of major medical facility leases.
Sec. 8. Technical and clerical amendments.
Sec. 9. Codification of cost-of-living adjustment provided in Public Law 109–361.

SEC. 2. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) AUTHORITY FOR HEALTH CARE FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING.—Section 1710(e)(3)(D) of title 38, United States Code, is amended by striking "December 31, 2005" and inserting "December 31, 2007".

(b) GRANT AND PER DIEM GRANT ASSISTANCE FOR HOMELESS VETERANS.—Section 2011(a)(2) of such title is amended by striking "September 30, 2005" and inserting "September 30, 2007".

(c) TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.—Section 2031(b) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) ADDITIONAL SERVICES FOR HOMELESS AND SERIOUSLY MENTALLY ILL VETERANS.—Section 2033(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) ADVISORY COMMITTEE ON HOMELESS VETERANS.—Section 2066(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) GOVERNMENT MARKERS IN PRIVATE CEMETERIES.—Section 2306(d)(3) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) ADDITIONAL EDUCATIONAL ASSISTANCE ALLOWANCE FOR WORK-STUDY.—Section 3485(a)(4) of such title is amended in subparagraphs (A), (C), and (F) by striking "December 27, 2006" and inserting "June 30, 2007".

SEC. 3. EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Section 3501(a)(1) of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "means—" and inserting "means any of the following:";

(2) in each of subparagraphs (A) through (D), by capitalizing the first letter of the first word;

(3) in subparagraph (A)—

(A) by inserting after "a person who" the following: ", as a result of qualifying service";

(B) by striking the comma at the end of clause (i) and inserting "; or";

(C) by striking ", or" at the end of clause (ii) and inserting a period; and

(D) by striking clause (iii);

(4) in subparagraph (B) by striking the comma at the end and inserting the following: "sustained during a period of qualifying service.";

(5) in subparagraph (C)—

(A) by inserting "or child" after "the spouse"; and

(B) by striking ", or" at the end and inserting a period;

(6) in subparagraph (D)—

(A) in clause (i), by inserting before the comma the following: "sustained during a period of qualifying service"; and

(B) by striking the comma at the end and inserting a period;

(7) by inserting after subparagraph (D) the following new subparagraph:

"(E) The spouse or child of a person who—

"(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

"(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

"(iii) is likely to be discharged or released from such service for such disability."; and

(8) by striking "arising out of" and all that follows through the end.

(b) CONFORMING AMENDMENTS TO CHAPTER 35.—Chapter 35 of such title is further amended as follows:

(1) Section 3501(a) is amended by adding at the end the following new paragraph:

"(12) The term 'qualifying service' means service in the active military, naval, or air service after the beginning of the Spanish-American War that did not terminate under dishonorable conditions.".

(2) Section 3511 is amended—

(A) in subsection (a)(1)—

(i) by striking "Each eligible person" and inserting the following: "Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title,";

(ii) by striking "a period" and inserting "an aggregate period"; and

(iii) by striking the second sentence;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking "the provisions of section 3501(a)(1)(A)(iii) or" and inserting "section"; and

(II) by striking "or" at the end;

(ii) in paragraph (3)—

(I) by striking "section 3501(a)(1)(D)" and inserting "subparagraph (D) or (E) of section 3501(a)(1)"; and

(II) by inserting "or" after the comma at the end; and

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph,"; and

(C) by striking subsection (c).

(3) Section 3512 is amended—

(A) in subsection (a)—

(i) by striking "an eligible person (within the meaning of section 3501(a)(1)(A) of this title)" and inserting "an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title"; and

(ii) in paragraph (6), by striking "the provisions of section 3501(a)(1)(A)(iii)" and inserting "a parent being listed in one of the categories referred to in section 3501(a)(1)(C)";

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) by inserting after "section 3501(a)(1) of this title" the following: "or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title"; and

(II) by striking "or 3501(a)(1)(D)(ii) of this title" and inserting "3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title";

(ii) in paragraph (1)(B), by adding at the end the following new clause:

"(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in

the active military, naval, or air service.''; and

(iii) in paragraph (2)—

(I) by striking ''or (D) of this title'' and inserting ''(D), or (E) of this title''; and

(II) by inserting ''whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title)'';

(C) in subsection (d), by striking ''veteran'' and inserting ''person''; and

(D) in subsection (e)—

(i) by inserting ''based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title'';

(ii) by inserting ''so'' after ''the spouse was''; and

(iii) by striking ''by the Secretary'' and all that follows through ''occurs''.

(4) Section 3540 is amended by striking ''(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)'' and inserting ''(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)''.

(5) Section 3563 is amended by striking ''each eligible person defined in section 3501(a)(1)(A) of this title'' and inserting ''each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title''.

(c) OTHER CONFORMING AMENDMENTS.—Such title is further amended as follows:

(1) Sections 3686(a)(1) is amended by striking ''or (D)'' and inserting ''(D), or (E)''.

(2) Section 5113(b)(3) is amended—

(A) in subparagraph (B) by striking ''section 3501(a)(1)'' and all that follows through the end and inserting the following: ''subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title.''; and

(B) in subparagraph (C)—

(i) by striking ''such veteran's death'' and inserting ''the death of the person from whom such eligibility is derived''; and

(ii) by striking ''such veteran's service-connected total disability permanent in nature'' and inserting ''the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act.

SEC. 4. DEADLINE AND PERMANENT REQUIREMENT FOR REPORT ON EDUCATIONAL ASSISTANCE PROGRAM.

(a) DEADLINE FOR REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress a report containing the information specified in subsections (b) and (c) of section 3036 of title 38, United States Code.

(b) REPEAL OF TERMINATION.—Section 3036 of title 38, United States Code, is amended by striking subsection (d).

SEC. 5. REAUTHORIZATION OF BIENNIAL REPORT OF ADVISORY COMMITTEE ON WOMEN VETERANS.

Section 542(c)(1) of title 38, United States Code, is amended by striking ''2004'' and inserting ''2008''.

SEC. 6. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new sections:

''§ 7329. Parkinson's Disease research, education, and clinical centers

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities.

''(2) Subject to the appropriation of sufficient funds for such purpose, the Secretary shall establish and operate centers of Parkinson's Disease research, education, and clinical activities at the locations designated pursuant to paragraph (1) for such centers.

''(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

''(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a center of Parkinson's Disease research, education, and clinical activities pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center.

''(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

''(A) does not meet the requirements of subsection (c); or

''(B) has not demonstrated—

''(i) effectiveness in carrying out the established purposes of such center; or

''(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

''(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's Disease.

''(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(D) The capability to conduct effectively evaluations of the activities of such center.

''(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

''(F) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease and other movement disorders, at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health care system of the Department.

''(G) The capability to develop a national repository in the health care system of the Department for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

''(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

''(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

''(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each Parkinson's Disease center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's Disease and other movement disorders.

"§ 7330. Multiple sclerosis centers of excellence

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary, upon the recommendation of the Under Secretary for Health, shall designate not less than two Department health-care facilities as the locations for multiple sclerosis centers of excellence.

''(2) Subject to the appropriation of sufficient funds for such purpose, the Secretary shall establish and operate multiple sclerosis centers of excellence at the locations designated pursuant to paragraph (1) for such centers.

''(b) CRITERIA FOR DESIGNATION OF FACILITIES.—(1) In designating Department health-care facilities for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall assure appropriate geographic distribution of such facilities.

''(2) Except as provided in paragraph (3), the Secretary shall designate as the location for a multiple sclerosis center of excellence pursuant to subsection (a)(1) each Department health-care facility that as of January 1, 2005, was operating a multiple sclerosis center of excellence.

''(3) The Secretary may not under subsection (a) designate a facility described in paragraph (2) if (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility—

''(A) does not meet the requirements of subsection (c); or

''(B) has not demonstrated—

''(i) effectiveness in carrying out the established purposes of such center; or

''(ii) the potential to carry out such purposes effectively in the reasonably foreseeable future.

''(c) REQUIREMENTS FOR DESIGNATION.—(1) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals that meet the highest competitive standards of scientific and clinical merit.

''(2) The Secretary may not designate a Department health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with an accredited medical school that provides education and training in neurology and with which the Department health-care facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases, including multiple sclerosis.

''(B) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

''(C) An advisory committee composed of veterans and appropriate health-care and research representatives of the Department health-care facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of the center during the period of the operation of such center.

''(D) The capability to conduct effectively evaluations of the activities of such center.

''(E) The capability to coordinate (as part of an integrated national system) education, clinical, and research activities within all facilities with such centers.

''(F) The capability to jointly develop a consortium of providers with interest in treating multiple sclerosis at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for autoimmune disease affecting the central nervous system throughout the health care system of the Department.

''(G) The capability to develop a national repository in the health care system of the Department for the collection of data on health services delivered to veterans seeking care for autoimmune disease affecting the central nervous system.

''(d) PEER REVIEW PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of centers under this section.

''(2)(A) The membership of the panel shall consist of experts in autoimmune disease affecting the central nervous system.

''(B) Members of the panel shall serve for a period of no longer than two years, except as specified in subparagraph (C).

''(C) Of the members first appointed to the panel, one half shall be appointed for a period of three years and one half shall be appointed for a period of two years, as designated by the Under Secretary at the time of appointment.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) PRIORITY OF FUNDING.—Before providing funds for the operation of a center designated under subsection (a) at a Department health-care facility other than at a facility designated pursuant to subsection (b)(2), the Secretary shall ensure that each multiple sclerosis center at a facility designated pursuant to subsection (b)(2) is receiving adequate funding to enable that center to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) AWARD COMPETITIONS.—Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account. Such activities shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in multiple sclerosis and other neurodegenerative disorders.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new items:

''7329. Parkinson's Disease research, education, and clinical centers.

''7330. Multiple sclerosis centers of excellence.''.

(b) EFFECTIVE DATE.—Section 7329 and 7330 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 7. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

(a) FISCAL YEAR 2006 LEASES.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Indiana, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

(b) FISCAL YEAR 2007 LEASES.—The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, in an amount for each lease not to exceed the amount specified for that location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in subsection (a).

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in subsection (b).

SEC. 8. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) CITATION CORRECTION.—Section 1718(c)(2) is amended by inserting ''of 1938'' after ''Act''.

(2) CITATION CORRECTION.—Section 1785(b)(1) is amended by striking ''Robert B.'' and inserting ''Robert T.''.

(3) PUNCTUATION CORRECTION.—Section 2002(1) is amended by inserting a closing parenthesis before the period at the end.

(4) PUNCTUATION CORRECTION.—Section 2011(a)(1)(C) is amended by inserting a period at the end.

(5) CROSS REFERENCE CORRECTION.—Section 2041(a)(3)(A)(i) is amended by striking ''under this chapter'' and inserting ''established under section 3722 of this title''.

(6) CITATION CORRECTION.—Section 8111(b)(1) is amended by striking ''into the strategic'' and all that follows through ''and Results Act of 1993'' and inserting ''into the strategic plan of each Department under section 306 of title 5 and the performance plan of each Department under section 1115 of title 31''.

(7) REPEAL OF OBSOLETE TEXT.—Section 8111 is further amended—

(A) in subsection (d)(2), by striking ''effective October 1, 2003,''; and

(B) in subsection (e)(2)—

(i) in the second sentence, by striking ''shall be implemented no later than October 1, 2003, and''; and

(ii) in the third sentence, by striking '', following implementation of the schedule,''.

(8) CITATION CORRECTION.—Section 8111A(a)(2)(B)(i) is amended by striking ''Robert B.'' and inserting ''Robert T.''.

(b) PUBLIC LAW 107–296.—Effective as of November 25, 2002, section 1704(d) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2315) is amended—

(1) by striking ''101(25)(d)'' and inserting ''101(25)(D)''; and

(2) by striking ''3011(a)(1)(A)(ii)(II)'' and inserting ''3011(a)(1)(A)(ii)(III)''.

SEC. 9. CODIFICATION OF COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 109–361.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$112'' and inserting ''$115'';

(2) in subsection (b), by striking ''$218'' and inserting ''$225'';

(3) in subsection (c), by striking ''$337'' and inserting ''$348'';

(4) in subsection (d), by striking ''$485'' and inserting ''$501'';

(5) in subsection (e), by striking ''$690'' and inserting ''$712'';

(6) in subsection (f), by striking ''$873'' and inserting ''$901'';

(7) in subsection (g), by striking ''$1,099'' and inserting ''$1,135'';

(8) in subsection (h), by striking ''$1,277'' and inserting ''$1,319'';

(9) in subsection (i), by striking ''$1,436'' and inserting ''$1,483'';

(10) in subsection (j), by striking ''$2,393'' and inserting ''$2,471'';

(11) in subsection (k)—

(A) by striking ''$87'' both places it appears and inserting ''$89''; and

(B) by striking ''$2,977'' and ''$4,176'' and inserting ''$3,075'' and ''$4,313'', respectively;

(12) in subsection (l), by striking ''$2,977'' and inserting ''$3,075'';

(13) in subsection (m), by striking ''$3,284'' and inserting ''$3,392'';

(14) in subsection (n), by striking ''$3,737'' and inserting ''$3,860'';

(15) in subsections (o) and (p), by striking ''$4,176'' each place it appears and inserting ''$4,313'';

(16) in subsection (r)—

(A) in paragraph (1), by striking ''$1,792'' and inserting ''$1,851''; and

(B) in paragraph (2), by striking ''2,669'' and inserting ''$2,757''; and

(17) in subsection (s), by striking ''$2,678'' and inserting ''$2,766''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$135'' and inserting ''$139'';

(2) in subparagraph (B), by striking ''$233'' and ''$68'' and inserting ''$240'' and ''$70'', respectively;

(3) in subparagraph (C), by striking ''$91'' and ''$68'' and inserting ''$94'' and ''$70'', respectively;

(4) in subparagraph (D), by striking ''$109'' and inserting ''$112'';

(5) in subparagraph (E), by striking ''$257'' and inserting ''$265''; and

(6) in subparagraph (F), by striking ''$215'' and inserting ''$222''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$641'' and inserting ''$662''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Subsection (a) of section 1311 of such title is amended—

(A) in paragraph (1), by striking ''$1,033'' and inserting ''$1,067''; and

(B) in paragraph (2), by striking ''$221'' and inserting ''$228''.

(2) OLD LAW DIC.—The table in paragraph (3) of such subsection is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,067	W–4	$1,276
E–2	$1,067	O–1	$1,128
E–3	$1,067	O–2	$1,165
E–4	$1,067	O–3	$1,246
E–5	$1,067	O–4	$1,319
E–6	$1,067	O–5	$1,452
E–7	$1,104	O–6	$1,637
E–8	$1,165	O–7	$1,768
E–9	$1,215[1]	O–8	$1,941
W–1	$1,128	O–9	$2,076
W–2	$1,172	O–10	[2] $2,276
W–3	$1,207	.....	.....

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,312.

[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,443.''.

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Such section is further amended—

(A) in subsection (b), by striking ''$257'' and inserting ''$265'';

(B) in subsection (c), by striking ''$257'' and inserting ''$265''; and

(C) in subsection (d), by striking ''$122'' and inserting ''$126''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$438'' and inserting ''$452'';

(B) in paragraph (2), by striking ''$629'' and inserting ''$649'';

(C) in paragraph (3), by striking ''$819'' and inserting ''$846''; and

(D) in paragraph (4), by striking ''$819'' and ''$157'' and inserting ''$846'' and ''$162'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$257'' and inserting ''$265'';

(B) in subsection (b), by striking ''$438'' and inserting ''$452''; and

(C) in subsection (c), by striking ''$218'' and inserting ''$225''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BROWN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to urge my colleagues to pass H.R. 6342, the Veterans Programs Extension Act of 2006, a bill that would extend several existing Department of Veterans Affairs benefit provisions. This bill has similar provisions as passed by the House of Representatives in H.R. 6314 on November 14, 2006, but also has additional provisions negotiated between the House and the Senate.

As in H.R. 6314, the bill would reauthorize health care services for veterans exposed to chemical and biological testings under Project 112 and SHAD, and extends treatment and rehabilitation programs for seriously mentally ill and homeless veterans until December 31, 2007. The bill also extends VA grants and per diem programs for homeless veterans until September 30, 2007. Further, it would extend until December 31, 2007 VA's Advisory Committee on Homeless Veterans, and a program to provide government markers for veterans interred in private cemeteries.

The expiring authority allowing veterans in the VA study program to assist VA and other government agencies would be extended until June 30, 2007. The work-study program is an increasingly popular benefit that provides veterans with an alternative use of their GI bill if they choose not to go to college.

Mr. Speaker, section 3 of the legislation contains provisions to authorize VA to provide educational benefits under chapter 35 to spouses and dependent children of severely injured servicemembers prior to the member's discharge. These are servicemembers who, in the opinion of the VA, will most likely be discharged with permanent and total service-connected disabilities. Given the long convalescence many of our severely injured servicemembers experience while being retained on active duty, we believe it makes no sense to delay a spouse's ability to get the education and training that may be needed to help support the family. Mr. Speaker, these spouses are just as heroic as the wounded warriors they support. This is not a new benefit. Current law requires severely injured servicemembers to already be discharged from the condition qualified for the chapter 35 benefit; we would merely authorize VA to pay benefits sooner to those who would qualify following discharge.

Mr. Speaker, the following provisions are in addition to those in H.R. 6314. The bill would reauthorize the requirements of the Secretary of Defense and the Secretary of Veterans Affairs to each submit a report to Congress on use of educational assistance programs by veterans and servicemembers. It would also reauthorize the biennial report on women veterans. The bill would permanently authorize six Parkinson's disease research education and clinical centers. Parkinson's disease affects as many as 1.5 million Americans. While treatment exists, we are still searching for a cure. Currently, VA has six of these centers. They give researchers the ability to see results rapidly and put their knowledge to use helping patients. These centers work with other VA clinical centers in the treatment of tens of thousands of veterans with Parkinson's disease. This language was included in H.R. 1220, as amended, which passed the House of Representatives on July 13, 2005.

In addition, the bill also codifies two existing multiple sclerosis centers. The bill also would authorize major medical facility leases similar to H.R. 5815 which passed the House on September 16, 2006.

Finally, the bill makes technical and clerical amendments to title 38, and codifies the payment amount of the already enacted Veterans Disability Compensation COLA.

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

Mr. FILNER. Mr. Speaker, I yield myself as much time as I may consume.

I am also pleased to rise in support of H.R. 6342, which would, as we have heard from Chairman Brown, extend expired and expiring authorizations for Department of Veterans Affairs programs, expand eligibility for survivor and dependent educational assistance, and authorize leases for VA medical facilities. This bill will permanently establish Parkinson's Disease research, education, and clinical care centers, as well as multiple sclerosis centers of excellence.

Mr. Speaker, I include for the RECORD letters of support for this bill from the Parkinson's Action Network, American Academy of Neurology, the National Multiple Sclerosis Society, and the Paralyzed Veterans of America.

DECEMBER 5, 2006.

Hon. STEVE BUYER,
Chairman, Veterans' Affairs Committee, Washington, DC.
Hon. LANE EVANS,
Ranking Member, Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN BUYER AND RANKING MEMBER EVANS: On behalf of American veterans and all those who struggle with the effects of multiple sclerosis (MS) and Parkinson's disease (PD), we appreciate your strong leadership in protecting the Veterans Affairs Multiple Sclerosis Centers of Excellence (MSCoE) and Parkinson's Disease Research, Education and Clinical Centers (PADRECCs). We commend you for working to enact legislation that will formally establish the MSCoEs and PADRECCs for the first time in statute. We believe that this bill must be enacted to ensure that the PADRECCs and MSCoEs will continue providing valuable services to veteran patients, family members, and the entire Parkinson's disease and MS communities.

Significant contributions have been made by the Centers in research, education, and clinical care that benefit *all* Americans impacted by PD and MS. The MSCoEs and PADRECCs support a range of programs including state-of-the-art clinical care, basic research into the causes of disease, clinical research into better treatments, behavioral research about effective education strategies for MS and Parkinson's patients and providers, and population level research into the needs of patients and the effectiveness of the care delivery system.

Our organizations have recognized the record of leadership that has been provided by the PADRECCs and MSCoE in the fight against Parkinson's and MS. Approximately 25,000 veterans have MS and require specialized care that is best provided by having leaders in the field directing that care at a national level. In addition, through the six PADRECCs and the National VA Parkinson's Disease Consortium, the VA is able to treat more than 79,000 veterans with Parkinson's disease. The efforts of these Centers are the model of innovation in the delivery of health care and research for progressive disease in the veteran population.

We appreciate your efforts to ensure that the Veterans Programs Extension Act of 2006 (H.R. 6342) will be voted on by both the House of Representatives and Senate before Congress adjourns in December. We look forward to enactment of this bill that is so important to all those who struggle with the devastating effects of MS and Parkinson's disease, many of whom are American veterans.

Thank you for recognizing the benefits provided to veterans fighting Parkinson's disease and MS through the VA PADRECCs and MSCoEs. We appreciate your efforts to ensure the highest level of care and hopeful research for our returning veterans.

AMY C. COMSTOCK,
Chief Executive Officer, Parkinson's Action Network.
JOYCE NELSON,
President and CEO, National Multiple Sclerosis Society.
THOMAS R. SWIFT, MD, FAAN,
President, American Academy of Neurology.
CARL BLAKE,
Acting National Legislative Director, Paralyzed Veterans of America.

Mr. FILNER. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. BUYER), the chairman of our committee, and our colleagues in the Senate, Chairman CRAIG and Ranking Member AKAKA, for coming together to craft this bill that will pass both Chambers before we recess.

As this may be our last bill of this term in Congress in the Veterans Committee, I want to say a special thank-you to Ranking Member LANE EVANS for his work on behalf of veterans. As we all know, he is retiring at the end of this session, but for more than two decades here in Congress he has been a tenacious and indispensable voice for our Nation's veterans. He has championed the needs of veterans exposed to Agent Orange, homeless veterans, veterans who return from war with post-traumatic stress disorder, and he has helped untold number of veterans. He will be missed by all of us as we move into the next session of Congress.

As we have heard, this bill before us today permanently establishes VA's Parkinson's Disease Centers and VA's Multiple Sclerosis Centers of Excellence. The work of these centers has benefited more than 80,000 veterans across our Nation. I am proud that the VA medical facility in San Diego, which I represent, is affiliated with the VA's Southwestern Parkinson's Research Center in Los Angeles. Not only do these centers conduct groundbreaking research, they also advance the State's clinical and rehabilitative care. The innovations and rehabilitation designed for veterans who are battling chronic disorders may also yield gains and care for veterans with traumatic brain injury. The good work of these centers must continue. Through this legislation we are sending a clear signal that the VA must continue to fund and support the clinical and the research work done at all the existing centers.

In addition, this bill authorizes VA programs for homeless veterans and veterans who need mental health care. I am proud and I am also grateful that this legislation will help the families of these very severely wounded servicemembers by providing education benefits to eligible spouses and dependent children before these servicemembers are actually released from military service. The bill also gives urgently needed authorization for VA outpatient clinics across the Nation.

The number of women veterans will increase in the coming years. Thirteen percent of the veterans from Iraq and Afghanistan who have turned to VA for health care are women, and 11 percent of the troops deployed there are women. This bill makes sure that Congress receives the report and recommendations of the VA Advisory Committee on Women's Veterans which can help guide our actions and oversight of VA's capacity to address the unique needs of these veterans.

I would be remiss if I failed to acknowledge that we are ending this Congress, apparently, without passing a funding bill for the VA, as for much of the government. Yes, we will pass a continuing resolution to keep all the hospitals, regional offices, and other services operating, but we are short-changing veterans, Mr. Speaker, by not passing the appropriations bill for the Veterans Administration. The delay in an increase in VA's funding for fiscal year 2007 means that the VA medical directors are forced to put on hold a whole variety of necessary expenditures, from the hiring of needed staff to care for our veterans, to the maintenance and repair of their buildings. As a result, veterans access to needed services suffers, and VA staff is stretched even more thin in providing quality care.

This failure to pass a budget is a clear illustration of the need for mandatory or assured funding of VA health care, and for the past 14 years I have been a firm supporter of this method of funding the VA. I agree with those veteran service organizations who have proposed that funding for veterans health care be mandatory. If we are unable to pass adequate and timely funding, timely funding, Mr. Speaker, to meet the health care of veterans, then we need to look seriously at alternate ways to ensure adequate funding for the health care of our veterans.

Unfortunately, we have also not completed our work in authorizing needed veterans programs. We must honor our veterans and make sure that our recent veterans who have returned from Iraq and Afghanistan receive the benefits and services that they need to transition back to civilian life.

For example, I think we owe it to our newest veterans to modernize the GI bill, especially including meaningful benefits for the Guard and Reserve units who have taken such a heavy load of the fighting in Iraq. We must increase VA's capacity to meet the rehabilitation and lifelong care needs of veterans with traumatic brain injury.

While VA has a strong mental health care program, many of our returning veterans are falling through the

cracks, and we have gaps in those services. We must strengthen VA's capacity to help veterans with post-traumatic stress disorder and other mental health concerns. The recent GAO report, which found that the VA did not spend funds on promised mental health initiatives, raises serious questions about VA's lack of accountability, a lack of accountability that was not really looked into by the previous Congress. We must ensure that VA does not ignore gaps in its capacity to help veterans recover from psychological wounds.

□ 1630

As we work to address the emerging issues for veterans returning from Iraq and Afghanistan, we must also continue to press VA to meet the health care needs of veterans exposed to Agent Orange, atomic testing and veterans still struggling with a range of Gulf War illnesses.

In addition, we must maintain keen oversight to ensure that the laws we have passed are yielding the outcomes Congress intended. We also must be vigilant to ensure that the vulnerabilities in VA information technology are addressed, and we will certainly continue this oversight in the next Congress.

Today's bill keeps VA's homeless grant and per diem program authorized through the end of next year. This is a good program, but it only helps a fraction of the homeless veterans on the streets. We have already seen returning from Iraq and Afghanistan veterans who have become homeless, almost 600 of them. We must act to prevent and end homelessness for all veterans.

In addition, many veterans are from small towns and rural areas. We must work to improve their access to VA care. In my district, most of the entire Imperial County can be classified as rural. There are no real services provided to them as they seek care. So we need to acknowledge some of these gaps, we need to acknowledge these problems, and try to address them in the next Congress.

Finally, I would like to thank all of the staff of the VA Committee on both the Democratic and Republican sides for their diligence and dedication in serving our Nation's veterans. We appreciate their work. While we have a lot of work to do in the coming years, this is a good bill. I urge my colleagues to support H.R. 6342.

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

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this legislation is a product of negotiation between the House and Senate and includes several key provisions already passed by this body and agreed to by the other body.

Mr. Speaker, Chairman BUYER asked me to share his appreciation for the hard work of the subcommittee chairmen, Mr. BOOZMAN, Mr. BILIRAKIS, and Mr. MILLER, and the ranking members of the committee, Ms. HERSETH, Ms. BERKLEY, Mr. MICHAUD and Mr. STRICKLAND during these negotiations and this Congress.

Together we have forged a bipartisan path for veterans legislation and funding to provide our Nation's heroes with much-needed health care and benefits.

I also want to recognize the leadership and cooperation of the acting ranking member, Mr. FILNER, and of the ranking member Mr. EVANS.

Chairman BUYER also expressed his appreciation for the cooperation of Senator CRAIG and Senator AKAKA, as well as the staff from the Senate and the House Committees on Veterans' Affairs in drafting this legislation.

I urge my colleagues to support passage of the bill before us and ask for it to be expedited as quickly as possible to the Senate for their consideration.

GENERAL LEAVE

Mr. BROWN of South Carolina. Mr. Speaker, I ask unanimous consent that all Members be provided 5 days in which to revise and extend their remarks on H.R. 6342.

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

There was no objection.

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

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to Ms. BERKLEY, the fighting congresswoman for Nevada's veterans.

Ms. BERKLEY. Mr. Speaker, I would also like to add my thanks to Chairman BUYER, Ranking Member EVANS, and of course Acting Ranking Member FILNER for moving forward on this bill.

This legislation would extend a number of important provisions that would otherwise expire. I want to particularly mention a provision in this legislation which extends through December 31, 2007, the Department of Veterans Affairs' authority to provide a grave marker or headstone when a veteran is buried in a marked grave. Veterans who served our Nation honorably should not lose their eligibility for recognition in death merely because the grave in which they are buried has a nonmilitary marker.

I have a long record of interest in improving the burial benefits provided to our Nation's veterans, and this provision is certainly a step in the right direction. I join Chairman MILLER in introducing legislation to extend this authorization. Although the VA and Members on both sides of the aisle support making the authorization permanent, the committee was not able to fund the cost of permanent authorization. I hope that we will be able to do so in the next Congress.

I am pleased that the bill includes the provision championed by our retiring ranking member, LANE EVANS, whom Mr. FILNER spoke so glowingly of, which authorizes specialized VA facilities for research and treatment of Parkinson's disease. This issue is particularly important to all of us because it is of particular importance to Mr. EVANS.

Passage of these provisions will honor his long congressional service to our Nation's veterans. It is a lasting legacy to Mr. EVANS and for those who suffer from the effects of Parkinson's disease.

Veterans in my Las Vegas district benefit from the affiliation that Las Vegas VA facilities have with the Southwestern PADRECC, which provides treatment for Parkinson's disease and is located at the West Los Angeles VA Medical Center.

This legislation also includes authorization for four clinics in Las Vegas which have leases that will soon expire. While I am pleased to see these leases renewed, and nobody knows better than Mr. FILNER the needs of our veterans in the Las Vegas area that I represent, this bill was to contain a $406 million authorization for a new VA medical center in Las Vegas on which we broke ground in October. My veterans desperately need this facility. Las Vegas has the fastest growing veterans population in the United States but does not have a VA medical center or a hospital.

At a time of war and when we are seeing new veterans returning home from Iraq and Afghanistan, there is simply no excuse for failing to reach an agreement on important veterans issues. I hope and I am cautiously optimistic that we will be able to pass a VA construction bill before we adjourn later this week.

With that, I would like to thank Chairman BUYER again and the acting ranking member, Mr. FILNER, for their extraordinary work on behalf of our veterans and urge passage of this legislation.

Mr. FILNER. Mr. Speaker, before we adjourn, I hope we do authorize construction of that hospital in Las Vegas. If for some reason it doesn't happen, we will try to do it very quickly next year.

Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the ranking member for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 6342. I commend Chairman BUYER and the ranking member, Mr. FILNER, and my colleagues on the committee and in the Senate for their work on this legislation. This bill does deserve bipartisan support.

H.R. 6342 includes a number of must-pass provisions. It also improves education assistance for severely disabled service personnel. It is important that we do all that we can to help the individuals and their families to regain their independence and economic security.

This legislation also puts VA specialized programs for homeless veterans on a more secure footing. I am proud that this Congress is acting to extend the

soon-to-expire authorization of VA's grants and per diem program for homeless veterans. Extending these authorizations until the end of 2007 is an important step, but is not enough.

Last year, VA's health care program for homeless veterans served nearly 600 Iraq and Afghanistan veterans. It is shameful that any veteran spends a night on the street. We cannot leave those homeless veterans and those with psychiatric wounds behind.

In this Congress, I introduced legislation to improve VA's capacity to help homeless veterans recover, rehabilitate and return to a full life in our society. I am glad that some of the key expiring provisions to help homeless veterans from my bill are in the legislation that we are considering now. I plan to reintroduce the bill in the next Congress to help homeless veterans, and I look forward to working with my colleagues to address this issue.

It is right that we are permanently establishing the six VA Parkinson's Disease Research, Education and Clinical Care Centers along with VA's two MS Centers of Excellence. These centers are shining examples of how VA could help veterans with other chronic and debilitating diseases and injuries, such as traumatic brain injury. These centers have led the way in state-of-the-art research and clinical care. This bill sends a clear message to VA to keep supporting the clinical, research and educational work of these centers.

Today is a bittersweet day because it may mark the end of an era. This may be the last veterans bill that the House will consider which has Ranking Member LANE EVANS as an original cosponsor. I know this will not be the last bill to reflect his advocacy and passion for veterans and their families. LANE has been a great leader and mentor to so many of us on the committee and in Congress. His legacy is measured in the millions of veterans and their families who have benefited from his determination, compassion, and wisdom. I will deeply miss him, and I know this institution will miss him as well.

It is my understanding that there may be also an opportunity for an omnibus veterans package on the floor tomorrow. I am glad that we may be able to move more legislation before the end of year, but it is unfortunate that we have waited until the last days of Congress to pass these provisions.

The fact remains as we come to an end of the 109th Congress, we must be honest with the American people: We have much more work to do. We have not yet passed a funding bill for VA. It is simply unacceptable for Congress to tell VA you need to put a hold on hiring needed staff because we cannot and will not pass a budget in a timely manner.

It is troubling that some 73,000 of our returning veterans who have come home to VA for medical care have received an initial diagnosis of a mental health disorder, and I am concerned that VA appears to want to deny that its veterans centers and medical facilities are straining to meet the needs of these veterans. Many are calling traumatic brain injury the signature wound of this war. Veterans with TBI and their families deserve state-of-the-art care from the VA.

For service members, the transition from the military's health care system to enrollment in the VA health care system is far from seamless. For many of our returning National Guard members and reservists, the Montgomery GI bill does not meet their needs. Education benefits of the GI bill must be revamped and updated to meet the needs of current veterans.

All of these issues, and more, require greater oversight and perhaps legislative solutions for us in the next Congress.

Mr. Speaker, I would like to take this opportunity to thank the subcommittee chairmen that I have worked with for the last two Congresses, Chairman HENRY BROWN, for working in a bipartisan manner, but also the staff of both the Republican side and the Democratic side for all of their hard work in getting these pieces of legislation to the floor. I would also like to thank Chairman BUYER for all his work. I also want to thank Mr. FILNER for his leadership on this legislation and the committee as well. I look forward to working with Mr. FILNER in the 110th Congress on matters important to America's veterans.

Mr. Speaker, this is a good bill and I urge my colleagues to support H.R. 6342.

Mr. FILNER. Mr. Speaker, I want to thank Mr. MICHAUD, if I may, for his emphasis on homeless veterans. Almost a quarter million homeless on the streets tonight are veterans. That is a national disgrace. I look forward to working with all of you to solve that.

Mrs. MALONEY. Mr. Speaker, I rise as the Co-Chair of the Congressional Working Group on Parkinson's Disease in strong support of H.R. 6342, which will protect the Parkinson's Disease Research, Education and Clinical Centers (PADRECCs.)

As a leader in the Parkinson's community, I commend the Committee on Veterans' Affairs for working to enact legislation that will formally establish the PADRECCs for the first time in statute.

Significant contributions have been made by the Centers in research, education, and clinical care that benefit all Americans impacted by Parkinson's disease.

The PADRECCs have served to elevate the quality, comprehensiveness, and access of care for veteran patients with Parkinson's disease and related disorders throughout the Veterans Health Administration.

Through the six regional centers spanning the country and the National VA Parkinson's Disease Consortium, the VA is able to treat more than 79,000 veterans with Parkinson's disease.

The efforts of these Centers are the model of innovation in the delivery of health care and research for chronic, progressive disease in the veteran population.

The Congressional Working Group on Parkinson's Disease learned earlier this year that the Centers' existence was in jeopardy—seriously threatening the institutions' valuable research, education, and clinical care programs that benefit all Americans affected by Parkinson's disease.

I believe that this bill must be enacted to ensure that the PADRECCs will continue providing valuable services to veteran patients, family members, and the entire Parkinson's disease community.

The original bill to protect the PADRECCs was authored by my fellow Co-Chair of the Congressional Working Group on Parkinson's Disease and friend Congressman LANE EVANS.

As you may know, Congressman EVANS helped to create the PADRECCs.

By working with the former and current VA Administration, Representative EVANS helped to establish these Centers that serve American veterans battling Parkinson's disease.

As a former Marine, Ranking Member on the VA Committee, and person battling Parkinson's disease, Representative LANE EVANS has a strong sense of mission about providing the highest standards of care for both constituencies. I commend the PADRECCs for doing just that.

Mr. Speaker, as you know, our colleague LANE EVANS is officially retiring from the House of Representatives at the conclusion of the 109th Congress due to his struggle with Parkinson's disease.

Congressman EVANS has been a true champion of veterans and Parkinson's issues on Capitol Hill and great friend to both communities.

As Representative EVANS said in his retirement announcement, "I believe strongly in serving people and working to make a positive difference in their lives."

This bill uniquely speaks to the significant contributions Representative EVANS has made in the lives of more than one million Americans living with Parkinson's disease and more than 24.5 million American veterans.

I urge my colleagues to honor LANE EVANS and vote yes on this important bill.

I look forward to enactment of this bill that is so important to all those who struggle with the devastating effects of Parkinson's disease.

Mr. FILNER. 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 South Carolina (Mr. BROWN) that the House suspend the rules and pass the bill, H.R. 6342.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. BROWN of South Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4073) to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic".

The Clerk read as follows:

S. 4073

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

SECTION 1. ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, shall be known and designated as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BROWN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 4073 would rename the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic.''

Robert Silvey, a decorated veteran of World War II, served as a member of the famed 82nd Airborne Division and was among a group of troopers who parachuted into France the night before the invasion of Normandy on D-Day. While fighting in France, Mr. Silvey was wounded three times and was subsequently awarded the Purple Heart. After returning home from World War II, Mr. Silvey had been active in various service organizations in the Farmington area and was instrumental in advocating for the construction of this new outpatient clinic and has served as an active member in his community as well as in local veterans organizations. Naming this outpatient clinic for Mr. Silvey would be entirely appropriate.

I ask for the support of my colleagues in passing this legislation.

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

Mr. FILNER. Mr. Speaker, we also support S. 4073, and I know the gentlewoman from Missouri will speak about Mr. Silvey and make sure we know why his service is so honored.

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

Mr. BROWN of South Carolina. Mr. Speaker, House bill H.R. 5994 has the full support of the Missouri delegation and the State veterans service organizations and is identical to the Senate language.

Mr. Speaker, at this time I would like to yield 3 minutes to the original sponsor of H.R. 5994, the gentlewoman from Missouri, Mrs. JO ANN EMERSON.

Mrs. EMERSON. Mr. Speaker, I first want to thank the chairman and ranking member for all of the help they have given us in ensuring that the new veterans clinic in Farmington, Missouri can be named after the person who has advocated most vocally for it, and that is my good friend Bob Silvey.

You mentioned, Mr. Chairman, Mr. Silvey's service as part of the 82nd Airborne and going to the shores of France, actually parachuting in the night before the invasion of Normandy. But Bob has always been an incredible leader in the community of Farmington. As a matter of fact, when Bob asks you to do something, you would never want to say ''no,'' number one. And number two, you always want to make sure that it gets done as quickly as possible because he will not allow you to say ''no'' and he will not allow anything not to happen. So when we originally built our smaller veterans facility in Farmington, Missouri, Bob knew the second day that we moved in that it wasn't going to be adequate enough. So he went about looking in the community for a larger space to put it on, one now that is actually adjacent to our VFW post, and it all began like that.

But I have to say that this is an important and incredible tribute to Bob Silvey, but it is also a commitment to all of our servicemen and servicewomen in Missouri and around the country. Like Bob, so many of them continue to be active members of their community, and they are working tirelessly, as Bob did, to improve the quality of veterans health care in Southern Missouri.

I was really excited in March of this year to break ground on the facility and then in August for us to move into it, and it is a state-of-the-art facility, and really it is only a larger facility but it is there in large part because Bob Silvey was relentless in pursuit of this.

Bob has been an active member of the VFW Post 5896 of Farmington, Missouri. He served as commander four times. He twice served as commander of the VFW Post in Ironton, a town south of Farmington, a couple of times. And I was very, very proud, and I know Bob was too, that the members of the VFW Post 5896 and the American Legion Post 416 in Farmington unanimously passed resolutions in support of naming the new Farmington veterans clinic after Bob Silvey.

In addition, I might want to add that members of our Missouri statehouse and the State senate wrote letters of support in naming this clinic after Bob; so this is an important tribute to him. And certainly this legislation that you all have enabled us to put on the floor today would allow the residents of Farmington, Missouri to honor one of their greatest World War II veterans and ensure that the name on the new clinic reflects the service of a great contributor to our American freedom and the quality of our veterans' lives here at home.

Bob, I know that you are watching this on C–SPAN right now, and I hope that you know how well loved you are. I hope that you know what a leader you have been, and your commitment and your dedication to this country has been next to none. And this is a very real and fitting tribute to all that you have done to ensure that America remains the greatest country on the face of the earth.

So, Mr. Speaker, I thank very much Chairman BROWN and Ranking Member FILNER for this opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

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

I thank the gentlewoman, through the Chair, for her testimony to this decorated hero.

I would also point out we have another hero named Bob in the audience today. I would just like to recognize Bob Cover from the Legislative Counsel's Office, who has been 30 years writing this legislation and dealing with title 38. And we couldn't do anything without your expertise, Bob. We thank you for all your work. We wish you well in the future, and we appreciate your work to help veterans in this Nation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BROWN) that the House suspend the rules and pass the Senate bill, S. 4073.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on S. 4073.

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

There was no objection.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2006

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5076) to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5076

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 Transportation Safety Board Reauthorization 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. Reports.
Sec. 3. Investigation services.
Sec. 4. Expenses of DOT Inspector General.
Sec. 5. Evaluation and audit of the National Transportation Safety Board.
Sec. 6. Audit procedures.
Sec. 7. Implementation of NTSB's ''Most Wanted Transportation Safety Improvements, 2006''.
Sec. 8. Authorization of appropriations.
Sec. 9. Technical corrections.
Sec. 10. Safety review.
Sec. 11. DOT Inspector General oversight and investigations related to Central Artery tunnel project.

SEC. 2. REPORTS.

(a) ANNUAL REPORTS.—

(1) IN GENERAL.—Section 1117 of title 49, United States Code, is amended—

(A) in paragraph (2) by striking ''and'' after the semicolon;

(B) in paragraph (3) by striking ''State.'' and inserting ''State;''; and

(C) by adding at the end the following:

''(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

''(5) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

''(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.''.

(2) UTILIZATION PLAN.—

(A) PLAN.—Within 90 days after the date of enactment of this Act, the National Transportation Safety Board shall—

(i) develop a plan to achieve, to the maximum extent feasible, the self-sufficient operation of the National Transportation Safety Board Academy and utilize the Academy's facilities and resources;

(ii) submit a draft of the plan to the Comptroller General for review and comment; and

(iii) submit a draft of the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) PLAN DEVELOPMENT CONSIDERATIONS.—The Board shall—

(i) give consideration in developing the plan under subparagraph (A)(i) to other revenue-generating measures, including subleasing the facility to another entity; and

(ii) include in the plan a detailed financial statement that covers current Academy expenses and revenues and an analysis of the projected impact of the plan on the Academy's expenses and revenues.

(C) REPORT.—Within 180 days after the date of enactment of this Act, the National Transportation Safety Board shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(i) an updated copy of the plan developed pursuant to subparagraph (A)(i);

(ii) any comments and recommendations made by the Comptroller General pursuant to the Government Accountability Office's review of the draft plan; and

(iii) a response to the Comptroller General's comments and recommendations, including a description of any modifications made to the plan in response to those comments and recommendations.

(D) IMPLEMENTATION.—The plan developed pursuant to subparagraph (A)(i) shall be implemented within 2 years after the date of enactment of this Act.

(b) DOT REPORT ON COMPLIANCE WITH RECOMMENDATIONS.—Section 1135(d)(3) of title 49, United States Code, is amended to read as follows:

''(3) COMPLIANCE REPORT WITH RECOMMENDATIONS.—Within 90 days after the date on which the Secretary submits a report under this subsection, the Board shall review the Secretary's report and transmit comments on the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.''.

SEC. 3. INVESTIGATION SERVICES.

(a) IN GENERAL.—Section 4(a) of the National Transportation Safety Board Reauthorization Act of 2003 (Public Law 108–168; 49 U.S.C. 1113 note) is amended by striking ''From the date of enactment of this Act through September 30, 2006, the'' and inserting ''The''.

(b) REPORT.—Section 4(b) of such Act is amended—

(1) by striking ''On February 1, 2006,'' and inserting ''On July 1 of each year, as part of the annual report required by section 1117 of title 49, United States Code,''; and

(2) in paragraph (1) by striking ''for $25,000 or more''.

SEC. 4. EXPENSES OF DOT INSPECTOR GENERAL.

Section 1137(d) of title 49, United States Code, is amended to read as follows:

''(d) AUTHORIZATIONS OF APPROPRIATIONS.—

''(1) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised under this section.

''(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Board shall have a reimbursable agreement to cover such expense.''.

SEC. 5. EVALUATION AND AUDIT OF THE NATIONAL TRANSPORTATION SAFETY BOARD.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1138. Evaluation and audit of National Transportation Safety Board

''(a) IN GENERAL.—To promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the National Transportation Safety Board, the Comptroller General of the United States shall evaluate and audit the programs and expenditures of the National Transportation Safety Board. Such evaluation and audit shall be conducted at least annually, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

''(b) RESPONSIBILITY OF COMPTROLLER GENERAL.—The Comptroller General shall evaluate and audit Board programs, operations, and activities, including—

''(1) information management and security, including privacy protection of personally identifiable information;

''(2) resource management;

''(3) workforce development;

''(4) procurement and contracting planning, practices and policies;

''(5) the extent to which the Board follows leading practices in selected management areas; and

''(6) the extent to which the Board addresses management challenges in completing accident investigations.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section the term 'appropriate congressional committees' means the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 1137 the following:

''1138. Evaluation and audit of National Transportation Safety Board''.

SEC. 6. AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall continue to develop and implement comprehensive internal audit controls for its operations. The audit controls shall address, at a minimum, Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

SEC. 7. IMPLEMENTATION OF NTSB'S "MOST WANTED TRANSPORTATION SAFETY IMPROVEMENTS, 2006".

Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives explaining why the Federal Aviation Administration has not implemented the aviation recommendations in the ''Most Wanted Transportation Safety Improvements, 2006'' of the National Transportation Safety Board.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking ''and'' after ''2005,''; and

(2) by striking ''2006.'' and inserting ''2006, $81,594,000 for fiscal year 2007, and $92,625,000 for fiscal year 2008.''.

(b) FEES, REFUNDS, AND REIMBURSEMENTS.—

(1) IN GENERAL.—Section 1118(c) of such title is amended to read as follows:

''(c) FEES, REFUNDS, AND REIMBURSEMENTS.—

''(1) IN GENERAL.—The Board may impose and collect such fees, refunds, and reimbursements as it determines to be appropriate for services provided by or through the Board.

''(2) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee, refund, or reimbursement collected under this subsection—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed or with which the refund or reimbursement is associated;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed or with which the refund or reimbursement is associated; and

''(C) shall remain available until expended.

''(3) REFUNDS.—The Board may refund any fee paid by mistake or any amount paid in excess of that required.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2005.

(c) REPORT.—Section 1118(d) of title 49, United States Code, is repealed.

SEC. 9. TECHNICAL CORRECTIONS.

(a) FUNCTIONAL UNIT FOR MARINE INVESTIGATIONS.—Section 1111(g) of title 49, United States Code, is amended by adding at the end the following:

''(5) marine.''.

(b) MARINE CASUALTY INVESTIGATIONS.—Section 1131(a)(1)(E) of such title is amended—

(1) by striking ''on the navigable waters or territorial sea of the United States,'' and inserting ''on or under the navigable waters, internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988,''; and

(2) by inserting ''(as defined in section 2101(46) of title 46)'' after ''vessel of the United States''.

(c) REFERENCE TO DEPARTMENTAL AUTHORITY.—Section 1131(c)(1) of such title is amended by inserting ''or the Secretary of the department in which the Coast Guard is operating'' after ''Transportation''.

(d) APPOINTMENT OF STAFF.—Section 1111 of such title is amended—

(1) by striking paragraph (1) of subsection (e) and inserting the following:

''(1) appoint and supervise officers and employees, other than regular and full-time employees in the immediate offices of another member, necessary to carry out this chapter;'';

(2) by redesignating paragraphs (2) and (3) of subsection (e) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) of subsection (e) the following:

''(2) fix the pay of officers and employees necessary to carry out this chapter;'';

(4) by redesignating subsection (i) as subsection (j); and

(5) by inserting after subsection (h) the following:

''(i) BOARD MEMBER STAFF.—Each member of the Board shall select and supervise regular and full-time employees in his or her immediate office as long as any such employee has been approved for employment by the designated agency ethics official under the same guidelines that apply to all employees of the Board. Except for the Chairman, the appointment authority provided by this subsection is limited to the number of full-time equivalent positions, in addition to 1 senior professional staff at a level not to exceed the GS 15 level and 1 administrative staff, allocated to each member through the Board's annual budget and allocation process.''.

(e) SPELLING CORRECTION.—Section 1113(a) of such title is amended in paragraphs (3) and (4) by striking ''subpena'' and inserting ''subpoena''.

(f) BOARD REVIEW.—Section 1113(c) of such title is amended by inserting after the period at the end the following: ''The Board shall develop and approve a process for the Board's review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress under this subsection.''.

(g) INVESTIGATIVE OFFICERS.—Section 1113 of such title is amended by adding at the end the following:

''(h) INVESTIGATIVE OFFICERS.—The Board shall maintain at least 1 full-time employee in each State located more than 1,000 miles from the nearest Board regional office to provide initial investigative response to accidents the Board is empowered to investigate under this chapter that occur in that State.''.

SEC. 10. SAFETY REVIEW.

(a) SAFETY AREA ALTERNATIVES.—With regard to an environmental review of a project to improve runway safety areas on Runway 8/26 at Juneau International Airport, the Secretary of Transportation may only select as the preferred alternative the least expensive runway safety area alternative that meets the standards of the Federal Aviation Administration and that maintains the length of the runway as of the date of enactment of this Act.

(b) COSTS TO BE CONSIDERED.—In determining what is the least expensive runway safety area for purposes of subsection (a), the Secretary shall consider, at a minimum, the initial development costs and life cycle costs of the project.

(c) SATISFACTION OF REQUIREMENT.—With respect to the project described in subsection (a), the requirements of section 303(c)(1) of title 49, United States Code, shall be considered to be satisfied by the selection of the least expensive safety area alternative.

SEC. 11. DOT INSPECTOR GENERAL OVERSIGHT AND INVESTIGATIONS RELATED TO CENTRAL ARTERY TUNNEL PROJECT.

(a) OVERSIGHT OF SAFETY REVIEW.—The Inspector General of the Department of Transportation shall provide objective and independent oversight of the activities performed by the Federal Highway Administration, the Massachusetts Executive Office of Transportation, and the Massachusetts Department of Transportation for the project-wide safety review initiated as a result of the July 10, 2006, accident in the Central Artery tunnel project in Boston, Massachusetts. The Inspector General shall ensure that such oversight is comprehensive, complete, and carried out in a rigorous manner.

(b) INVESTIGATIONS OF CRIMINAL AND FRAUDULENT ACTIVITIES.—In cooperation with the Attorney General of the United States and the Attorney General of the Commonwealth of Massachusetts, the Inspector General shall investigate criminal or fraudulent acts committed in the design, expenditure of funds, and construction of the Central Artery tunnel project.

(c) REPORTS TO CONGRESS.—The Inspector General shall submit to Congress periodically reports on the oversight and investigative activities conducted pursuant to this section, together with any recommendations and observations of the Inspector General. If the Inspector General identifies any safety issues of a time sensitive and critical nature in carrying out this section, the Inspector General shall promptly notify Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. 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 H.R. 5076.

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

There was no objection.

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

I am pleased to rise this afternoon in very strong support of this timely and certainly needed legislation. This legislation is the NTSB's, the National Transportation Safety Board's, authorization legislation, and it is currently provided for under a continuing resolution. The NTSB is a small but very important part of the Federal Government, and it makes some very critical contributions to our Nation's safety each year. The NTSB is charged with investigating civil aviation accidents and significant transportation accidents in other surface modes, including railroad, highway, marine, and pipeline accidents.

In addition, the NTSB assists the victims of aviation accidents, and where resources allow, Mr. Speaker, the NTSB also provides family assistance for accidents in other transportation modes.

As a member of the House Transportation and Infrastructure Committee and chairman of the Aviation Subcommittee, I can tell Members that the NTSB has provided tremendous service to this Nation and also to the traveling public in all modes of transportation for many years.

In the United States the 3-year average commercial aviation accident rate is .017 accidents per 100,000 departures, which means that the accident rate is the equivalent of one fatal accident for every 15 million passenger-carrying flights, which is an absolutely amazing record by any standard. I believe this unprecedented aviation safety record is in part due to the outstanding work over the years by hundreds and hundreds of NTSB professionals as well as the Federal Aviation Administration and also our aviation industry. But even with this outstanding safety record in commercial air transportation, we must continue to work towards making the system even safer, especially as we see increases in demand and also increases in congestion and passengers.

Since its creation in 1967, the NTSB has investigated more than 124,000 aviation accidents and at least 10,000 accidents in other modes of transportation. As a result of these investigations, the board has issued almost 12,000 safety recommendations, and over 82 percent of those recommendations have been adopted. The NTSB also serves as the ''court of appeals'' for any airman, mechanic, or mariner who has a problem with certificate action when it is taken by either the FAA administrator or the U.S. Coast Guard commandant.

I would also like to point out that last year marked the board's 15th anniversary of its ''Most Wanted'' list of transportation safety improvements. I believe this is a tool that has served the public very well. In fact, over the past 15 years, 85 percent of more than 260 recommendations that have been placed on the list have been accepted and also have been implemented.

H.R. 5076 provides for a 2-year reauthorization for both the fiscal years 2007 and 2008. This legislation would also provide for the hiring of critically needed transportation accident investigations positions. The board has determined through a human capital forecast which was conducted earlier this year that additional full-time employees are needed to effectively and efficiently meet the mission and support efforts that are expected of the board, and understanding our current

budget constraints, H.R. 5076 allows for slight increases in personnel to help address this important need.

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Finally, Mr. Speaker, H.R. 5076 provides for changes such as consolidating reporting requirements, clarifying that the board has jurisdiction to investigate major marine accidents occurring on bodies of water located entirely within the boundaries of a State. And also it directs the NTSB to develop and implement a plan to achieve the self-sufficient operation of the NTSB Academy.

Mr. Speaker, with those comments, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I thank the subcommittee chairman, Mr. MICA. I would like to thank Chairman YOUNG, Mr. OBERSTAR, Mr. MICA, for joining me in introducing H.R. 5076, the National Transportation Safety Board Reauthorization Act of 2006.

The NTSB makes safety recommendations to Federal, State and local government agencies and to the transportation industry regarding actions and recommendations that should be taken to prevent accidents and improve safety.

Since its inception in 1967, the NTSB has issued almost 12,000 safety recommendations in all modes of transportation. The regulatory and transportation communities have accepted over 82 percent of these recommendations.

This is significant, given the size of this agency: only 396 employees and 10 regional offices.

The NTSB's recommendations and its vigilance on safety issues result in improvements in the way we conduct the business of transportation in all modes of transportation.

Transportation accidents are increasingly complex, and the NTSB maintains the highly qualified technical staff and necessary tools to efficiently produce thorough and unbiased investigations and recommendations for the public and policymakers.

I am pleased the reauthorization bill before us today authorizes $1.7 million more than the NTSB's current budget request for fiscal year 2007, which will allow for 11 more investigators to be hired by the agency.

To maintain its position as the preeminent transportation investigative agency, the NTSB must have the resources necessary to handle increasingly complex accident investigations, as well as to adequately train its staff.

Reauthorization is essential to ensuring this agency has the necessary resources to conduct thorough safety investigations, and I urge my colleagues to support H.R. 5076.

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

Mr. MICA. Mr. Speaker, I am pleased to yield as much time as he may wish to consume to the chairman of the full Transportation and Infrastructure Committee, the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for the work he has done on this legislation, and the ranking member on the other side of the aisle.

This is a good piece of legislation. It should be passed. I urge my colleagues to support it. It has been fairly vetted, and I am confident that with the passage of this and on the President's desk, we will do the job to make sure that not only are the flying industry safe, but all other forms of transportation are safe.

Mr. Speaker, I would like to clarify the intent of several provisions that were added to H.R. 5076, as amended, since it was reported by the House Committee on Transportation and Infrastructure.

Section 5 of the bill as amended requires the General Accountability Office (GAO) to evaluate and audit the programs and expenditures of the National Transportation Safety Board (NTSB) at least annually.

This provision will provide greater oversight of the NTSB without risking any infringement on the Board's independence that could result from having the U.S. Department of Transportation (DOT) Inspector General perform this audit function.

When the NTSB was first established in 1967, it initially relied on DOT for funding and administrative support. In 1975, under the Independent Safety Board Act, all organizational ties to DOT were severed.

The NTSB serves as an independent "watchdog" over the DOT, as well as State transportation agencies, recommending actions these agencies should take to improve safety. Therefore, maintaining NTSB's strict independence from DOT is critically important to NTSB's mission.

Under H.R. 5076 as amended, the DOT Inspector General's current authority under 49 U.S.C. 1137 to review the financial management, property management, and business operations of the NTSB, including internal accounting and administrative control systems, is unchanged.

Section 4 of the bill clarifies how these functions of the Inspector General should be funded. Currently, the NTSB reimburses the Inspector General for the costs incurred by the Inspector General in carrying out 49 USC 1137. H.R. 5076 clarifies that an appropriation of funds directly to the Inspector General for these activities is preferable to a reimbursable agreement, but if such an appropriation is not available, then a reimbursable agreement should be used instead.

It is not Congress' intent that GAO and the DOT IG will in any way duplicate each others' work. Rather, Congress intends for GAO and the DOT IG to continue their current practice of coordinating their audit planning for the NTSB such that there is no duplication of effort between the two agencies as the GAO undertakes the specific responsibilities assigned by Congress under this bill.

Section 2(a)(1) of the bill requires the Board to submit to Congress a list of accidents the Board was required to investigate, as well as a list of ongoing investigations exceeding the time allotted by Board order. This reporting requirement would not apply to accident types which the NTSB may voluntarily elect to investigate, but is not required to investigate, under current law, such as railroad grade-crossing or highway accidents.

Section 2(a)(2) of the bill requires NTSB to develop and implement a plan to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Academy. This facility has in the past consumed too large a portion of NTSB's budget resources, to the detriment of the NTSB's core accident investigation mission. I encourage the NTSB to develop a plan to make better use of this facility and reduce the burden it imposes on the NTSB's budget.

Section 11 instructs the Inspector General of the U.S. Department of Transportation to conduct oversight of the reviews currently underway at the Federal Highway Administration and the Commonwealth of Massachusetts of the tragic July 10, 2006, fatal accident in the Central Artery tunnel project in Boston, Massachusetts. The section also instructs the Inspector General to investigate, in cooperation with the U.S. Attorney General and the Attorney General of the Commonwealth of Massachusetts, any criminal or fraudulent acts committed in the execution of the project. I do not intend for the Inspector General to duplicate the current reviews. The purpose of this section is to evaluate the reviews to ensure that the aforementioned public agency oversight underway of this past summer's accident is thorough and rigorous so the lessons learned will prevent future tragedies.

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

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to my friend and colleague from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, this is a very important agency of the Federal Government in terms of consumer health and safety: the National Transportation Safety Board. And one of the things for a number of years that has concerned me about the National Transportation Safety Board is they approach issues of public safety from a fairly pure standpoint in terms of what is needed to better protect the traveling public and to prevent loss of life. And unfortunately, when it gets over to the agencies of jurisdiction, particularly the FAA, they have put a value on your life. Now, I once asked an FAA individual, I said, so what do you think your life is worth? And the particular value at that time I think was around $200,000 per life, or soul as they call it. I said, don't you think you are worth more than that? At that point we were arguing about moving seats further apart so people could access the overwing exits. And the airlines were complaining about the revenue that would be lost. It took, actually, 8 years after a tragic accident, with people stacked up like cord wood in Manchester, England, to get that rule passed here. The Brits did it in 6 months.

So often the NTSB recommends what they see as needed changes to protect safety, and all too often those things are ignored. They disappear in the black hole over there at the FAA. This bill will change that.

The most wanted transportation safety improvements, which are available and published on an annual basis by the NTSB in all modes of transportation, are now going to have to be responded to by the FAA. Within 90 days of the date of enactment of this bill, we will get a report which will explain why they have not implemented these most wanted regulations here to better protect the traveling public. This will be an improvement. It will now at least require meaningful response from the agency, and perhaps move us forward in better protecting life and safety.

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

Mr. COSTELLO. I would ask the gentleman if he has other speakers.

Mr. MICA. No other speakers, but I would like to reserve the opportunity to close.

Mr. COSTELLO. Mr. Speaker, we have no further requests on our side, so I would yield back the balance of my time.

Mr. MICA. Mr. Speaker, I would like to also add, for the record, that beyond the NTSB, this particular piece of legislation also includes a provision requiring the Department of Transportation Inspector General to provide an independent oversight of the project-wide safety review of the central artery tunnel project in Boston, Massachusetts, otherwise known as the Big Dig. This safety review was initiated as a result of the July 10, 2006 accident that resulted in the tragic loss of life by a motorist there.

The bill also requires the Inspector General to investigate criminal or fraudulent acts committed in the design and construction of the project and report to Congress on its oversight of this project.

Because of the NTSB's broad jurisdiction over all modes of transportation, this bill required the coordinated efforts of many people. So, in conclusion, Mr. Speaker, first I want to thank Chairman YOUNG, who has done an incredible job leading the T&I Committee, I have had the honor to be one of his subcommittee chairs for the past 6 years; Ranking Member OBERSTAR, Aviation Subcommittee Ranking Member Mr. COSTELLO, and for all of his staff and their efforts on behalf of this legislation.

Then I also want to thank, this is probably our last piece of legislation, my last piece as chairman of the Aviation Subcommittee, a difficult task over some difficult 6 years now in America's history and the history of aviation in this country. But I want to personally thank our staff director Jim Coon, who has helped lead that effort; professional staffer Sharon Barkeloo; Holly Woodruff Lyons; Chris Brown; and our clerk, Jason Rosa; and two people who aren't with us, Mr. David Schaeffer, who was the staff director during 9/11 and some of the very trying times we experienced; and also Sharon Pinkerton, my chief legislative transportation counsel. They are no longer with us. So I want to thank everyone for their work on this important piece of legislation.

This version of the bill currently before the House has been negotiated with our counterparts in the Senate to expedite its consideration in the other body in the hope that this important legislation can and will be enacted before the 109th Congress adjourns sine die later this week. To that end, I urge my colleagues to support H.R. 5076, as amended.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5076, the National Transportation Safety Board Reauthorization Act of 2006.

This Agency's roots go back to 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigative aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the National Transportation Safety Board (NTSB) was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, Congress further demonstrated its resolve to ensure that NTSB would retain its independence by re-establishing the Board as a totally separate entity, distinct from DOT.

Since its inception in 1967, the NTSB has investigated more than 124,000 aviation accidents and over 10,000 surface transportation accidents, making it the world's premier accident investigation agency. In the last six years alone, the NTSB has investigated, or caused to be investigated, over 11,000 aviation accidents, 205 highway accidents, 91 railroad accidents, 33 pipeline accidents, 38 marine accidents; and a total of 1129 safety recommendations have been issued. This is no small feat, given the size of this agency: only 396 employees in 10 regional offices.

While the NTSB gets perhaps its greatest visibility when there is an aviation tragedy, that should not overshadow the very significant and important work the agency performs in pipelines, maritime, rail, truck, and automotive transportation.

To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle increasingly complex accident investigations. The NTSB needs sufficient funding to sustain budget and personnel for both its headquarters operations as well as the Academy. Accordingly, this bill authorizes increased funding over the next two years: $81.6 million in FY2007 and $92.6 million in FY2008.

H.R. 5076 provides an extra $1.7 million in FY2007 to hire an additional 11 investigators that the Agency needs to fulfill its critical mission. Moreover, the bill provides funding for an additional 20 full-time equivalent employees in 2008 to enable NTSB to meet its core mission of accident investigation.

The bill also clarifies that the Board has jurisdiction to investigate major marine casualties occurring on all bodies of water "on or under the navigable waters, internal waters, or the territorial sea of the United States, such as the *Ethan Allen* accident on Lake George, New York, that occurred on October 2, 2005, killing 20 passengers. Further, the bill ensures that each member of the Safety Board, not the Chairman, retains the authority to appoint employees on their own personal staff. The bill also requires the Government Accountability Office to conduct an annual audit of the NTSB's programs and expenditures.

Finally, H.R. 5076 permits the agency to use funds that it collects as refunds or reimbursements associated with its direct mission costs even if the funds are collected in a subsequent fiscal year, as well as extends the expedited contracting procedures that were authorized in the Board's 2003 authorization.

Having a well-funded, well-trained NTSB workforce is of the utmost importance for the American traveling public, and I urge my colleagues to support passage of this bill.

Mr. MICA. 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 Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 5076, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) 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 amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes".

A motion to reconsider was laid on the table.

PIPELINE INSPECTION, PROTECTION, ENFORCEMENT, AND SAFETY ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5782) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5782

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

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Sec. 14. Integrity program enforcement.
Sec. 15. Incident reporting.
Sec. 16. Senior executive signature of integrity management program performance reports.
Sec. 17. Cost recovery for design reviews.
Sec. 18. Authorization of appropriations.
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Sec. 20. Accident reporting form.
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Sec. 26. Corrosion technology.

SEC. 2. PIPELINE SAFETY AND DAMAGE PREVENTION.

(a) ONE CALL CIVIL ENFORCEMENT.—

(1) PROHIBITIONS.—Section 60114 is amended by adding at the end the following:

''(d) PROHIBITION APPLICABLE TO EXCAVATORS.—A person who engages in demolition, excavation, tunneling, or construction—

''(1) may not engage in a demolition, excavation, tunneling, or construction activity in a State that has adopted a one-call notification system without first using that system to establish the location of underground facilities in the demolition, excavation, tunneling, or construction area;

''(2) may not engage in such demolition, excavation, tunneling, or construction activity in disregard of location information or markings established by a pipeline facility operator pursuant to subsection (b); and

''(3) and who causes damage to a pipeline facility that may endanger life or cause serious bodily harm or damage to property—

''(A) may not fail to promptly report the damage to the owner or operator of the facility; and

''(B) if the damage results in the escape of any flammable, toxic, or corrosive gas or liquid, may not fail to promptly report to other appropriate authorities by calling the 911 emergency telephone number.

''(e) PROHIBITION APPLICABLE TO UNDERGROUND PIPELINE FACILITY OWNERS AND OPERATORS.—Any owner or operator of a pipeline facility who fails to respond to a location request in order to prevent damage to the pipeline facility or who fails to take reasonable steps, in response to such a request, to ensure accurate marking of the location of the pipeline facility in order to prevent damage to the pipeline facility shall be subject to a civil action under section 60120 or assessment of a civil penalty under section 60122.

''(f) LIMITATION.—The Secretary may not conduct an enforcement proceeding under subsection (d) for a violation within the boundaries of a State that has the authority to impose penalties described in section 60134(b)(7) against persons who violate that State's damage prevention laws, unless the Secretary has determined that the State's enforcement is inadequate to protect safety, consistent with this chapter, and until the Secretary issues, through a rulemaking proceeding, the procedures for determining inadequate State enforcement of penalties.''.

(2) CIVIL PENALTY.—Section 60122(a)(1) is amended by striking ''60114(b)'' and inserting ''60114(b), 60114(d),''.

(b) STATE DAMAGE PREVENTION PROGRAMS.—

(1) CONTENTS OF CERTIFICATIONS.—Section 60105(b)(4) is amended to read as follows:

''(4) is encouraging and promoting the establishment of a program designed to prevent damage by demolition, excavation, tunneling, or construction activity to the pipeline facilities to which the certification applies that subjects persons who violate the applicable requirements of that program to civil penalties and other enforcement actions that are substantially the same as are provided under this chapter, and addresses the elements in section 60134(b);''.

(2) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60134. State damage prevention programs

''(a) IN GENERAL.—The Secretary may make a grant to a State authority (including a municipality with respect to intrastate gas pipeline transportation) to assist in improving the overall quality and effectiveness of a damage prevention program of the State authority under subsection (e) if the State authority—

''(1) has in effect an annual certification under section 60105 or an agreement under section 60106; and

''(2)(A) has in effect an effective damage prevention program that meets the requirements of subsection (b); or

''(B) demonstrates that it has made substantial progress toward establishing such a program, and that such program will meet the requirements of subsection (b).

''(b) DAMAGE PREVENTION PROGRAM ELEMENTS.—An effective damage prevention program includes the following elements:

''(1) Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.

''(2) A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.

''(3) A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.

''(4) Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one-call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.

''(5) A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.

''(6) A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.

''(7) Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.

''(8) A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.

''(9) A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

''(c) FACTORS TO CONSIDER.—In making grants under this section, the Secretary shall take into consideration the commitment of each State to ensuring the effectiveness of its damage prevention program, including legislative and regulatory actions taken by the State.

''(d) APPLICATION.—If a State authority files an application for a grant under this section not later than September 30 of a calendar year and demonstrates that the Governor (or chief executive) of the State has designated it as the appropriate State authority to receive the grant, the Secretary shall review the State's damage prevention program to determine its effectiveness.

''(e) USE OF FUNDS.—A grant under this section to a State authority may only be used to pay the cost of the personnel, equipment, and activities that the State authority reasonably requires for the calendar year covered by the grant to develop or carry out its damage prevention program in accordance with subsection (b).

''(f) NONAPPLICABILITY OF LIMITATION.—A grant made under this section is not subject to the section 60107(a) limitation on the maximum percentage of funds to be paid by the Secretary.

''(g) LIMITATION ON USE OF FUNDS.—Funds provided to carry out this section may not be used for lobbying or in direct support of litigation.

''(h) DAMAGE PREVENTION PROCESS DEFINED.—In this section, the term 'damage prevention process' means a process that incorporates the principles described in sections 60114(b), 60114(d), and 60114(e).''.

(3) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by adding at the end the following:

''60134. State damage prevention programs.''.

(c) STATE PIPELINE SAFETY GRANTS.—Section 60107(a) is amended by striking ''not more than 50 percent'' and inserting ''not more than 80 percent''.

(d) MAINTENANCE OF EFFORT.—Section 60107(b) is amended by striking ''spent—'' and all that follows and inserting ''spent for gas and hazardous liquid safety programs for the 3 fiscal years prior to the fiscal year in which the Secretary makes the payment, except when the Secretary waives this requirement.''.

(e) DAMAGE PREVENTION TECHNOLOGY DEVELOPMENT.—Section 60114 (as amended by subsection (a)(1) of this section) is further amended by adding at the end the following:

''(g) TECHNOLOGY DEVELOPMENT GRANTS.—The Secretary may make grants to any organization or entity (not including for-profit entities) for the development of technologies that will facilitate the prevention of pipeline damage caused by demolition, excavation, tunneling, or construction activities, with emphasis on wireless and global positioning technologies having potential for use in connection with notification systems and underground facility locating and marking services. Funds provided under this subsection may not be used for lobbying or in direct support of litigation. The Secretary may also support such technology development through cooperative agreements with trade associations, academic institutions, and other organizations.''.

SEC. 3. PUBLIC EDUCATION AND AWARENESS.

(a) IN GENERAL.—Chapter 61 is amended by adding at the end the following:

''§ 6109. Public education and awareness

''(a) GRANT AUTHORITY.—The Secretary shall make a grant to an appropriate entity for promoting public education and awareness with respect to the 811 national excavation damage prevention phone number.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 for the period beginning October 1, 2006, and ending September 30, 2008, to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 61 is amended by adding at the end the following:

''6109. Public education and awareness.''.

SEC. 4. LOW-STRESS PIPELINES.

Section 60102(k) is amended to read as follows:

''(k) LOW-STRESS HAZARDOUS LIQUID PIPELINES.—

''(1) MINIMUM STANDARDS.—Not later than December 31, 2007, the Secretary shall issue regulations subjecting low-stress hazardous liquid pipelines to the same standards and regulations as other hazardous liquid pipelines, except as provided in paragraph (3). The implementation of the applicable standards and regulatory requirements may be phased in. The regulations issued under this paragraph shall not apply to gathering lines.

''(2) GENERAL PROHIBITION AGAINST LOW INTERNAL STRESS EXCEPTION.—Except as provided in paragraph (3), the Secretary may not provide an exception to the requirements of this chapter for a hazardous liquid pipeline because the pipeline operates at low internal stress.

''(3) LIMITED EXCEPTIONS.—The Secretary shall provide or continue in force exceptions to this subsection for low-stress hazardous liquid pipelines that—

''(A) are subject to safety regulations of the United States Coast Guard; or

''(B) serve refining, manufacturing, or truck, rail, or vessel terminal facilities if the pipeline is less than 1 mile long (measured outside the facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation,

until regulations issued under paragraph (1) become effective. After such regulations become effective, the Secretary may retain or remove those exceptions as appropriate.

''(4) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed to prohibit or otherwise affect the applicability of any other statutory or regulatory exemption to any hazardous liquid pipeline.

''(5) DEFINITION.—For purposes of this subsection, the term 'low-stress hazardous liquid pipeline' means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe.

''(6) EFFECTIVE DATE.—The requirements of this subsection shall not take effect as to low-stress hazardous liquid pipeline operators before the effective date of the rules promulgated by the Secretary under this subsection.''.

SEC. 5. TECHNICAL ASSISTANCE GRANTS.

Section 60130 is amended—

(1) in subsection (a)(1) by striking ''The Secretary shall establish competitive'' and insert ''No grants may be awarded under section 60114(g) until the Secretary has established competitive'';

(2) in subsection (a) by redesignating paragraph (2) as paragraph (4);

(3) in subsection (a) by inserting after paragraph (1) the following:

''(2) DEMONSTRATION GRANTS.—At least the first 3 grants awarded under this section shall be demonstration grants for the purpose of demonstrating and evaluating the utility of grants under this section. Each such demonstration grant shall not exceed $25,000.

''(3) DISSEMINATION OF TECHNICAL FINDINGS.—Each recipient of a grant under this section shall ensure that—

''(A) the technical findings made possible by the grants are made available to the relevant operators; and

''(B) open communication between the grant recipients, local operators, local communities, and other interested parties is encouraged.''; and

(4) in subsection (d) by striking ''2006'' and inserting ''2010''.

SEC. 6. ENFORCEMENT TRANSPARENCY.

(a) IN GENERAL.—Chapter 601 (as amended by section 2(b) of this Act) is further amended by adding at the end the following:

''§ 60135. Enforcement transparency

''(a) IN GENERAL.—Not later than December 31, 2007, the Secretary shall—

''(1) provide a monthly updated summary to the public of all gas and hazardous liquid pipeline enforcement actions taken by the Secretary or the Pipeline and Hazardous Materials Safety Administration, from the time a notice commencing an enforcement action is issued until the enforcement action is final;

''(2) include in each such summary identification of the operator involved in the enforcement activity, the type of alleged violation, the penalty or penalties proposed, any changes in case status since the previous summary, the final assessment amount of each penalty, and the reasons for a reduction in the proposed penalty, if appropriate; and

''(3) provide a mechanism by which a pipeline operator named in an enforcement action may make information, explanations, or documents it believes are responsive to the enforcement action available to the public.

''(b) ELECTRONIC AVAILABILITY.—Each summary under this section shall be made available to the public by electronic means.

''(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 (as amended by section 2(b) of this Act) is further amended by adding at the end:

''60135. Enforcement transparency.''.

SEC. 7. DIRECT LINE SALES.

Section 60101(a) is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) 'interstate gas pipeline facility' means a gas pipeline facility—

''(A) used to transport gas; and

''(B) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);''; and

(2) by striking paragraph (9) and inserting the following:

''(9) 'intrastate gas pipeline facility' means a gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);''.

SEC. 8. PETROLEUM TRANSPORTATION CAPACITY AND REGULATORY ADEQUACY STUDY.

(a) IN GENERAL.—Chapter 601 (as amended by sections 2(b) and 6 of this Act) is further amended by adding at the end the following:

''§ 60136. Petroleum product transportation capacity study

''(a) IN GENERAL.—The Secretaries of Transportation and Energy shall conduct periodic analyses of the domestic transport of petroleum products by pipeline. Such analyses should identify areas of the United States where unplanned loss of individual pipeline facilities may cause shortages of petroleum products or price disruptions and where shortages of pipeline capacity and reliability concerns may have or are anticipated to contribute to shortages of petroleum products or price disruptions. Upon identifying such areas, the Secretaries may determine if the current level of regulation is sufficient to minimize the potential for unplanned losses of pipeline capacity.

''(b) CONSULTATION.—In preparing any analysis under this section, the Secretaries may consult with the heads of other government agencies and public- and private-sector experts in pipeline and other forms of petroleum product transportation, energy consumption, pipeline capacity, population, and economic development.

''(c) REPORT TO CONGRESS.—Not later than June 1, 2008, the Secretaries shall submit to the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate a report setting forth their recommendations to reduce the likelihood of the shortages and price disruptions referred to in subsection (a).

''(d) ADDITIONAL REPORTS.—The Secretaries shall submit additional reports to the congressional committees referred to in subsection (c) containing the results of any subsequent analyses performed under subsection (a) and any additional recommendations, as appropriate.

''(e) PETROLEUM PRODUCT DEFINED.—In this section, the term 'petroleum product' means oil of any kind or in any form, gasoline, diesel fuel, aviation fuel, fuel oil, kerosene, any product obtained from refining or processing of crude oil, liquefied petroleum gases, natural gas liquids, petrochemical feedstocks, condensate, waste or refuse mixtures containing any of such oil products, and any other liquid hydrocarbon compounds.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 (as amended by sections 2(b) and 6 of this Act) is further amended by adding at the end the following:

''60136. Petroleum product transportation capacity study.''.

SEC. 9. DISTRIBUTION INTEGRITY MANAGEMENT PROGRAM RULEMAKING DEADLINE.

Section 60109 is amended by adding at the end the following:

''(e) DISTRIBUTION INTEGRITY MANAGEMENT PROGRAMS.—

''(1) MINIMUM STANDARDS.—Not later than December 31, 2007, the Secretary shall prescribe minimum standards for integrity management programs for distribution pipelines.

''(2) ADDITIONAL AUTHORITY OF SECRETARY.—In carrying out this subsection, the Secretary may require operators of distribution pipelines to continually identify and assess risks on their distribution lines, to remediate conditions that present a potential threat to line integrity, and to monitor program effectiveness.

''(3) EXCESS FLOW VALVES.—

''(A) IN GENERAL.—The minimum standards shall include a requirement for an operator of a natural gas distribution system to install an excess flow valve on each single family residence service line connected to such system if—

''(i) the service line is installed or entirely replaced after June 1, 2008;

''(ii) the service line operates continuously throughout the year at a pressure not less than 10 pounds per square inch gauge;

''(iii) the service line is not connected to a gas stream with respect to which the operator has had prior experience with contaminants the presence of which could interfere with the operation of an excess flow valve;

''(iv) the installation of an excess flow valve on the service line is not likely to cause loss of service to the residence or interfere with necessary operation or maintenance activities, such as purging liquids from the service line; and

''(v) an excess flow valve meeting performance standards developed under section 60110(e) of title 49, United States Code, is

commercially available to the operator, as determined by the Secretary.

''(B) REPORTS.—Operators of natural gas distribution systems shall report annually to the Secretary on the number of excess flow valves installed on their systems under subparagraph (A).

''(4) APPLICABILITY.—The Secretary shall determine which distribution pipelines will be subject to the minimum standards.

''(5) DEVELOPMENT AND IMPLEMENTATION.—Each operator of a distribution pipeline that the Secretary determines is subject to the minimum standards prescribed by the Secretary under this subsection shall develop and implement an integrity management program in accordance with those standards.

''(6) SAVINGS CLAUSE.—Subject to section 60104(c), a State authority having a current certification under section 60105 may adopt or continue in force additional integrity management requirements, including additional requirements for installation of excess flow valves, for gas distribution pipelines within the boundaries of that State.''.

SEC. 10. EMERGENCY WAIVERS.

Section 60118(c) is amended to read as follows:

''(c) WAIVERS BY SECRETARY.—

''(1) NONEMERGENCY WAIVERS.—

''(A) IN GENERAL.—On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to such facility on terms the Secretary considers appropriate if the Secretary determines that the waiver is not inconsistent with pipeline safety.

''(B) HEARING.—The Secretary may act on a waiver under this paragraph only after notice and an opportunity for a hearing.

''(2) EMERGENCY WAIVERS.—

''(A) IN GENERAL.—The Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter on terms the Secretary considers appropriate without prior notice and comment if the Secretary determines that—

''(i) it is in the public interest to grant the waiver;

''(ii) the waiver is not inconsistent with pipeline safety; and

''(iii) the waiver is necessary to address an actual or impending emergency involving pipeline transportation, including an emergency caused by a natural or manmade disaster.

''(B) PERIOD OF WAIVER.—A waiver under this paragraph may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.

''(3) STATEMENT OF REASONS.—The Secretary shall state in an order issued under this subsection the reasons for granting the waiver.''.

SEC. 11. RESTORATION OF OPERATIONS.

Section 60117 is amended by adding at the end the following:

''(m) RESTORATION OF OPERATIONS.—

''(1) IN GENERAL.—The Secretary may advise, assist, and cooperate with the heads of other departments, agencies, and instrumentalities of the United States Government, the States, and public and private agencies and persons to facilitate the restoration of pipeline operations that have been or are anticipated to become disrupted by manmade or natural disasters.

''(2) SAVINGS CLAUSE.—Nothing in this section alters or amends the authorities and responsibilities of any department, agency, or instrumentality of the United States Government, other than the Department of Transportation.''.

SEC. 12. PIPELINE CONTROL ROOM MANAGEMENT.

(a) IN GENERAL.—Chapter 601 (as amended by sections 2(b), 6, and 8 of this Act) is further amended by adding at the end the following:

''§ 60137. Pipeline control room management

''(a) IN GENERAL.—Not later than June 1, 2008, the Secretary shall issue regulations requiring each operator of a gas or hazardous liquid pipeline to develop, implement, and submit to the Secretary or, in the case of an operator of an intrastate pipeline located within the boundaries of a State that has in effect an annual certification under section 60105, to the head of the appropriate State authority, a human factors management plan designed to reduce risks associated with human factors, including fatigue, in each control center for the pipeline. Each plan must include, among the measures to reduce such risks, a maximum limit on the hours of service established by the operator for individuals employed as controllers in a control center for the pipeline.

''(b) REVIEW AND APPROVAL OF THE PLAN.—The Secretary or, in the case of an operator of an intrastate pipeline located within the boundaries of a State that has in effect an annual certification under section 60105, the head of the appropriate State authority, shall review and approve each plan submitted to the Secretary or the head of such authority under subsection (a). The Secretary and the head of such authority may not approve a plan that does not include a maximum limit on the hours of service established by the operator of the pipeline for individuals employed as controllers in a control center for the pipeline.

''(c) ENFORCEMENT OF THE PLAN.—If the Secretary or the head of the appropriate State authority determines that an operator's plan submitted to the Secretary or the head of such authority under subsection (a), or implementation of such a plan, does not comply with the regulations issued under this section or is inadequate for the safe operation of a pipeline, the Secretary or the head of such authority may take action consistent with this chapter and enforce the requirements of such regulations.

''(d) COMPLIANCE WITH THE PLAN.—Each operator of a gas or hazardous liquid pipeline shall document compliance with the plan submitted by the operator under subsection (a) and the reasons for any deviation from compliance with such plan. The Secretary or the head of the appropriate State authority, as the case may be, shall review the reasonableness of any such deviation in considering whether to take enforcement action or discontinue approval of the operator's plan under subsection (b).

''(e) DEVIATION REPORTING REQUIREMENTS.—In issuing regulations under subsection (a), the Secretary shall develop and include in such regulations requirements for an operator of a gas or hazardous liquid pipeline to report deviations from compliance with the plan submitted by the operator under subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 (as amended by sections 2(b), 6, and 8 of this Act) is further amended by adding at the end the following:

''60137. Pipeline control room management.''.

SEC. 13. SAFETY ORDERS.

Section 60117(l) is amended to read as follows:

''(l) SAFETY ORDERS.—

''(1) IN GENERAL.—Not later than December 31, 2007, the Secretary shall issue regulations providing that, after notice and opportunity for a hearing, if the Secretary determines that a pipeline facility has a condition that poses a pipeline integrity risk to public safety, property, or the environment, the Secretary may order the operator of the facility to take necessary corrective action, including physical inspection, testing, repair, or other appropriate action, to remedy that condition.

''(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Secretary, if relevant and pursuant to the regulations issued under paragraph (1), shall consider—

''(A) the considerations specified in paragraphs (1) through (6) of section 60112(b);

''(B) the likelihood that the condition will impair the serviceability of a pipeline;

''(C) the likelihood that the condition will worsen over time; and

''(D) the likelihood that the condition is present or could develop on other areas of the pipeline.''.

SEC. 14. INTEGRITY PROGRAM ENFORCEMENT.

Section 60109(c)(9)(A)(iii) is amended to read as follows:

''(iii) INADEQUATE PROGRAMS.—If the Secretary determines that a risk analysis or integrity management program does not comply with the requirements of this subsection or regulations issued as described in paragraph (2), has not been adequately implemented, or is inadequate for the safe operation of a pipeline facility, the Secretary may conduct proceedings under this chapter.''.

SEC. 15. INCIDENT REPORTING.

Not later than December 31, 2007, the Secretary of Transportation shall review the incident reporting requirements for operators of natural gas pipelines and modify the reporting criteria as appropriate to ensure that the incident data gathered accurately reflects incident trends over time, taking into consideration the recommendations from the Comptroller General in GAO report 06–946.

SEC. 16. SENIOR EXECUTIVE SIGNATURE OF INTEGRITY MANAGEMENT PROGRAM PERFORMANCE REPORTS.

Section 60109 (as amended by section 9 of this Act) is further amended by adding at the end the following:

''(f) CERTIFICATION OF PIPELINE INTEGRITY MANAGEMENT PROGRAM PERFORMANCE.—The Secretary shall establish procedures requiring certification of annual and semiannual pipeline integrity management program performance reports by a senior executive officer of the company operating a pipeline subject to this chapter. The procedures shall require a signed statement, which may be effected electronically in accordance with the provisions of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.), certifying that—

''(1) the signing officer has reviewed the report; and

''(2) to the best of such officer's knowledge and belief, the report is true and complete.''.

SEC. 17. COST RECOVERY FOR DESIGN REVIEWS.

Section 60117 (as amended by section 11 of this Act) is amended by adding at the end the following:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a liquefied natural gas pipeline facility, the Secretary may require the person requesting such reviews to pay the associated staff costs relating to such reviews incurred by the Secretary in section 60301(d). The Secretary may assess such costs in any reasonable manner.

''(2) DEPOSIT.—The Secretary shall deposit all funds paid to the Secretary under this

subsection into the Department of Treasury account 69–5172–0–2–407 or its successor account.

''(3) AUTHORIZATION OF APPROPRIATIONS.—Funds deposited pursuant to this subsection are authorized to be appropriated for the purposes set forth in section 60301(d).''.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended to read as follows:

''(a) GAS AND HAZARDOUS LIQUID.—

''(1) IN GENERAL.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), the following amounts are authorized to be appropriated to the Department of Transportation from fees collected under section 60301 in each respective year:

''(A) For fiscal year 2007, $60,175,000 of which $7,386,000 is for carrying out such section 12 and $17,556,000 is for making grants.

''(B) For fiscal year 2008, $67,118,000 of which $7,586,000 is for carrying out such section 12 and $20,614,000 is for making grants.

''(C) For fiscal year 2009, $72,045,000 of which $7,586,000 is for carrying out such section 12 and $21,513,000 is for making grants.

''(D) For fiscal year 2010, $76,580,000 of which $7,586,000 is for carrying out subsection 12 and $22,252,000 is for making grants.

''(2) TRUST FUND AMOUNTS.—In addition to the amounts authorized to be appropriated by paragraph (1) the following amounts are authorized from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355):

''(A) For fiscal year 2007, $18,810,000 of which $4,207,000 is for carrying out such section 12 and $2,682,000 is for making grants.

''(B) For fiscal year 2008, $19,000,000 of which $4,207,000 is for carrying out such section 12 and $2,682,000 is for making grants.

''(C) For fiscal year 2009, $19,500,000 of which $4,207,000 is for carrying out such section 12 and $3,103,000 is for making grants.

''(D) For fiscal year 2010, $20,000,000 of which $4,207,000 is for carrying out such section 12 $3,603,000 is for making grants.''.

(b) CONFORMING AMENDMENTS.—Section 60125 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

(c) EMERGENCY RESPONSE GRANTS.—Section 60125(b) (as redesignated by subsection (b)(2) of this section) is amended—

(1) in paragraph (1) by adding at the end the following: ''To the extent that such grants are used to train emergency responders, such training shall ensure that emergency responders have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving gas or hazardous liquid pipelines, in accordance with existing regulations.''; and

(2) in paragraph (2)—

(A) by striking ''$6,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''2003 through 2006'' and inserting ''2007 through 2010''.

(d) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a) by striking ''fiscal years 2003 through 2006'' and inserting ''fiscal years 2007 through 2010''; and

(2) in subsection (b) by striking ''for fiscal years 2003 through 2006'' and inserting ''for fiscal years 2007 through 2010''.

(e) INSPECTOR STAFFING.—The Secretary shall ensure that the number of positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration does not fall below 100 for fiscal year 2007, 111 for fiscal year 2008, 123 for fiscal year 2009, and 135 for fiscal year 2010.

SEC. 19. STANDARDS TO IMPLEMENT NTSB RECOMMENDATIONS.

Not later than June 1, 2008, the Secretary of Transportation shall issue standards that implement the following recommendations contained in the National Transportation Safety Board's report entitled ''Supervisory Control and Data Acquisition (SCADA) in Liquid Pipelines'' and adopted November 29, 2005:

(1) Implementation of the American Petroleum Institute's Recommended Practice 165 for the use of graphics on the supervisory control and data acquisition screens.

(2) Implementation of a standard for pipeline companies to review and audit alarms on monitoring equipment.

(3) Implementation of standards for pipeline controller training that include simulator or noncomputerized simulations for controller recognition of abnormal pipeline operating conditions, in particular, leak events.

SEC. 20. ACCIDENT REPORTING FORM.

Not later than December 31, 2007, the Secretary of Transportation shall amend accident reporting forms to require operators of gas and hazardous liquid pipelines to provide data related to controller fatigue.

SEC. 21. LEAK DETECTION TECHNOLOGY STUDY.

Not later than December 31, 2007, the Secretary of Transportation shall submit to Congress a report on leak detection systems utilized by operators of hazardous liquid pipelines. The report shall include a discussion of the inadequacies of current leak detection systems, including their ability to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies as well as address existing technological inadequacies.

SEC. 22. CORROSION CONTROL REGULATIONS.

(a) REVIEW.—The Secretary of Transportation, in consultation with the Technical Hazardous Liquid Pipeline Safety Standards Committee and other appropriate entities, shall review the internal corrosion control regulations set forth in subpart H of part 195 of title 49 of the Code of Federal Regulations to determine if such regulations are currently adequate to ensure that the pipeline facilities subject to such regulations will not present a hazard to public safety or the environment.

(b) REPORT.—Not later than December 31, 2007, the Secretary shall submit to Congress a report containing the results of the review and may modify the regulations referred to in subsection (a) if necessary and appropriate.

SEC. 23. INSPECTOR GENERAL REPORT.

(a) ASSESSMENT.—Not later than December 31, 2007, the Inspector General of the Department of Transportation shall conduct an assessment of the actions the Department has taken in implementing the annex to the memorandum of understanding between the Secretary of Transportation and the Secretary of Homeland Security, dated September 28, 2004, relating to pipeline security.

(b) SPECIFIED DUTIES OF INSPECTOR GENERAL.— In carrying out the assessment, the Inspector General shall—

(1) provide a status report on implementation of the program elements outlined and developed in the annex;

(2) describe the roles, responsibilities, and authority of the Department of Transportation relating to pipeline security;

(3) assess the adequacy and effectiveness of the process by which the Department of Transportation has communicated and coordinated with the Department of Homeland Security on matters relating to pipeline security;

(4) address the adequacy of security standards for gas and oil pipelines in coordination, as necessary, with the Inspector General of the Department of Homeland Security; and

(5) consider any other issues determined to be appropriate by the Inspector General of the Department of Transportation or the Secretary of Transportation.

(c) ASSESSMENT REPORT AND PERIODIC STATUS UPDATES.—

(1) ASSESSMENT REPORT.—Not later than December 31, 2007, the Inspector General of the Department of Transportation shall transmit a report on the results of the assessment, together with any recommendations (including legislative options for Congress to consider), to the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC STATUS REPORTS.—The Inspector General shall transmit periodically to the Committees as referred to in paragraph (1), as necessary and appropriate, reports on matters pertaining to the implementation by the Department of Transportation of any recommendations contained in the report transmitted pursuant to paragraph (1).

(d) FORMAT.—The report, or portions of the report, under subsection (c)(1) may be submitted in a classified format if the Inspector General determines that such action is necessary.

SEC. 24. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may award, through a competitive process, grants to universities with expertise in pipeline safety and security to establish jointly a collaborative program to conduct pipeline safety and technical assistance programs.

(b) DUTIES.—In cooperation with the Pipeline and Hazardous Materials Safety Administration and representatives from States and boards of public utilities, the participants in the collaborative program established under subsection (a) shall be responsible for development of workforce training and technical assistance programs through statewide and regional partnerships that provide for—

(1) communication of national, State, and local safety information to pipeline operators;

(2) distribution of technical resources and training to support current and future Federal mandates; and

(3) evaluation of program outcomes.

(c) TRAINING AND EDUCATIONAL MATERIALS.—The collaborative program established under subsection (a) may include courses in recent developments, techniques, and procedures related to—

(1) safety and security of pipeline systems;

(2) incident and risk management for such systems;

(3) integrity management for such systems;

(4) consequence modeling for such systems;

(5) detection of encroachments and monitoring of rights-of-way for such systems; and

(6) vulnerability assessment of such systems at both project and national levels.

(d) REPORTS.—

(1) UNIVERSITY.—Not later than March 31, 2009, the universities awarded grants under subsection (a) shall submit to the Secretary a report on the results of the collaborative program.

(2) SECRETARY.—Not later than October 1, 2009, the Secretary shall transmit the reports submitted to the Secretary under paragraph (1), along with any findings, recommendations, or legislative options for Congress to consider, to the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2010.

SEC. 25. NATURAL GAS PIPELINES.

The Secretary of Transportation shall review and comment on the Comptroller General report issued under section 14(d)(1) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60109 note; 116 Stat. 3005), and not later than 60 days after the date of enactment of this Act, transmit to Congress any legislative recommendations the Secretary considers necessary and appropriate to implement the conclusions of that report.

SEC. 26. CORROSION TECHNOLOGY.

Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) is amended—

(1) in subsection (c)(2) by striking ''corrosion,'';

(2) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (9);

(B) by redesignating paragraph (10) as paragraph (11);

(C) by inserting after paragraph (9) the following:

''(10) corrosion detection and improving methods, best practices, and technologies for identifying, detecting, preventing, and managing internal and external corrosion and other safety risks; and''; and

(D) by adding at the end the following:

''The results of activities carried out under paragraph (10) shall be used by the participating agencies to support development and improvement of national consensus standards.''; and

(3) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

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

Mr. Speaker, 4 years ago Congress passed the Pipeline Safety Improvement Act for 2002. The States and the pipeline community have praised that bill as an overwhelming success.

That is why H.R. 5782, the Pipeline Inspection Protection Enforcement and Safety Act of 2006, keeps us moving in the same positive direction as the 2002 pipeline bill.

I want to thank my ranking member, Democrat Member Mr. OBERSTAR, for working closely with me to develop this legislation. Also, Mr. DEFAZIO has worked very closely with us. We could not have accomplished this result without our subcommittee chairman, TOM PETRI, and of course I just mentioned Mr. PETER DEFAZIO.

I want to also thank the chairman of the Energy and Commerce Committee, JOE BARTON, and my very good friend and colleague, ranking Democrat, JOHN DINGELL for their excellent work to bring this bill to this point.

In September the Energy and Commerce Committee also ordered the bill reported with their amendment. We have worked with our friends on the Energy and Commerce Committee, as well as the other body, to come up with a bill that they will support also.

The bill we are considering here today has been negotiated with the Senate Commerce Committee, and the other body is expected to pass the bill later this week.

I have been very impressed with the work of the Pipeline and Hazardous Materials Safety Administration, which is often called PHMSA, and their administrator, Admiral Tom Barrett.

Their response to and oversight of pipeline spills on the North Slope in Alaska this past year have received widespread praise.

We were very careful in drafting this bill to avoid disrupting the hard work and remarkable progress that occurred at PHMSA over the past 4 years.

Like all legislation, this bill contains compromises. The policies in this bill are the result of compromise and hard work. However, the compromise that we have reached in this bill will not take away from the impact of this bill.

This is a good bill. It improves pipeline safety and the role of the administration regulating pipelines.

H.R. 5782 extends the pipeline safety program for another 4 years. To the fiscal year of 2010. These programs include operational funds for the Office of Pipeline Safety to carry out its regulatory and enforcement functions, and State pipeline safety grants that cover the cost of State expenses to carry out certified pipeline safety inspect activities.

The bill also funds emergency response grants, public education and one-call damage prevention programs and grants to provide technical assistance to local communities on pipeline safety issues.

The administration, the States, the pipeline safety advocates and the pipeline industry all support this bill.

I strongly support this legislation to protect public safety, and I encourage my colleagues to do the same.

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

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

I rise in support of H.R. 5782, Pipeline Inspection Protection Enforcement Safety Act of 2006.

We have come a long way since the original legislation was passed in 2002. After the tragedies in Bellingham, Washington, in which committee Member RICK LARSEN played a particularly key role in urging the committee forward, and Carlsbad, New Mexico, we had quite a contentious markup at that point in time, with a lot of resistance from what we saw as needed improvements in pipeline safety from the industry.

Not so this time around. In fact, there was broad consensus with the majority side, with the majority of the industry from the beginning, that we wanted to make some additional improvements in pipeline safety with this bill, but that a radical new approach was not warranted because we had already laid that groundwork with the 2002 bill.

□ 1715

The gentleman from the Energy and Commerce Committee will address in some detail the work done and improved upon in their committee relating to the pipeline, low-stress pipelines, which had been substantially exempt from regulation previously. Unfortunately, that led to some neglect on the part of BP in Alaska, and we had the largest North Slope oil spill because of a low pressure line which previously had been thought not to be of major concern, and in fact the company itself admitted they had been running the lines to failure.

Well, lines nowhere will be run to failure any more under this bill. We are going to have more pipeline inspectors, more enforcement. We are going to broaden the legislation to cover all pipelines and, you know, this will also have the Inspector General paying closer attention to some of the implementation of this legislation.

I want to thank my chairman, Mr. PETRI, for his help in putting this together, Chairman YOUNG, Ranking Member OBERSTAR and members of the committee.

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

Mr. YOUNG of Alaska. At this time I yield 5 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee on this legislation.

Mr. PETRI. Mr. Speaker, 4 years ago this Congress passed the Pipeline Safety Improvement Act of 2002. That piece of legislation expired September 30. The bill before us, H.R. 5782, reauthorizes the Federal pipeline safety programs through 2010 and amends existing pipeline safety law to enhance the safety and reliability of transporting the Nation's energy products by pipelines.

By all accounts, the 2002 safety bill was an overwhelming success and, therefore, this bill does not deviate from the directions set forth in that legislation. This bill provides the Pipeline and Hazardous Materials Safety Administration with new civil penalty authority to enforce One-Call laws in States that do not adequately enforce those laws.

This enforcement authority is balanced in the sense that it could be used on an operator who fails to respond to a pipeline location request or fails to accurately mark the location of a pipeline, as well as an excavator who fails to use the One-Call system or disregards location information or markings.

The bill also provides incentives to States to adopt and implement a comprehensive State damage prevention program and provides guidance to States on elements for an effective underground damage program. The bill requires the Pipeline and Hazardous Materials Safety Administration to establish a distribution and integrity management program which pipeline operators must implement and requires that the administration develop regulations for the operation of low stress hazardous liquid pipelines. This bill also directs the administration to develop standards to reduce risks in pipeline control rooms associated with human factors, including operator fatigue.

I am happy to say that this bill has received broad support from the administration, the States, the pipeline safety advocates, and others in the pipeline community. It is also important to point out that this bill was developed in conjunction with the House Energy and Commerce Committee. In addition, the Senate Commerce Committee supports this bill and is scheduled to take it up before the end of the week.

Mr. Speaker, I support this important legislation. Before I yield back the balance of my time, and as this may be the final bill from the Subcommittee on Highways, Transit and Pipelines to be considered here on the floor of our House this Congress, I would just like to take a moment to pay tribute to my chairman, DON YOUNG from Alaska, to salute his 6 years of leadership on our committee. I have enjoyed serving as part of his team on the Transportation and Infrastructure Committee.

I would also like to say to my colleagues on the Democratic side of the aisle, Mr. OBERSTAR and Mr. PETER DEFAZIO, that I believe we have done some good work during this Congress, and I look forward to continuing to work together to accomplish good things for the country in the 110th Congress.

Finally, I would like to say a word of thank you for a job well done to the staff of the subcommittee, who have labored diligently on our subcommittee matters. On the Republican side, Graham Hill, Jim Tymon, Joyce Rose, Suzanne Newhouse, Bailey Edwards and Tim Lindquist. On the Democratic side, Ken House, Art Chan, Stephanie Manning and Jackie Schmitz. Thank you for a job well done.

Mr. DEFAZIO. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support this evening of H.R. 5782, the Pipeline Safety Improvement Act, and urge its approval by the House. This measure is both important and timely. It modernizes the Pipeline Safety Act of 2002, which, while regarded as successful, now should be expanded to address some new urgent needs.

For example, there have been two instances in the recent past of major oil spills from low pressure transmission lines in Alaska. The most recent spill necessitated shutting down for an extended time a substantial portion of the oil flow from Alaska to the lower 48 States. These spills, which were much publicized, highlighted the need for regulation of the low stress transmission lines which are currently exempt from all regulation. The bill before us today subjects low stress transmission lines to Federal regulation and addresses that urgent need.

As another example of needed change, the bill contains incentives for all States to adopt programs to prevent damage to pipelines from excavation work. The damage prevention program that is now in place in my State of Virginia has been a demonstrated success in dramatically reducing the incidents of excavation damage to pipelines.

The bill before us specifies that the nine elements that are found in this very successful Virginia law, which are widely recognized as enabling that success, should be included in State damage prevention programs as a condition for States being certified by the U.S. Department of Transportation to regulate and enforce their States' pipeline standards.

The bill also creates a new grant program for States to implement excavation damage prevention programs which include each of those nine elements.

Another new provision will require the implementation of integrity management plans for natural gas distribution lines, which are currently exempt from regulation. Distribution lines account for more than 85 percent of all natural gas lines in the United States. The bill before us directs that in 2007 the Office of Pipeline Safety publish a rule addressing integrity management for distribution lines.

To its credit, that office has work well under way to create the first management plan for natural gas distribution lines, and I commend the consensus-based approach that the office is taking to achieve its goal, and the fine work that the office has performed so far in pursuit of that effort.

At my urging, the 2002 act included a provision authorizing technical assistance grants for local communities so that they will have the expertise to participate meaningfully in regulatory proceedings that affect transmission lines and other pipelines. I have been disappointed that during the past 4 years no grants have been awarded under that authority. The bill before us directs the Department to publish criteria for the award of grants and to make at least three demonstration community assistance technical grants in the near term.

Finally, the bill authorizes the funding necessary for the Department of Transportation to hire an additional 45 safety inspectors so as to augment the safety advances the bill otherwise makes.

In September, the Energy and Commerce Committee, which shares jurisdiction over pipelines and over this measure, approved this measure by voice vote. That effort was truly bipartisan, and I want to commend Chairman BARTON of the Energy and Commerce Committee, Subcommittee Chairman HALL and Ranking Member DINGELL of the full committee for the constructive work that produced H.R. 5782.

I also want to commend Chairman YOUNG, Ranking Member OBERSTAR, Mr. PETRI and Mr. DEFAZIO of the Transportation and Infrastructure Committee, which shares jurisdiction over this measure with the House Energy and Commerce Committee, for their fine work in bringing this measure to the floor today.

The 2002 law has produced positive results with an increased emphasis on safety and accident prevention, both by the agencies of enforcement and by industry. The bill before us usefully builds on that success.

Mr. Speaker, I urge its approval by the House.

Mr. YOUNG of Alaska. Mr. Speaker, at this time I would like to yield 2 minutes to my good friend from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise in support of our consensus substitute to H.R. 5782, the Pipeline Protection Inspection, Protection, Enforcement, and Safety Act of 2006. This legislation reflects bipartisan, bicameral agreement on reauthorizing the Nation's pipeline safety laws, and I am really glad to see it up for consideration in the House today.

I am very hopeful that the Senate will also quickly consider this measure, as this amended legislation reflects changes made to ensure passage of this bill in the Senate.

I thank Chairman BARTON, Ranking Member DINGELL, Chairman YOUNG and Ranking Member OBERSTAR for their open process and for working together to reconcile these two bills.

This legislation sets out many new provisions that will help to strengthen an already strong job that is being done by DOT's Pipeline and Hazardous Materials Safety Administration. It adds provisions to encourage and award States to adopt a One-Call notification system before digging or excavating work begins, addressing one of the only rising trends in pipeline accidents. It further addresses a low stress line exemption that allows pipelines like the ones in Alaska Prudhoe Bay oil field, operated by BP, to go unregulated and unaccounted for years while preserving DOT's flexibility in enforcing these new regulations. It also preserves current exemptions for gathering lines and lines affecting production facilities.

All of these provisions reflect careful compromise with industry, with pipeline operation safety and environmental groups, administration and the

States. It is cognizant of the critical and intentionally quiet role pipelines play in fueling this Nation's economy, and adopts provisions that reflect this delicate balance.

Mr. DEFAZIO. Could I inquire as to time remaining, please?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Oregon has 12 minutes remaining, and the gentleman from Alaska has 12½ minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. PASCRELL. Mr. Speaker, I rise in support of H.R. 5782. I must say that Mr. YOUNG and Mr. OBERSTAR deserve a lot of credit, because in the Transportation Department there was more coming together than I have seen in any place in this Congress. This was not an easy piece of legislation. You go back to 2002, we had some really good debates. We had some good arguments. We had real dissent.

I want to thank Mr. PETRI and Mr. DEFAZIO for getting over that hurdle. We got 2.3 million miles of natural gas in hazardous liquid pipelines. If that sets in, you know how critical these issues are. We could be stuck in the mud debating each other or we could get over the hump and try to get resolve. You did that, and I want to commend you, Mr. YOUNG. I am not patronizing. I am not a patronizing person when I say that to you.

For years many in Congress attempted to pass the legislation to give the Office of Pipeline Safety some real teeth and enforcement to adopt better and tighter safety regulations. In 2002, as was mentioned, we passed a very strong pipeline safety law. By all accounts OPS and the industry have made significant progress since then.

The national mapping system has now been completed. When we looked at that mapping system at the turn of the century, it was a disaster. We didn't know where these pipelines were in the first place. How are you going to fix them if you don't know where they are?

One-Call centers are prevalent throughout the Nation and their ''dig safely'' campaigns are well publicized.

Number three, I would also like to commend the OPS for actually meeting the deadlines. Man, that is something new and refreshing, placed in the 2002 act, and for promptly following up to complete all the regulation recommendations that were suggested.

The Inspector General found evidence that the OPS enforcement program is actually helping to improve pipeline safety. I am pleased to know that the integrity management program is working as well.

Thousands of threats have already been found and corrected, but there are still hundreds of thousands of miles to go.

□ 1730

The bill before us today builds upon past successes, while looking forward toward our future needs. I am extremely pleased that a long overdue memorandum of understanding on pipeline security between the DLT and the Department of Homeland Security was signed this fall. This has everything to do with the protection of the national security.

This legislation requires the Transportation Department's Inspector General to conduct an assessment of the actions taken by the Department to implement the agreement. H.R. 5782 will ensure that the number of pipeline inspection enforcement personnel will increase by 50 percent within 4 years.

Pipes also caused the Department of Transportation to issue regulations for low-stress pipelines, making a more comprehensive and cohesive pipeline safety standard.

Finally, under this bill, Mr. Speaker, the DLT will publish regulations developed in partnership with the industry stakeholders, strengthening the safety of natural gas distribution pipeline system.

I commend the leaders and the membership of the Transportation Committee for their diligent work, and I urge my colleagues to vote in favor of H.R. 5782.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of the bill, and I just want to draw attention briefly to one important item.

This bill amends the Pipeline Safety Improvement Act of 2002 over which the Science Committee shares jurisdiction. That act provides for an interagency research program on pipeline safety, and that program has proved quite fruitful. This bill maintains that program and even clarifies and expands some of its tasks.

What this bill does not do is provide explicit authorization levels for the work that the National Institutes of Standards and Technology will need to do to carry out its portion of this program. The language, which originated in the other body, excluded funding for NIST because NIST funding has not been independently appropriated but, rather, has been provided by the Department of Transportation to carry out particular tasks. We on the Science Committee are fine with this arrangement. But I want to say explicitly here that we expect NIST to continue to receive funding from DOT to carry out its vital work on pipeline safety and standards.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to express my gratitude today to Chairman YOUNG and Ranking Member OBERSTAR and to the chairman of the Subcommittee on Highways, Transit and Pipelines, Mr. PETRI, and the ranking member, Mr. DEFAZIO, for working with me to include an amendment I offered in the committee's markup of this bill last summer. I also want to thank the International Association of Firefighters for supporting this amendment, and Jennifer Esposito with the Transportation Committee for her hard work on this bill and the amendment.

The amendment included in this legislation increases the emergency response grant program by $4 million a year to a total of $10 million a year. The amendment also requires training standards to make sure that emergency responders have the training they need to protect nearby people, property and the environment from the effects of accidents or incidents involving gas or hazardous liquid pipelines.

I have a letter of support for this amendment from the International Association of Firefighters, and I will include this letter in the RECORD.

Mr. Speaker, this is important legislation to make our communities safer, and it gives first responders the training and resources they need. I encourage all my colleagues to support it.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC, July 19,2006.

Hon. JOHN BARROW,
Washington, DC.

DEAR REPRESENTATIVE BARROW: On behalf of the Nation's more than 270,000 professional fire fighters and emergency medical personnel, I applaud you for your efforts to improve emergency response to accidents involving gas or hazardous liquid pipelines. We strongly support your amendment to H.R. 5782, the Pipeline Safety Improvement Act, to require strong emergency responder training standards, as well as your amendment to provide additional funding for emergency response grants.

While the safety of emergency responders can never be fully guaranteed, the number of injuries resulting from gas or hazardous liquid accidents can be significantly reduced through appropriate training. While training is always necessary for new recruits, refresher training must also be provided on a continuing basis to ensure the ongoing safety of all first responders.

Furthermore, in responding to an incident involving hazardous materials, it is extremely important that emergency responders are not simply trained, but are trained at a level appropriate to their response. Unfortunately, the level of training currently provided in many States and localities is inadequate to prepare emergency responders to respond to an accident involving gas or other hazardous materials. Your amendments not only help provide adequate. funding to ensure that all emergency responders are trained, but ensure that responders are trained to contain any release from a safe distance, keep it from spreading, and prevent people, property and the environment from harmful exposures.

Thank you for your leadership on these vital issues. We appreciate your continued support of our Nation's first responders and look forward to working with you in the coming weeks to enhance hazardous materials emergency response.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I want to thank Chairman YOUNG and others who have been recognized so far for their diligence, leadership and hard work on this very important issue.

The safe and reliable operation of our Nation's pipeline system is key to our security and our energy independence, and I am generally pleased with the conference report and do support it. I am concerned, however, by certain aspects of the legislation before us today.

As part of the last pipeline safety authorization, Congress required natural gas transmission pipeline operators to undertake an integrity management program. This program required operators to perform initial baseline inspections on all their pipelines in high consequence, or highly populated areas, by 2012 and perform reinspections every 7 years thereafter.

The 7-year period for reinspections was a compromise between two versions of the legislation and was not based on scientific or engineering standards. As a result, Congress required the Government Accountability Office to study the integrity management program and report back with recommendations as to whether the 7-year reinspection interval is appropriate from a safety standpoint.

The purpose of requesting the study was to essentially audit the integrity management program and determine, based on an analysis of data collected during the baseline inspections, what the optimum period for conducting reinspections should be.

These reports were issued in September of this year and reached two important conclusions: The first conclusion was that the integrity management program for natural gas transmission lines is working well overall and is making the system safer. Furthermore, few serious problems are being discovered.

Secondly, the report concludes that a fixed, one-size-fits-all approach to reinspection is not the safest option. It does not give operators the flexibility to tailor inspection resources to the riskiest segments of the pipeline first.

Rather, the GAO recommends switching from a static, fixed-year reinspection interval, to one based on risk and engineering standards. Using a risk-based approach factors in the age, location, soil conditions, climate, metallurgy and changing population near a pipeline, allowing operators to best utilize limited inspection resources.

I am strongly concerned that the commonsense recommendations of the GAO report are not being implemented and that we are passing up an opportunity to make a good regulatory program work even better.

The conference report does contain a provision requiring the Secretary of Transportation to report back to Congress within 60 days of enactment on suggestions for implementing the GAO recommendations. I hope the committee of jurisdiction will hold hearings on this issue early next year so that we can receive the Secretary's suggestions.

I look forward to continuing the important work of ensuring the safe and reliable operation of our Nation's natural gas transmission system. We must do more to focus resources so that they will have the most impact.

I urge my colleagues to support this legislation.

Mr. DEFAZIO. Mr. Speaker, I yield the balance of my time to the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, just about everything that needs to be said about the pipeline safety bill has been said, so I will not repeat the details, the specifics of the legislation. It is a good bill. We have spent a lot of time in subcommittee, in full committee, and in conferring between our Committee on Transportation and Infrastructure and the Energy and Commerce Committee and with the responsible committee in the other body, and we have finally ironed out the details and have a very sound framework for the future.

The Office of Pipeline Safety has had a very checkered history. It has not worked effectively for a very long time, and then it had an awakening and it got on the right track again. We got the number of inspectors increased, funding for the system increased, we straightened out the cooperation, the coordination between the Federal office and the State offices. Then there was a period of decline.

Now this administration, to their great credit, has designated the best person in the history of this program to head up the Office of Pipeline Safety, though it has a longer title now, and that is Admiral Tom Barrett, who brings Coast Guard discipline and a Coast Guard organization structure and a Coast Guard safety mindset into the work of this agency, which is its principal mission, safety.

Admiral Barrett, from the time he walked on to the property, had conversations with me, as I am sure he did with Chairman YOUNG, and instilled great confidence in his ability to lead the agency, implement the law, to give us suggestions on how we can improve the legislative product and give him the tools that the agency needs to carry out its mission effectively. And that has certainly been undertaken, and to his great credit, Admiral Barrett has done a superb job of leadership for the Office of Pipeline Safety.

The first hearing I held as chairman of the Investigations and Oversight Subcommittee in 1987 was following a pipeline break and an extraordinary explosion that killed two people in Moundsview, just outside my congressional district, when a gasoline pipeline leaked for days; and at 2 o'clock in the morning a car passing through with a loose tailpipe hit the pavement, caused a spark, ignited the whole street, and a mother and her daughter were incinerated in the process. Why? Because the Office of Pipeline Safety and the pipeline operator were not doing their jobs.

That is not going to happen casually at least in the future. There may be some catastrophic failure of some kind, but in place now and with this legislation, and thanks to Admiral Barrett's oversight, there is a system of safety in place in this agency. For that, I thank our subcommittee chairman, Mr. PETRI, the ranking member, Mr. DEFAZIO, our committee staff on both sides, and Chairman YOUNG.

This may be our last opportunity on the House floor during this session of Congress for me to pay tribute to the leadership the gentleman from Alaska has given to our committee over these 6 years.

Forever etched in title 49 of the U.S. Code will be the biggest transportation investment in a single bill in the history of our country, and that will be SAFETEA-LU, $286.5 billion, a work product through which our chairman led us in subcommittee, in full committee, and in a long and difficult conference with the other body.

I will always remember Chairman YOUNG's courage, Mr. Speaker, standing before his President, advocating for a robust investment of $375 billion, as recommended by the Department of Transportation, in the future of highway and transit needs in America, improved pavement condition, reduced congestion and improved safety, and standing before his own Republican Conference and advocating, and staying the course, not wilting along the wayside when we had to scale that figure back to the ultimate $286.5 billion, maintaining intact within that legislation good public policy that will be an enduring legacy for our chairman and for our committee and for our country.

We go now into the implementation of SAFETEA-LU, awaiting the interim report of the commission that our committee authorized on the future of transportation needs in the country and how to finance it. But we will do so with the blueprint in our hand and lying ahead of us, which was crafted by this committee under the chairman's leadership.

That and many other items of significant achievement, including the great investments that our committee has authorized and that are now being carried out in the U.S. Coast Guard, for which I know the chairman has a great affinity and which service is so important to his State of Alaska, but to the thousands of miles of coastline on the salt water coast and the inland waterways on the Great Lakes of our country.

For his leadership, for his skill, for his courage and standing by principle, I salute our chairman, and thank him for his service and for the privilege of

the partnership that we have enjoyed during these 6 years.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for his kind words. My closing statement will recognize his contributions to what we have been able to do.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank the chairman for yielding, and I rise in support of H.R. 5782. This bill will save lives. One way it can save lives is illustrated by a story of two children from my district, Moon Township, in Pennsylvania.

On March 16, 2005, while walking home from school, two teenagers, a brother and sister, walked past a construction crew that was drilling in front of their house. The crew had ruptured a natural gas distribution line. The children entered the home without knowing that natural gas was seeping in. Soon afterwards, this house exploded to look like this. Both children were inside. They escaped. Both were injured, one seriously, but thankfully both survived.

The explosion occurred because accumulated natural gas fumes had ignited. When the pipeline was broken, the crew made the calls as required after they broke the gas line, but the procedures they followed did not prevent the children's injuries.

These two young children could have been among the more than 420 fatalities from pipeline accidents in the last 20 years. In this case the notification rules were followed, but the procedures just take too long. We need a faster, simpler system, one in which emergency authorities arrive at the scene quickly, and a single clear system, not the current patchwork of rules that varies State to State and town to town.

□ 1745

That is why I worked with the family of the two young children, local law enforcement and municipal governments and others interested in pipeline safety to write H.R. 2958, Marc and Chelsea's law. My bill requires pipeline breaches to be immediately reported to appropriate safety authorities in order to prevent future injuries.

I am pleased that the Pipeline Safety Act includes my bill's provisions to establish uniform emergency notifications. With the passage of today's legislation, an excavator who causes a pipeline accident must call the local gas distribution company operator. Also, if there is detectable gas, the excavator must also call 911 immediately.

Establishing consistent notification requirements is critical because there have been over 7,600 pipeline accidents.

I thank Mr. BARTON, Tom Hassenboehler, Mike Layman, Susan Mosychuck for their help in this bill, but also Marc and Chelsea for their help as well.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the remaining time.

Before I close, Mr. Speaker, I just want to take a moment to thank the many friends and colleagues that I have in this body that have made the last 6 years the most successful and enjoyable of my years in Congress, in 34 years.

While I am looking forward to many more years here in Congress, you are not going to get rid of me that soon, and I will continue to lead the charge for those issues near and dear to my heart. I take great pride in the work of the great Committee on Transportation and Infrastructure over the last 6 years.

We faced some extraordinary challenges in the committee. During this period of time was September 11, 2001. With the support, and I am sorry he has left, the support and cooperation of the ranking member, Congressman JIM OBERSTAR, we worked together, and within 2 weeks of this disaster for the aviation industry we enacted legislation to ensure the continued viability of this key transportation sector. Without the work of this committee, our aviation system would have collapsed.

We also created the Transportation Security Administration and worked to set up the Department of Homeland Security. While I do not support everything that has happened in DHS, I believe that the efforts of our committee have ensured a safer and more secure America.

We enacted the first major port security bill. We have improved pipeline safety, and tonight we will do it again. We enacted a multiple year aviation bill, reauthorized critical Coast Guard programs, restored the effectiveness of FEMA and overcame enormous obstacles to fund the building and maintenance of our highway infrastructure.

I did not accomplish this all alone, and I want to thank my many friends and supporters in Alaska who sent me to work on their behalf.

Again, I want to thank JIM OBERSTAR, and for those that may not know it, we never had a vote in the committee in an adversarial position. We always worked it out, worked together, and I want to thank all the other 73 Members of the committee for their cooperation and support. We have the best reputation of the committees for bipartisanship, and I am proud of that. I hope we can continue to work that way.

I have a great staff that has worked long and hard to draft legislation and negotiate on behalf of the committee: Mrs. Megginson, Graham Hill, who is up in the audience who actually wrote this gas bill, Jim Tymon who worked on this bill and all the other bills and all the other staff members I have.

I know the many sacrifices that the staff have made to get the job done, and I want them to know that I am grateful for their efforts and very proud of them and for America.

I also want to thank my many friends here in Washington who have taken the time to keep me informed and support our efforts to enact good transportation policy.

I finally want to thank my wife, Lu, TEA–LU, a bill that was named after her, for her close friendship, constant patience, support and encouragement. She is my inspiration for a legacy of the future of this Nation.

I look forward to the next 2 years working with this House in the House of Representatives to achieve great things in the Committee on Transportation and Infrastructure. I may not be the ranking member but I will be on the committee. I will be there, and we can provide for this Nation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5782—the Pipeline Safety Improvement Act of 2006.

I want to thank Chairman YOUNG and Ranking Member OBERSTAR and my other colleagues, who brought this vital and important bill to the floor today.

Pipeline security has gone under the radar in recent years—but there are critical issues which must be addressed. This bill addresses many of these problems.

This bill strengthens the "one-call notification system" which allows private citizens and the constructlon industry to quickly and easily notify utilities and pipeline owners of excavation.

The one-call notification system is vital to protecting these key resources and critical infrastructure from third-party damage.

Unfortunately, third parties are the number one cause of pipeline damage—disrupting the economy and putting many in harms way. These occurrences can easily be prevented and this bill helps do just that. This bill subjects anyone who does not comply with this system to stiff action and penalties.

This bill establishes a State Damage Prevention Program—which is a program which aims to prevent damage to underground infrastructure. This program will be based at the state level and this bill provides for a state grant program managed by the Department of Transportation.

This bill improves the management of pipeline infrastructure by mandating the recommendations set forth by the NTSB—the National Transportation Safety Board.

The bill will also improve pipeline security by assessing risk associated with human error and reducing damage from these issues by specifically providing for training and simulation exercises.

On the technology side, this bill will improve on leak detection technology and monitoring alarms which will improve safety around hazardous materials and the pipelines which carry them.

This bill also takes into account environmentally sensitive areas. It mandates new standards for pipelines in these areas which will aim to limit or prevent accidents in these susceptible and crucial areas.

This bill also aims to assess and prevent possible gasoline shortages and price spikes by assessing how future pipeline capacity shortages might impact the price of gas at the pump.

And finally and most importantly, this bill provides for proper communications between the Department of Transportation and the Department of Homeland Security to ensure reliability for these important and critical assets.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 5782 as amended. This is a good bill that reflects considerable work between the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure.

Pipeline safety is not one of the most high-profile issues that the Congress deals with but it is one of the most important. Because oil and gas pipelines are largely out of the public's sight, they are usually out of mind as well, that is until we have a failure such as, those several years ago in the State of Washington and New Mexico, which left several people dead. The shut-in of Prudhoe Bay in Alaska last August served as a stark reminder of that dire consequences of non-lethal pipeline accidents.

After the Prudhoe Bay incident I announced that pipeline safety reauthorization needed to include three important elements: First, the law needed to be changed to cover low-stress pipelines such as those that failed in Alaska; second, enforcement needed to be strengthened; and third, we needed more transparency in DOT's enforcement processes. I am pleased to report that this bill accomplishes those objectives but also does much more.

The bill addresses excavation damage—one of the leading causes of pipeline incidents—through several measures. It requires States with pipeline safety programs certified by the Department of Transportation (DOT) to establish a damage prevention program. The bill establishes grants to States to carry out such programs, and includes new penalty provisions for those who fail to abide by a State's call-before-you-dig program.

The bill also requires DOT to prescribe minimum integrity management standards for gas distribution operators, including a new requirement that excess flow valves be installed on new service lines. These new provisions will help strengthen that portion of the gas pipeline system that is closest to most American homes.

The bill takes a substantial step in making DOT's pipeline safety enforcement process more transparent to the general public, which has been a longstanding concern of mine. DOT will now be required to publish a monthly summary of its enforcement actions on both liquid and gas pipelines, giving the public valuable insight into areas where problems exist, and giving pipeline operators a forum to demonstrate they have been corrected.

The bill before us includes language passed by the Committee on Energy and Commerce that requires the vast majority of low-stress liquid lines to be regulated in a manner similar to high-stress liquid lines. This language responds to the issues raised by the spill on Alaska's North Slope last spring.

This bill also includes new language to require that pipeline operators file management plans that set forth a maximum limit on the hours of service performed by control room employees. I congratulate my good friend, the gentleman from Minnesota Mr. OBERSTAR, for his dedication to this issue.

Finally, the bill authorizes DOT to hire an additional 45 new safety inspectors to carry out the important responsibilities that we have assigned to the department in this bill.

I want to thank Chairmen YOUNG and BARTON and Ranking Member OBERSTAR for all of their efforts on this bill and I urge the House to pass H.R. 5782.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of our consensus substitute to H.R. 5782, The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. This legislation represents a broad, consensus-based process that exemplifies what can happen when different interests come together in order to produce a successful product.

I thank Chairman YOUNG and Ranking Member OBERSTAR for working with Mr. DINGELL and myself on reconciling our two bills and for the open and fair process between the two Committees of jurisdiction.

Reauthorizing the Pipeline Safety laws became more complicated after BP's inexcusable Prudhoe Bay oilfield shutdown in August. After rigorous enforcement and analysis, and after a thorough investigation by the House Energy and Commerce Committee, DOT was able to approve restart of some of these lines at the Prudhoe Bay oilfield.

This substitute to H.R. 5782 retains compromise language that was marked up in the Energy and Commerce Committee to address the low stress pipeline exemption, as well as several other provisions that were worked out in bipartisan fashion. For example, the bill strengthens state one-call requirements for excavation damage, provides new authority and grant money to the states to develop their own damage prevention programs modeled after the successful programs already in place, and puts some sunshine on enforcement actions.

The low stress language preserves exemptions for gathering lines, flow lines, and other integrated pipeline facilities, but removes the exemption from DOT Part 195 regulation that was used by the BP Prudhoe Bay transit pipelines. The low stress language should also preserve the inherent flexibility that is already built into DOT's integrity management program.

In addition, in crafting the administrative procedures implementing the safety order authority under sec. 2(f), DOT should provide a pipeline operator an opportunity to confer with DOT before exercising the operator's right to a hearing. Informal consultation has the potential to produce remedies acceptable to both operator and DOT that will resolve the vast majority of concerns without the need for a formal hearing. Any action taken by mutual agreement as a result of any such consultation should be reduced to writing and made both public and enforceable. This approach will save time and legal costs and bring about safety improvements sooner.

I urge our friends in the other body to take this bill up and pass it this week, as it reflects changes that were drafted in order to reach agreement with the Senate.

Mr. LARSEN of Washington. I rise in full support of the Pipeline Inspection, Protection, Enforcement and Safety Act of 2006.

This bill is the result of months of hard work. I want to commend Chairmen YOUNG and BARTON and Ranking Members OBERSTAR and DINGELL, as well as committee staff for the countless hours they put in to get this bill done.

It was over 7 years ago, on June 10, 1999, that a pipeline explosion claimed the lives of two 10-year-old boys and an 18-year-old young man in my district in Bellingham, Washington. Since that time we have made excellent progress in ensuring the safety of our Nation's pipelines.

The 2002 Pipeline Safety Improvement Act did a lot of good things. It increased penalty fines, improved pipeline testing timelines, and allowed for state oversight.

This bill is another step forward.

As a body, we can all be proud that we'll now be regulating low-stress liquid pipelines just as we regulate all other hazardous liquid pipes. What happened with BP lines in Alaska this summer shouldn't have happened and this bill will ensure operators are properly maintaining their low-stress lines.

I urge my colleagues to vote yes on this bill.

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5782, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. 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 H.R. 5782.

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

There was no objection.

PERMISSION TO INCLUDE EXCHANGE OF LETTERS ON H.R. 5782, PIPELINE SAFETY IMPROVEMENT ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to include in the RECORD an exchange of letters between myself and Chairman BOEHLERT on H.R. 5782.

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

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 5, 2006.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, 2165 Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5782, the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, as proposed for consideration under suspension of the Rules of the House. The Science Committee has jurisdiction over Section 26 of the suspension version of the bill, which amends Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355) and Section 18, which provides funding to carry out Section 12 of the Pipeline Safety Improvement Act of 2002.

The Science Committee recognizes the importance of H.R. 5782 and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our

mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your letter in response will be included in the Congressional Record when the bill is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, December 5, 2006.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, 2320 Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: I thank you for your letter of December 5, 2006, regarding H.R. 5782, to provide for enhanced safety and environmental protection in pipeline transportation, and provide for enhanced reliability in the transportation of the Nation's energy products by pipeline. I appreciate your support of the proposed modifications to the Committee reported bill that fall within your Committee's jurisdiction which I will offer in the form of an amendment in the nature of a substitute when the bill is considered on the Floor.

I agree that your action does not waive, reduce or affect your Committee's jurisdiction over the bill, as amended. As you request, your letter and this response will be included in the Congressional Record during consideration on the House Floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,
Chairman.

COMMENDING THE NEW YORK INSTITUTE FOR SPECIAL EDUCATION FOR 175 YEARS OF SERVICE

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 484) commending The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities.

The Clerk read as follows:

H. CON. RES. 484

Whereas The New York Institute for Special Education, originally founded in 1831 as The New York Institution for the Education of the Blind, has for 175 years continually educated students with disabilities, and is chartered by the Board of Regents of the University of the State of New York, accredited by the National Commission for the Accreditation of Special Education Services, and is located on Pelham Parkway, in the Bronx;

Whereas on March 15, 1832, the first class in the United States for blind children began at The New York Institution for the Education of the Blind;

Whereas in 1986, The New York Institute for the Education of the Blind broadened its mission to also provide education to students with emotional and learning disabilities and preschoolers with development delays, and concurrently changed the name to the New York Institute for Special Education;

Whereas in 2000, The New York Institute for Special Education again broadened its mission by establishing the Cornerstone Literacy Initiative, providing staff development and school reform leadership to high poverty school districts throughout the United States;

Whereas The New York Institute for Special Education has prepared students to attain and exceed the academic standards as set forth by the Department of Education of the State of New York;

Whereas in addition to providing a quality education to New York students, The New York Institute for Special Education is equally committed to improving special education on a national level and serves as a student teaching and internship site for eleven universities nationally;

Whereas since its inception in 1987, the Readiness Program of The New York Institute for Special Education has had a dramatic impact on the lives of special education pre-school children as well as their families;

Whereas the Van Cleve Program of The New York Institute for Special Education accepts children with learning and emotional disabilities from five to eleven years of age, the graduates of which show dramatic improvement in academic, social, and behavioral abilities;

Whereas students in the Schermerhorn Program of The New York Institute for Special Education participate in individually designed academic and modified academic programs that emphasize independence and are given an opportunity to develop job behaviors and skills through pre-vocational activities and in career experience programs;

Whereas The New York Institute for Special Education has continuously played a leadership role in advocating for quality education of children with disabilities; and

Whereas The New York Institute for Special Education has continuously played a leadership role in conducting and promoting research relating to the education of children with disabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities; and

(2) recognizes the high importance of, and supports all efforts to improve, education for physical, emotional, and learning disabled children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 484.

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

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of this concurrent resolution to recognize the achievements of The New York Institute for Special Education. During this academic year, the institute is celebrating its 175th year of providing an outstanding education to students with special needs. I thank my colleague from New York (Mr. CROWLEY) for sponsoring this very important resolution.

Founded in 1831 as The New York Institution for the Education of the Blind, the institute began classes in March of 1832 as one of the first schools in the United States to provide an educational program for children who were blind or who were visually impaired. In the mid-1980s, the institute expanded its mission to include programs for students with emotional and learning disabilities and for preschoolers with developmental delays.

To reflect this broader mission, the institute adopted its current name change in 1986. In the year 2000, the institute again expanded with the creation of the Cornerstone Literacy Initiative to provide staff development and school reform leadership to high poverty school districts throughout the entire United States.

This Congress has made special education a priority. In 2004, for instance, with overwhelming bipartisan support, we were able to reauthorize the Individuals with Disabilities Education Act to provide teachers and parents and schools the tools needed to ensure that students in special education receive the opportunities that they deserve.

In addition, in 2002, we passed the No Child Left Behind Act which ensures that the achievement of children with disabilities is a priority, and underline that priority, in our school systems.

We are proud that we can partner with States, with local school districts and schools such as The New York Institute for Special Education, to ensure that our students with special needs are receiving a high-quality education that prepares them for success.

The New York Institute for Special Education in particular has a long history of providing just such an education for its students and being a leader in special education nationally.

I again thank my colleague for bringing this important resolution forward and for giving us the opportunity to celebrate The New York Institute for Special Education on the occasion of its 175th birthday, and I urge my colleagues to support H. Con. Res. 484.

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

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

I rise in support of H. Con. Res. 484 and thank my colleague from New York (Mr. CROWLEY) for introducing this bipartisan resolution to commemorate the 175th anniversary of The New York Institute for Special Education.

Since 1831, the institute, located in the Bronx, has been a leader in educating children with visual disabilities.

In the 1980s, the institute expanded its mission to include educating children with emotional and learning disabilities. Today, it educates nearly 300 students with disabilities from age 3 through 21 annually.

The institute also develops educational programs and helps train prospective teachers from many universities. Interestingly, the institute can claim a U.S. President, Grover Cleveland, as a former teacher.

So, Mr. Speaker, I congratulate the institute for its 175 years of service to students with disabilities and their families.

Mr. Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. CROWLEY), the author of this resolution.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman. It is my hope that I can continue. I have laryngitis, and I want to thank her for yielding me the time. I thank the gentleman from New York for his words this evening as well on this legislation. I want to thank Chairman MCKEON and Ranking Member, soon to be chairman, MILLER for moving this bill expeditiously to the floor.

For 175 years, The New York Institute for Special Education has served the New York community as a private, nonprofit, educational facility which provides a quality education for children who are blind and visually disabled, emotionally and learning disabled and preschoolers who are developmentally delayed.

Founded in 1831 as The New York Institution for the Blind, it was one of the first schools in the United States to provide an educational program for children who were blind or visually impaired.

Early in the 20th century, the name was changed to The New York Institute for the Education of the Blind to emphasize the educational character of the school.

In 1980s educators recognized the need to provide programs designed specifically for students with learning and emotional disabilities.

In response to this need, the school established the Van Cleve program for those children who could not be served in a traditional school setting. In 1986, the school's name was changed to The New York Institute for Special Education, which it still holds today, to better reflect this expanded focus and commitment to children with a variety of disabilities.

In 1987, a program for developmentally delayed preschoolers was established, the Readiness Program. This program serves an ever-growing population of children who exhibit delays in such areas as speech, motor senses, language acquisition, and auditory and visual discrimination.

Today, The New York Institute for Special Education continues the tradition of excellence in education for children with disabilities. Nearly 300 students from ages 3 to 21 attend The New York Institute for Special Education, which is based in my congressional district on Pelham Parkway in the Bronx.

It is chartered by the Board of Regents of the University of the State of New York on behalf of the State Education Department, and is accredited by the National Commission for Accreditation of Special Education Services.

Furthermore, I am proud to say that this school has one of the highest graduation rates in the country among schools for the blind and visually impaired.

Between 2005 to 2006, 77.3 percent of the graduates from The New York Institute for Special Education received diplomas, and of the 22 graduates, 18 had been graduated in local public schools and were failing there before receiving an appropriate education at the institute.

It is clear that this school makes a big impact in many lives. Besides providing a great education to the students who attend The New York Institute for Special Education, the school does community outreach as well. The institute is deeply involved in many areas on issues affecting children with disabilities and their families.

Jointly with Albert Einstein College of Medicine, the institute hosts an early intervention training institute providing staff development for clinicians and teachers throughout the New York metropolitan area.

Many of the students move on to very productive careers and lives using the skills the school has taught them, skills they may not have learned otherwise if they had not attended this institution.

This school is an example of a good education coupled with community service. This school deserves its commemoration. It is an historic school, as was mentioned by Ms. WOOLSEY again, dating back over 175 years, and I urge my colleagues to recognize its achievements and support this legislation.

Mr. KUHL of New York. Mr. Speaker, once again I offer my appreciation to my colleague from New York (Mr. CROWLEY) for bringing this resolution. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 484.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1800

RURAL WATER SUPPLY ACT OF 2006

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 895) to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, as amended.

The Clerk read as follows:

S. 895

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 ''Rural Water Supply Act of 2006''.

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

Sec. 1. Short title; table of contents.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Rural water supply program.
Sec. 104. Rural water programs assessment.
Sec. 105. Appraisal investigations.
Sec. 106. Feasibility studies.
Sec. 107. Miscellaneous.
Sec. 108. Reports.
Sec. 109. Authorization of appropriations.
Sec. 110. Termination of authority.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Project eligibility.
Sec. 204. Loan guarantees.
Sec. 205. Defaults.
Sec. 206. Operations, maintenance, and replacement costs.
Sec. 207. Title to newly constructed facilities.
Sec. 208. Water rights.
Sec. 209. Interagency coordination and cooperation.
Sec. 210. Records; audits.
Sec. 211. Full faith and credit.
Sec. 212. Report.
Sec. 213. Effect on the reclamation laws.
Sec. 214. Authorization of appropriations.
Sec. 215. Termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

Sec. 301. Report.

TITLE I—RECLAMATION RURAL WATER SUPPLY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the ''Reclamation Rural Water Supply Act of 2006''.

SEC. 102. DEFINITIONS.

In this title:

(1) CONSTRUCTION.—The term ''construction'' means the installation of infrastructure and the upgrading of existing facilities in locations in which the infrastructure or facilities are associated with the new infrastructure of a rural water project recommended by the Secretary pursuant to this title.

(2) FEDERAL RECLAMATION LAW.—The term ''Federal reclamation law'' means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) INDIAN.—The term ''Indian'' means an individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) NON-FEDERAL PROJECT ENTITY.—The term ''non-Federal project entity'' means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation

district, water conservancy district, or rural water district or association.

(6) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term ''operations, maintenance, and replacement costs'' means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

(B) INCLUSIONS.—The term ''operations, maintenance, and replacement costs'' includes—

(i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;

(ii) replacement of worn-out project elements; and

(iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

(C) EXCLUSION.—The term ''operations, maintenance, and replacement costs'' does not include construction costs.

(7) PROGRAM.—The term ''Program'' means the rural water supply program carried out under section 103.

(8) RECLAMATION STATES.—The term ''Reclamation States'' means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(9) RURAL WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term ''rural water supply project'' means a project that is designed to serve a community or group of communities, each of which has a population of not more than 50,000 inhabitants, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water.

(B) INCLUSION.—The term ''rural water supply project'' includes—

(i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and

(ii) a project to improve rural water infrastructure, including—

(I) pumps, pipes, wells, and other diversions;

(II) storage tanks and small impoundments;

(III) water treatment facilities for potable water supplies, including desalination facilities;

(IV) equipment and management tools for water conservation, groundwater recovery, and water recycling; and

(V) appurtenances.

(C) EXCLUSION.—The term ''rural water supply project'' does not include—

(i) commercial irrigation; or

(ii) major impoundment structures.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(11) TRIBAL ORGANIZATION.—The term ''tribal organization'' means—

(A) the recognized governing body of an Indian tribe; and

(B) any legally established organization of Indians that is controlled, sanctioned, or chartered by the governing body or democratically elected by the adult members of the Indian community to be served by the organization.

SEC. 103. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities and consistent with this title, may carry out a rural water supply program in Reclamation States to—

(1) investigate and identify opportunities to ensure safe and adequate rural water supply projects for domestic, municipal, and industrial use in small communities and rural areas of the Reclamation States;

(2) plan the design and construction, through the conduct of appraisal investigations and feasibility studies, of rural water supply projects in Reclamation States; and

(3) oversee, as appropriate, the construction of rural water supply projects in Reclamation States that are recommended by the Secretary in a feasibility report developed pursuant to section 106 and subsequently authorized by Congress.

(b) NON-FEDERAL PROJECT ENTITY.—Any activity carried out under this title shall be carried out in cooperation with a qualifying non-Federal project entity, consistent with this title.

(c) ELIGIBILITY CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, consistent with this title, develop and publish in the Federal Register criteria for—

(1) determining the eligibility of a rural community for assistance under the Program; and

(2) prioritizing requests for assistance under the Program.

(d) FACTORS.—The criteria developed under subsection (c) shall take into account such factors as whether—

(1) a rural water supply project—

(A) serves—

(i) rural areas and small communities; or

(ii) Indian tribes; or

(B) promotes and applies a regional or watershed perspective to water resources management;

(2) there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs;

(3) a rural water supply project helps meet applicable requirements established by law; and

(4) a rural water supply project is cost effective.

(e) INCLUSIONS.—The Secretary may include—

(1) to the extent that connection provides a reliable water supply, a connection to preexisting infrastructure (including impoundments and conveyance channels) as part of a rural water supply project; and

(2) notwithstanding the limitation on population under section 102(9)(A), a town or community with a population in excess of 50,000 inhabitants in an area served by a rural water supply project if, at the discretion of the Secretary, the town or community is considered to be a critical partner in the rural supply project.

SEC. 104. RURAL WATER PROGRAMS ASSESSMENT.

(a) IN GENERAL.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Director of the Indian Health Service, the Secretary of Housing and Urban Development, and the Secretary of the Army, the Secretary shall develop an assessment of—

(1) the status of all rural water supply projects under the jurisdiction of the Secretary authorized but not completed prior to the date of enactment of this Act, including appropriation amounts, the phase of development, total anticipated costs, and obstacles to completion;

(2) the current plan (including projected financial and workforce requirements) for the completion of the projects identified in paragraph (1) within the time frames established under the provisions of law authorizing the projects or the final engineering reports for the projects;

(3) the demand for new rural water supply projects;

(4) rural water programs within other agencies and a description of the extent to which those programs provide support for rural water supply projects and water treatment programs in Reclamation States, including an assessment of the requirements, funding levels, and conditions of eligibility for the programs assessed;

(5) the extent of the demand that the Secretary can meet with the Program;

(6) how the Program will complement authorities already within the jurisdiction of the Secretary and the heads of the agencies with whom the Secretary consults; and

(7) improvements that can be made to coordinate and integrate the authorities of the agencies with programs evaluated under paragraph (4), including any recommendations to consolidate some or all of the activities of the agencies with respect to rural water supply.

(b) CONSULTATION WITH STATES.—Before finalizing the assessment developed under subsection (a), the Secretary shall solicit comments from States with identified rural water needs.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a detailed report on the assessment conducted under subsection (a).

SEC. 105. APPRAISAL INVESTIGATIONS.

(a) IN GENERAL.—On request of a non-Federal project entity with respect to a proposed rural water supply project that meets the eligibility criteria published under section 103(c) and subject to the availability of appropriations, the Secretary may—

(1) receive and review an appraisal investigation that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity;

(2) conduct an appraisal investigation; or

(3) provide a grant to, or enter into a cooperative agreement with, the non-Federal project entity to conduct an appraisal investigation, if the Secretary determines that—

(A) the non-Federal project entity is qualified to complete the appraisal investigation in accordance with the criteria published under section 103(c); and

(B) using the non-Federal project entity to conduct the appraisal investigation is a cost-effective alternative for completing the appraisal investigation.

(b) DEADLINE.—An appraisal investigation conducted under subsection (a) shall be scheduled for completion not later than 2 years after the date on which the appraisal investigation is initiated.

(c) APPRAISAL REPORT.—In accordance with subsection (f), after an appraisal investigation is submitted to the Secretary under subsection (a)(1) or completed under paragraph (2) or (3) of subsection (a), the Secretary shall prepare an appraisal report that—

(1) considers—

(A) whether the project meets—

(i) the appraisal criteria developed under subsection (d); and

(ii) the eligibility criteria developed under section 103(c);

(B) whether viable water supplies and water rights exist to supply the project, including all practicable water sources such as lower quality waters, nonpotable waters, and water reuse-based water supplies;

(C) whether the project has a positive effect on public health and safety;

(D) whether the project will meet water demand, including projected future needs;

(E) the extent to which the project provides environmental benefits, including source water protection;

(F) whether the project applies a regional or watershed perspective and promotes benefits in the region in which the project is carried out;

(G) whether the project—

(i)(I) implements an integrated resources management approach; or

(II) enhances water management flexibility, including providing for—

(aa) local control to manage water supplies under varying water supply conditions; and

(bb) participation in water banking and markets for domestic and environmental purposes; and

(ii) promotes long-term protection of water supplies;

(H) preliminary cost estimates for the project; and

(I) whether the non-Federal project entity has the capability to pay 100 percent of the costs associated with the operations, maintenance, and replacement of the facilities constructed or developed as part of the rural water supply project; and

(2) provides recommendations on whether a feasibility study should be initiated under section 106(a).

(d) APPRAISAL CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate criteria (including appraisal factors listed under subsection (c)) against which the appraisal investigations shall be assessed for completeness and appropriateness for a feasibility study.

(2) INCLUSIONS.—To minimize the cost of a rural water supply project to a non-Federal project entity, the Secretary shall include in the criteria methods to scale the level of effort needed to complete the appraisal investigation relative to the total size and cost of the proposed rural water supply project.

(e) REVIEW OF APPRAISAL INVESTIGATION.—

(1) IN GENERAL.—Not later than 90 days after the date of submission of an appraisal investigation under paragraph (1) or (3) of subsection (a), the Secretary shall provide to the non-Federal entity that conducted the investigation a determination of whether the investigation has included the information necessary to determine whether the proposed rural water supply project satisfies the criteria promulgated under subsection (d).

(2) NO SATISFACTION OF CRITERIA.—If the Secretary determines that the appraisal investigation submitted by a non-Federal entity does not satisfy the criteria promulgated under subsection (d), the Secretary shall inform the non-Federal entity of the reasons why the appraisal investigation is deficient.

(3) RESPONSIBILITY OF SECRETARY.—If an appraisal investigation as first submitted by a non-Federal entity does not provide all necessary information, as defined by the Secretary, the Secretary shall have no obligation to conduct further analysis until the non-Federal project entity submitting the appraisal study conducts additional investigation and resubmits the appraisal investigation under this subsection.

(f) APPRAISAL REPORT.—Once the Secretary has determined that an investigation provides the information necessary under subsection (e), the Secretary shall—

(1) complete the appraisal report required under subsection (c);

(2) make available to the public, on request, the appraisal report prepared under this title; and

(3) promptly publish in the Federal Register a notice of the availability of the results.

(g) COSTS.—

(1) FEDERAL SHARE.—The Federal share of an appraisal investigation conducted under subsection (a) shall be 100 percent of the total cost of the appraisal investigation, up to $200,000.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if the cost of conducting an appraisal investigation is more than $200,000, the non-Federal share of the costs in excess of $200,000 shall be 50 percent.

(B) EXCEPTION.—The Secretary may reduce the non-Federal share required under subparagraph (A) if the Secretary determines that there is an overwhelming Federal interest in the appraisal investigation.

(C) FORM.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the appraisal investigation.

(h) CONSULTATION; IDENTIFICATION OF FUNDING SOURCES.—In conducting an appraisal investigation under subsection (a)(2), the Secretary shall—

(1) consult and cooperate with the non-Federal project entity and appropriate State, tribal, regional, and local authorities;

(2) consult with the heads of appropriate Federal agencies to—

(A) ensure that the proposed rural water supply project does not duplicate a project carried out under the authority of the agency head; and

(B) if a duplicate project is being carried out, identify the authority under which the duplicate project is being carried out; and

(3) identify what funding sources are available for the proposed rural water supply project.

SEC. 106. FEASIBILITY STUDIES.

(a) IN GENERAL.—On completion of an appraisal report under section 105(c) that recommends undertaking a feasibility study and subject to the availability of appropriations, the Secretary shall—

(1) in cooperation with a non-Federal project entity, carry out a study to determine the feasibility of the proposed rural water supply project;

(2) receive and review a feasibility study that is—

(A) developed by the non-Federal project entity, with or without support from the Secretary; and

(B) submitted to the Secretary by the non-Federal project entity; or

(3)(A) provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity to conduct a feasibility study, for submission to the Secretary, if the Secretary determines that—

(i) the non-Federal entity is qualified to complete the feasibility study in accordance with the criteria promulgated under subsection (d); and

(ii) using the non-Federal project entity to conduct the feasibility study is a cost-effective alternative for completing the appraisal investigation; or

(B) if the Secretary determines not to provide a grant to, or enter into a cooperative agreement with, a non-Federal project entity under subparagraph (A), provide to the non-Federal project entity notice of the determination, including an explanation of the reason for the determination.

(b) REVIEW OF NON-FEDERAL FEASIBILITY STUDIES.—

(1) IN GENERAL.—In conducting a review of a feasibility study submitted under paragraph (2) or (3) of subsection (a), the Secretary shall—

(A) in accordance with the feasibility factors described in subsection (c) and the criteria promulgated under subsection (d), assess the completeness of the feasibility study; and

(B) if the Secretary determines that a feasibility study is not complete, notify the non-Federal entity of the determination.

(2) REVISIONS.—If the Secretary determines under paragraph (1)(B) that a feasibility study is not complete, the non-Federal entity shall pay any costs associated with revising the feasibility study.

(c) FEASIBILITY FACTORS.—Feasibility studies authorized or reviewed under this title shall include an assessment of—

(1) near- and long-term water demand in the area to be served by the rural water supply project;

(2) advancement of public health and safety of any existing rural water supply project and other benefits of the proposed rural water supply project;

(3) alternative new water supplies in the study area, including any opportunities to treat and use low-quality water, nonpotable water, water reuse-based supplies, and brackish and saline waters through innovative and economically viable treatment technologies;

(4) environmental quality and source water protection issues related to the rural water supply project;

(5) innovative opportunities for water conservation in the study area to reduce water use and water system costs, including—

(A) nonstructural approaches to reduce the need for the project; and

(B) demonstration technologies;

(6) the extent to which the project and alternatives take advantage of economic incentives and the use of market-based mechanisms;

(7)(A) the construction costs and projected operations, maintenance, and replacement costs of all alternatives; and

(B) the economic feasibility and lowest cost method of obtaining the desired results of each alternative, taking into account the Federal cost-share;

(8) the availability of guaranteed loans for a proposed rural water supply project;

(9) the financial capability of the non-Federal project entity to pay the non-Federal project entity's proportionate share of the design and construction costs and 100 percent of operations, maintenance, and replacement costs, including the allocation of costs to each non-Federal project entity in the case of multiple entities;

(10) whether the non-Federal project entity has developed an operations, management, and replacement plan to assist the non-Federal project entity in establishing rates and fees for beneficiaries of the rural water supply project that includes a schedule identifying the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the project;

(11)(A) the non-Federal project entity administrative organization that would implement construction, operations, maintenance, and replacement activities; and

(B) the fiscal, administrative, and operational controls to be implemented to manage the project;

(12) the extent to which assistance for rural water supply is available under other Federal authorities;

(13) the engineering, environmental, and economic activities to be undertaken to carry out the proposed rural water supply project;

(14) the extent to which the project involves partnerships with other State, local, or tribal governments or Federal entities; and

(15) in the case of a project intended for Indian tribes and tribal organizations, the extent to which the project addresses the goal of economic self-sufficiency.

(d) FEASIBILITY STUDY CRITERIA.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate criteria (including the feasibility factors listed under subsection (c)) under which the feasibility studies shall be assessed for completeness and appropriateness.

(2) INCLUSIONS.—The Secretary shall include in the criteria promulgated under paragraph (1) methods to scale the level of effort needed to complete the feasibility assessment relative to the total size and cost of the proposed rural water supply project and reduce total costs to non-Federal entities.

(e) FEASIBILITY REPORT.—

(1) IN GENERAL.—After completion of appropriate feasibility studies for rural water supply projects that address the factors described in subsection (c) and the criteria promulgated under subsection (d), the Secretary shall—

(A) develop a feasibility report that includes—

(i) a recommendation of the Secretary on—

(I) whether the rural water supply project should be authorized for construction; and

(II) the appropriate non-Federal share of construction costs, which shall be—

(aa) at least 25 percent of the total construction costs; and

(bb) determined based on an analysis of the capability-to-pay information considered under subsections (c)(9) and (f); and

(ii) if the Secretary recommends that the project should be authorized for construction—

(I) what amount of grants, loan guarantees, or combination of grants and loan guarantees should be used to provide the Federal cost share;

(II) a schedule that identifies the annual operations, maintenance, and replacement costs that should be allocated to each non-Federal entity participating in the rural water supply project; and

(III) an assessment of the financial capability of each non-Federal entity participating in the rural water supply project to pay the allocated annual operation, maintenance, and replacement costs for the rural water supply project;

(B) submit the report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives;

(C) make the report publicly available, along with associated study documents; and

(D) publish in the Federal Register a notice of the availability of the results.

(f) CAPABILITY-TO-PAY.—

(1) IN GENERAL.—In evaluating a proposed rural water supply project under this section, the Secretary shall—

(A) consider the financial capability of any non-Federal project entities participating in the rural water supply project to pay 25 percent or more of the capital construction costs of the rural water supply project; and

(B) recommend an appropriate Federal share and non-Federal share of the capital construction costs, as determined by the Secretary.

(2) FACTORS.—In determining the financial capability of non-Federal project entities to pay for a rural water supply project under paragraph (1), the Secretary shall evaluate factors for the project area, relative to the State average, including—

(A) per capita income;

(B) median household income;

(C) the poverty rate;

(D) the ability of the non-Federal project entity to raise tax revenues or assess fees;

(E) the strength of the balance sheet of the non-Federal project entity; and

(F) the existing cost of water in the region.

(3) INDIAN TRIBES.—In determining the capability-to-pay of Indian tribe project beneficiaries, the Secretary may consider deferring the collection of all or part of the non-Federal construction costs apportioned to Indian tribe project beneficiaries unless or until the Secretary determines that the Indian tribe project beneficiaries should pay—

(A) the costs allocated to the beneficiaries; or

(B) an appropriate portion of the costs.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) FORM.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(3) FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the costs of a feasibility study if the Secretary determines, based on a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of the study.

(4) LARGER COMMUNITIES.—In conducting a feasibility study of a rural water supply system that includes a community with a population in excess of 50,000 inhabitants, the Secretary may require the non-Federal project entity to pay more than 50 percent of the costs of the study.

(h) CONSULTATION AND COOPERATION.—In addition to the non-Federal project entity, the Secretary shall consult and cooperate with appropriate Federal, State, tribal, regional, and local authorities during the conduct of each feasibility assessment and development of the feasibility report conducted under this title.

SEC. 107. MISCELLANEOUS.

(a) AUTHORITY OF SECRETARY.—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this title.

(b) TRANSFER OF PROJECTS.—Nothing in this title authorizes the transfer of pre-existing facilities or pre-existing components of any water system from Federal to private ownership or from private to Federal ownership.

(c) FEDERAL RECLAMATION LAW.—Nothing in this title supersedes or amends any Federal law associated with a project, or portion of a project, constructed under Federal reclamation law.

(d) INTERAGENCY COORDINATION.—The Secretary shall coordinate the Program carried out under this title with existing Federal and State rural water and wastewater programs to facilitate the most efficient and effective solution to meeting the water needs of the non-Federal project sponsors.

(e) MULTIPLE INDIAN TRIBES.—In any case in which a contract is entered into with, or a grant is made, to an organization to perform services benefitting more than 1 Indian tribe under this title, the approval of each such Indian tribe shall be a prerequisite to entering into the contract or making the grant.

(f) OWNERSHIP OF FACILITIES.—Title to any facility planned, designed, and recommended for construction under this title shall be held by the non-Federal project entity.

(g) EXPEDITED PROCEDURES.—If the Secretary determines that a community to be served by a proposed rural water supply project has urgent and compelling water needs, the Secretary shall, to the maximum extent practicable, expedite appraisal investigations and reports conducted under section 105 and feasibility studies and reports conducted under section 106.

(h) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title.

(i) NO ADDITIONAL REQUIREMENTS.—Nothing in this title requires a feasibility study for, or imposes any other additional requirements with respect to, rural water supply projects or programs that are authorized before the date of enactment of this Act.

SEC. 108. REPORTS.

Beginning in fiscal year 2007, and each fiscal year thereafter through fiscal year 2012, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report that describes the number and type of full-time equivalent positions in the Department of the Interior and the amount of overhead costs of the Department of the Interior that are allocated to carrying out this title for the applicable fiscal year.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $15,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

(b) RURAL WATER PROGRAMS ASSESSMENT.—Of the amounts made available under subsection (a), not more than $1,000,000 may be made available to carry out section 104 for each of fiscal years 2007 and 2008.

(c) CONSTRUCTION COSTS.—No amounts made available under this section shall be used to pay construction costs associated with any rural water supply project.

SEC. 110. TERMINATION OF AUTHORITY.

The authority of the Secretary to carry out this title terminates on September 30, 2016.

TITLE II—TWENTY-FIRST CENTURY WATER WORKS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Twenty-First Century Water Works Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LENDER.—The term ''lender'' means—

(A) a non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulation (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)); or

(B) a clean renewable energy bond lender (as defined in section 54(j)(2) of the Internal Revenue Code of 1986 (as in effect on the date of enactment of this Act)).

(3) LOAN GUARANTEE.—The term ''loan guarantee'' has the meaning given the term ''loan guarantee'' in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(4) NON-FEDERAL BORROWER.—The term ''non-Federal borrower'' means—

(A) a State (including a department, agency, or political subdivision of a State); or

(B) a conservancy district, irrigation district, canal company, water users' association, Indian tribe, an agency created by interstate compact, or any other entity that has the capacity to contract with the United States under Federal reclamation law.

(5) OBLIGATION.—The term ''obligation'' means a loan or other debt obligation that is guaranteed under this section.

(6) PROJECT.—The term ''project'' means—

(A) a rural water supply project (as defined in section 102(9));

(B) an extraordinary operation and maintenance activity for, or the rehabilitation or replacement of, a facility—

(i) that is authorized by Federal reclamation law and constructed by the United States under such law; or

(ii) in connection with which there is a repayment or water service contract executed by the United States under Federal reclamation law; or

(C) an improvement to water infrastructure directly associated with a reclamation project that, based on a determination of the Secretary—

(i) improves water management; and

(ii) fulfills other Federal goals.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 203. PROJECT ELIGIBILITY.

(a) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for financial assistance under section 204.

(2) INCLUSIONS.—Eligibility criteria shall include—

(A) submission of an application by the lender to the Secretary;

(B) demonstration of the creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features to ensure repayment;

(C) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to repay the project financing from user fees or other dedicated revenue sources;

(D) demonstration by the non-Federal borrower, to the satisfaction of the Secretary, of the ability of the non-Federal borrower to pay all operations, maintenance, and replacement costs of the project facilities; and

(E) such other criteria as the Secretary determines to be appropriate.

(b) WAIVER.—The Secretary may waive any of the criteria in subsection (a)(2) that the Secretary determines to be duplicative or rendered unnecessary because of an action already taken by the United States.

(c) PROJECTS PREVIOUSLY AUTHORIZED.—A project that was authorized for construction under Federal reclamation laws prior to the date of enactment of this Act shall be eligible for assistance under this title, subject to the criteria established by the Secretary under subsection (a).

(d) CRITERIA FOR RURAL WATER SUPPLY PROJECTS.—A rural water supply project that is determined to be feasible under section 106 is eligible for a loan guarantee under section 204.

SEC. 204. LOAN GUARANTEES.

(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary may make available to lenders for a project meeting the eligibility criteria established in section 203 loan guarantees to supplement private-sector or lender financing for the project.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—Loan guarantees under this section for a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements as the Secretary determines to be appropriate to protect the financial interests of the United States.

(2) AMOUNT.—Loan guarantees by the Secretary shall not exceed an amount equal to 90 percent of the cost of the project that is the subject of the loan guarantee, as estimated at the time at which the loan guarantee is issued.

(3) INTEREST RATE.—An obligation shall bear interest at a rate that does not exceed a level that the Secretary determines to be appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks.

(4) AMORTIZATION.—A loan guarantee under this section shall provide for complete amortization of the loan guarantee within not more than 40 years.

(5) NONSUBORDINATION.—An obligation shall be subject to the condition that the obligation is not subordinate to other financing.

(c) PREPAYMENT AND REFINANCING.—Any prepayment or refinancing terms on a loan guarantee shall be negotiated between the non-Federal borrower and the lender with the consent of the Secretary.

SEC. 205. DEFAULTS.

(a) PAYMENTS BY SECRETARY.—

(1) IN GENERAL.—If a borrower defaults on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

(2) PAYMENT REQUIRED.—By such date as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on, and unpaid principal of, the obligation with respect to which the borrower has defaulted, unless the Secretary finds that there was not default by the borrower in the payment of interest or principal or that the default has been remedied.

(3) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the non-Federal borrower that may be agreed on by the parties to the obligation and approved by the Secretary.

(b) SUBROGATION.—

(1) IN GENERAL.—If the Secretary makes a payment under subsection (a), the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan guarantee or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law) to—

(A) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the loan guarantee or related agreements; or

(B) permit the non-Federal borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines the purposes to be in the public interest.

(2) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreement, shall be superior to the rights of any other person with respect to the property.

(c) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation, for and on behalf of the non-Federal borrower, from funds appropriated for that purpose, the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

(1)(A) the non-Federal borrower is unable to meet the payments and is not in default;

(B) it is in the public interest to permit the non-Federal borrower to continue to pursue the purposes of the project; and

(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the non-Federal borrower is obligated to pay under the agreement being guaranteed; and

(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

(d) ACTION BY ATTORNEY GENERAL.—

(1) NOTIFICATION.—If the non-Federal borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

(2) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest due from—

(A) such assets of the defaulting non-Federal borrower as are associated with the obligation; or

(B) any other security pledged to secure the obligation.

SEC. 206. OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The non-Federal share of operations, maintenance, and replacement costs for a project receiving Federal assistance under this title shall be 100 percent.

(b) PLAN.—On request of the non-Federal borrower, the Secretary may assist in the development of an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal borrower in establishing rates and fees for project beneficiaries.

SEC. 207. TITLE TO NEWLY CONSTRUCTED FACILITIES.

(a) NEW PROJECTS AND FACILITIES.—All new projects or facilities constructed in accordance with this title shall remain under the jurisdiction and control of the non-Federal borrower subject to the terms of the repayment agreement.

(b) EXISTING PROJECTS AND FACILITIES.—Nothing in this title affects the title of—

(1) reclamation projects authorized prior to the date of enactment of this Act;

(2) works supplemental to existing reclamation projects; or

(3) works constructed to rehabilitate existing reclamation projects.

SEC. 208. WATER RIGHTS.

(a) IN GENERAL.—Nothing in this title preempts or affects State water law or an interstate compact governing water.

(b) COMPLIANCE REQUIRED.—The Secretary shall comply with State water laws in carrying out this title. Nothing in this title affects or preempts State water law or an interstate compact governing water.

SEC. 209. INTERAGENCY COORDINATION AND COOPERATION.

(a) CONSULTATION.—The Secretary shall consult with the Secretary of Agriculture before promulgating criteria with respect to financial appraisal functions and loan guarantee administration for activities carried out under this title.

(b) MEMORANDUM OF AGREEMENT.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of agreement providing for Department of Agriculture financial appraisal functions and loan guarantee administration for activities carried out under this title.

SEC. 210. RECORDS; AUDITS.

(a) IN GENERAL.—A recipient of a loan guarantee shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access, for the purpose of audit, to the records and other pertinent documents.

SEC. 211. FULL FAITH AND CREDIT.

The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

SEC. 212. REPORT.

Not later than 1 year after the date on which the eligibility criteria are published in the Federal Register under section 203(a), and every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the implementation of the loan guarantee program under section 204.

SEC. 213. EFFECT ON THE RECLAMATION LAWS.

(a) RECLAMATION PROJECTS.—Nothing in this title supersedes or amends any Federal law associated with a project, or a portion of a project, constructed under the reclamation laws.

(b) NO NEW OR SUPPLEMENTAL BENEFITS.—Any assistance provided under this title shall not—

(1) be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.); or

(2) affect any contract in existence on the date of enactment of this Act that is executed under the reclamation laws.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

SEC. 215. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), the authority of the Secretary to carry out this title terminates on the date that is 10 years after the date of enactment of this Act.

(b) EXCEPTION.—The termination of authority under subsection (a) shall have no effect on—

(1) any loans guaranteed by the United States under this title; or

(2) the administration of any loan guaranteed under this title before the effective date of the termination of authority.

TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

SEC. 301. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes any impediments and activities that significantly delay the ability of the Secretary to complete timely transfers of title to reclamation facilities to qualified non-Federal entities under laws authorizing the transfers.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with any appropriate non-Federal parties, including reclamation water and power customers.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the bill under consideration.

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

There was no objection.

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

Senate 895, introduced by Senator PETE DOMENICI, strengthens the Bureau of Reclamation rural water supply program to ensure that new projects are cost effective and efficient. The bill also gives water users access to a loan guarantee program aimed at strengthening water delivery infrastructure while improving the process to transfer many Federal projects to local entities.

At this point, I include in the RECORD an exchange of letters with Chairman BARTON of the Energy and Commerce Committee on this bill, and thank him for his cooperation in scheduling it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, December 6, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Resources wishes to schedule for floor consideration S. 895, a bill authored by Senator Pete Domenici to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents. This bill was passed by the Senate on November 16, 2005, by unanimous consent and referred exclusively to the Committee on Resources. The House companion measure is H.R. 4418.

Based on discussions with the Parliamentarian, it appears that the definition of ''rural water supply project'' contained in the bill is broad enough to encompass drinking water facilities of the type which are regulated under the Safe Drinking Water Act, a program under your committee's jurisdiction. While this is not the intended focus of the bill, and the Bureau of Reclamation, the implementing agency for the program under the bill, does not normally deal with drinking water projects, I agree that the Committee on Energy and Commerce would have a jurisdictional interest in the bill as written.

Therefore, I ask you not to seek a sequential referral of the bill so that it may be considered by the House of Representatives before we adjourn the 109th Congress later this week. This agreement in no way affects your jurisdiction over the subject matter and it will not serve as precedent for future referrals. In the very unlikely event a conference committee is convened on S. 895, I would support your request to have the Committee on Energy and Commerce represented on that conference. In addition, I would be pleased to include this letter and any response you might have in the Congressional Record when the bill is debated.

Thank you for your consideration of my request, and for all your cooperation and assistance during our mutual times as chairmen. I look forward to bringing S. 895 to the floor soon.

Sincerely,

RICHARD W. POMBO.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 6, 2006.

Hon. RICHARD POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: I write in regards to S. 895, a bill authored by Senator Pete Domenici to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest in S. 895 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.

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

Sincerely,

JOE BARTON,
Chairman.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. The majority has already explained the bill, Mr. Speaker, and I would add that it presents an exciting opportunity to solve critical water problems for rural communities with unreliable or contaminated drinking water supplies.

Mr. Speaker, we support adoption of S. 895.

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

Mrs. DRAKE. Mr. Speaker, I have no other additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 895, as amended.

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

The title of the Senate bill was amended so as to read: ''An Act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.''.

A motion to reconsider was laid on the table.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 2006

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate

bill (S. 1829) to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, as amended.

The Clerk read as follows:

S. 1829

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

TITLE I—SACRAMENTO-SAN JOAQUIN DELTA

SEC. 101. CALIFORNIA DELTA SUBVENTION.

(a) AUTHORITY.—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall deposit within 30 days of receipt, all funds under this title into the Fund established by Cal. Water Code section 12300(a), to be used for project reimbursement under Cal. Water Code section 12300(b)(1), as in effect before July 1, 2006.

(b) ADMINISTRATIVE COSTS.—The Bureau of Reclamation may use not more than 1 percent of appropriated funds to cover administrative and overhead costs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section $10,000,000 for each of fiscal years 2007 through 2012. Any amounts expended under this subsection shall be considered to be nonreimbursable Federal expenditures.

TITLE II—NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Historic Preservation Act Amendments of 2006''.

SEC. 202. HISTORIC PRESERVATION OFFICER RESPONSIBILITIES.

Section 101(b) of the National Historic Preservation Act (16 U.S.C. 470a(b)) is amended by adding at the end the following:

''(7) The State Historic Preservation Officer shall have no authority to require an applicant for Federal assistance, permit, or license to identify historic properties outside the undertaking's area of potential effects as determined by the Federal agency in accordance with the regulations implementing section 106.

''(8) If the State Historic Preservation Officer, Tribal representative, or Tribal Historic Preservation Officer fails to respond within 30 days after an adequately documented finding of 'no historic properties affected' or 'no adverse effect' as provided in the regulations implementing section 106, the Federal agency may assume that the State Historic Preservation Officer or Tribal Historic Preservation Officer has no objection to the finding.''.

SEC. 203. ADDITIONAL CRITERIA FOR CERTIFICATION OF LOCAL GOVERNMENTS TO CARRY OUT NATIONAL HISTORIC PRESERVATION ACT.

Section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)) is amended—

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

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) agrees that it shall not use any eligibility determination regarding the inclusion of any property or District on the National Register to initiate local regulatory requirements unless the entity provides full due process protection to the owner or owners of the property or District through a hearing process; and''; and

(4) in the matter below the subparagraphs, by striking ''through (E)'' and inserting ''through (F)''.

SEC. 204. HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking ''2005'' and inserting ''2015''.

SEC. 205. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

(a) MEMBERSHIP.—Section 201 of the National Historic Preservation Act (16 U.S.C. 470i) is amended—

(1) in subsection (a)(4), by striking ''four'' and inserting ''seven'';

(2) in subsection (b), by striking ''(5) and (6)'' and inserting ''paragraph (6)''; and

(3) in subsection (f), by striking ''Nine'' and inserting ''Eleven''.

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—Section 205(f) of such Act (16 U.S.C. 470m(f)) is amended to read as follows:

''(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments, prescribed under section 5514(b) of title 5, United States Code, shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency for the administrative control of funds under sections 1513(d) and 1514 of title 31, United States Code, shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking ''for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005'' and inserting ''such amounts as may be necessary to carry out this title''.

SEC. 206. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act is amended by inserting after section 215 (16 U.S.C. 470v–1) the following new section:

''SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

''(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the statutory authorization and purpose of the grant or assistance program.

''(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The council may—

''(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

''(2) make recommendations to the head of the Federal agency that administers such program to further the consistency of the program with the purposes and policies of this Act and to improve its effectiveness in carrying out those purposes and policies; and

''(3) make recommendations to the President and the Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.''.

TITLE III—REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS

SEC. 301. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) REPEAL.—Sections 1 through 6 of the Act of May 26, 1936 (Chapter 450; 49 Stat. 1372–1373; 48 U.S.C. 1401–1401e), are repealed.

(b) EFFECTIVE DATE.—This section shall be deemed to have taken effect on July 22, 1954.

TITLE IV—NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI

SEC. 401. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled ''Vision Plan for Newtonia Battlefield Preservation'' and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, with time quickly running out in the 109th Congress, the Committee on Resources has amended this bill to package several bills for consideration in the Senate.

Title I is the text of H.R. 6014 authored by Congressman RICHARD POMBO, which aims to protect levees in the highly vulnerable Sacramento-San Joaquin Delta in Central California. This bill passed the House in September.

Title II is the text of H.R. 5861, authored by Congressman STEVAN PEARCE, which strengthens and improves the operation of the National Historic Preservation Act. This bill also passed the House in September.

Title III, authored by Senator PETE DOMENICI and Congresswoman DONNA CHRISTENSEN, amends the Organic Act which applies to the U.S. Virgin Islands. The language, as reflected in both H.R. 59 and S. 1829, as passed by the Senate on September 29 of this year, will allow the Virgin Islands to control its property tax system. Currently, all other States and territories have this ability, and for the many residents of this territory it is important that we are able to move this provision forward.

The last title includes the text of H.R. 5978, authored by Congressman ROY BLUNT. That bill authorizes the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War, as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System. All of these bills are worthy of our consideration, and I ask for your support.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of S. 1829, companion legislation to one I introduced to repeal an outdated 1936 Federal statute which limits the authority of the Virgin Islands government to assess and collect real property taxes in the territory. I will note that the Senate approved this measure as a stand-alone piece of legislation, but certain extraneous matters such as titles 1, 2, and 4 have been added to this bill by the Republican leadership which will require it to be reconsidered by the Senate.

Mr. Speaker, it is crucial that we pass S. 1829, now title III, and have it enacted into law before we adjourn for the year to prevent some of my constituents from facing the very real risk of losing their homes because the Virgin Islands government would not be able to provide them protections from the sky-high property tax bills because of the 1936 statute.

That statute was enacted to address the tax policies of the Danish era in the Virgin Islands. It was generally thought to have been repealed by the enactment of the Revised Organic Act of 1954, which created a comprehensive system within the local government with sufficient legislative powers to resolve local property tax issues without the need of Federal intervention.

S. 1829 and H.R. 59, which I introduced in the House, became necessary because 2 years ago the Third Circuit Federal Court of Appeals revived the 1936 statute, which requires that all real property be taxed at the same rate without regard to classification or use.

This decision, among other things, struck down a local statute capping the amount of any increase in the assessment of residential real property and, therefore, any increase in the property tax owed in any assessment period. It also prevents any exemptions for veterans and other groups who ought to have such a benefit.

If the 1936 law is not now repealed by Congress, it will hinder the exercise of the Virgin Islands government as conferred by the Revised Organic Act to assess, administer, and collect real property taxes in the Virgin Islands. Indeed, the 1936 statute puts at risk longstanding government policies designed to develop the economy, promote social welfare, and protect home ownership in the Virgin Islands. Without the authority to limit such increases by capping such assessments or similar methods commonly used by other jurisdictions, the now revived 1936 statute may have the anomalous result of pricing land and home ownership beyond the reach of many Virgin Islanders. It has long outlived its usefulness and now interferes with the Virgin Islands' ability to perform an essential government function.

The assessment and collection of real property taxes is fundamentally a local government issue with no Federal impact. No other State, territorial or local government is subject to such Federal restrictions.

Mr. Speaker, I would be remiss if I didn't point out my deep disappointment of the fact that we are not voting on S. 1829 as a stand-alone bill. By including additional items in the bill, it becomes possible that the repeal of the 1936 statute could not become law before Congress adjourns because of procedural complications in the other body. I hope that is not the case, because it would be extremely lamentable if, because of that result, many of my constituents would receive very high tax bills this coming January and there would be no way that they could afford to pay, and that could in fact mean the loss of their homes. So I am calling on my colleagues, whose bills were added to this otherwise simple but very significant measure, and the leadership to work with me in the remaining day or days of this Congress to save the American dream for their fellow Americans living in the Virgin Islands who have, alongside citizens from all of the other districts, served this country at every level, even to the ultimate sacrifice in every war this country has fought.

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

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on this bill.

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

There was no objection.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 1829, as amended.

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

The title of the Senate bill was amended so as to read: ''An Act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, and for other purposes.''.

A motion to reconsider was laid on the table.

UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 214) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes, as amended.

The Clerk read as follows:

S. 214

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 ''United States-Mexico Transboundary Aquifer Assessment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to systematically assess priority transboundary aquifers.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term ''aquifer'' means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) IBWC.—The term ''IBWC'' means the International Boundary and Water Commission, an agency of the Department of State.

(3) INDIAN TRIBE.—The term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PARTICIPATING STATE.—The term ''Participating State'' means each of the States of Arizona, New Mexico, and Texas.

(5) PRIORITY TRANSBOUNDARY AQUIFER.—The term ''priority transboundary aquifer'' means a transboundary aquifer that has been designated for study and analysis under the program.

(6) PROGRAM.—The term ''program'' means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(7) RESERVATION.—The term ''reservation'' means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(9) TRANSBOUNDARY AQUIFER.—The term ''transboundary aquifer'' means an aquifer that underlies the boundary between a Participating State and Mexico.

(10) TRI-REGIONAL PLANNING GROUP.—The term ''Tri-Regional Planning Group'' means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(11) WATER RESOURCES RESEARCH INSTITUTES.—The term ''water resources research institutes'' means the institutes within the Participating States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Participating States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, and the IBWC, as appropriate, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model priority transboundary aquifers along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to identify and assess priority transboundary aquifers, including—

(A) for purposes of subsection (c)(2), specifying priority transboundary aquifers for further analysis by assessing—

(i) the proximity of a propossed priority transboundary aquifer to areas of high population density;

(ii) the extent to which a proposed priority transboundary aquifer would be used;

(iii) the susceptibility of a proposed priority transboundary aquifer to contamination; and

(iv) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) consider the expansion or modification of existing agreements, as appropriate, between the United States Geological Survey, the Participating States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico;

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico; and

(C) the San Pedro aquifers underlying Arizona and Sonora, Mexico

(2) ADDITIONAL AQUIFERS.—The Secretary may, using the criteria under subsection (b)(1)(A), evaluate and designate additional priority transboundary aquifers which underlie New Mexico or Texas.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of priority transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Participating State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Participating States;

(2) any affected Indian tribes;

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer; and

(4) the IBWC, as appropriate.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Participating State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Participating State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

(a) IN GENERAL.—Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Participating State with respect to managing surface or groundwater resources in the Participating State;

(2) the water rights of any person or entity using water from a transboundary aquifer; or

(3) State water law, or an interstate compact or international treaty governing water.

(b) TREATY.—Nothing in this Act shall delay or alter the implementation or operation of any works constructed, modified, acquired, or used within the territorial limits of the United States relating to the waters governed by the Treaty Between the United States and Mexico Regarding Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Treaty Series 994 (59 Stat. 1219).

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2016, the Secretary shall submit to the appropriate water resource agency in the Participating States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of priority transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2007 through 2016.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Participating States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and to implement cooperative agreements entered into with appropriate entities in Mexico to conduct specific authorized activities in furtherance of the program, including the binational collection and exchange of scientific data.

(c) CRITERIA.—Funding provided to an appropriate entity in Mexico pursuant to subsection (b) shall be contingent on that entity providing 50 percent of the necessary resources (including in-kind services) to further assist in carrying out the authorized activity.

SEC. 9. SUNSET OF AUTHORITY.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

S. 214, introduced by Senator BINGAMAN and supported by our Arizona colleague Congressman JIM KOLBE, authorizes the Secretary of the Interior to cooperate on a study on the Mexican border of transboundary aquifers.

As the population in this arid region continues to grow, the importance of water cannot be overstated. This legislation will help provide the scientific foundation necessary for Federal, State, and local officials to address pressing water resource challenges. This includes researching, mapping, and modeling of these aquifers along our shared border. Because these aquifers do not recognize international borders, it is essential that any research involve the cooperation and participation of both countries. I urge my colleagues to support this legislation.

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

Mrs. CHRISTENSEN. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained this bill. I would simply note that we share more than a long border with our neighbors in Mexico. We also share very scarce surface water and groundwater supplies. Rapidly growing cities along the border need to understand these water supplies so that they can make decisions about how best to use them now and to preserve them for the future. We strongly support the adoption of S. 214.

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

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 214, as amended.

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

A motion to reconsider was laid on the table.

MICHIGAN LIGHTHOUSE AND MARITIME HERITAGE ACT

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1346) to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

The Clerk read as follows:

S. 1346

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 ''Michigan Lighthouse and Maritime Heritage Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Michigan.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State, the State Historic Preservation Officer, and other appropriate State and local public agencies and private organizations, shall conduct a special resource study of resources related to the maritime heritage of the State.

(b) PURPOSE.—The purpose of the study is to determine—

(1) suitable and feasible options for the long-term protection of significant maritime heritage resources in the State; and

(2) the manner in which the public can best learn about and experience the resources.

(c) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) review Federal, State, and local maritime resource inventories and studies to establish the potential for interpretation and preservation of maritime heritage resources in the State;

(2) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of maritime heritage resources;

(3) address how to assist regional, State, and local partners in increasing public awareness of and access to maritime heritage resources;

(4) identify sources of financial and technical assistance available to communities for the preservation and interpretation of maritime heritage resources; and

(5) identify opportunities for the National Park Service and the State to coordinate the activities of appropriate units of national, State, and local parks and historic sites in furthering the preservation and interpretation of maritime heritage resources.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any findings and recommendations of the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

□ 1815

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, S. 1346, introduced by Senator STABENOW, is a companion to H.R. 3532 introduced by our colleague, Mr. CAMP of Michigan. The bill would direct the Secretary of the Interior to conduct a study of Michigan's maritime heritage resources to determine suitable and feasible options for their long-term protection. I urge adoption of the bill.

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

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

Mr. Speaker, our colleagues from the Wolverine State, including our Resources Committee colleague, Mr. KILDEE, and the dean of the House, Representative JOHN DINGELL, have worked diligently to get this measure to the House floor today, and we applaud their efforts.

We have no objection to S. 1346 and look forward to the results of the study authorizing this bill.

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

Mrs. DRAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me this time, and I thank the gentlewoman from the Virgin Islands for her comments on this bipartisan bill.

I rise today in support of S. 1346, and I was proud to introduce a companion bill in the House.

Michigan owes its rich maritime history to more than 3,000 miles of Great Lakes shoreline. As the largest freshwater body in the world, the Great Lakes are home to a thriving shipping industry, a passenger transport system, and thousands of recreational boaters. It is not surprising, then, that Michigan's shores carry more lighthouses than any other State. These lighthouses are important reminders of the State's maritime prominence.

Michigan is also home to several underwater preserves and the country's only freshwater marine sanctuary, the Thunder Bay National Marine Sanctuary. Thunder Bay contains hundreds of shipwrecks preserved by the icy waters of Lake Huron. Each one provides a unique window into Michigan's maritime history.

In addition, I am proud that my State contains many major maritime museums and a dozen historic ships, including a replica of a wooden schooner

in Traverse City, which served as the city's first schoolhouse.

The Michigan Lighthouse and Maritime Heritage Act authorizes a study that directs the U.S. Department of the Interior on the protection and promotion of Michigan's maritime resources. Specifically, it requires the Department to determine how best to preserve these sites and recommend ways the public may better experience them. This effort will undoubtedly benefit Michigan's tourism industry and the State's residents, who hold maritime resources in high regard as symbols of their cultural past.

I thank my colleagues who have helped move this legislation forward, including Mr. PEARCE, chairman of the Resources Subcommittee on National Parks, and Senator STABENOW, the sponsor of the bill in the Senate.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of S. 1346, the Michigan Lighthouse and Maritime Heritage Act. I am a proud cosponsor of a similar bill introduced by my colleague Mr. CAMP, H.R. 3532, and I'm glad we are taking a step today towards preserving the great State of Michigan's maritime heritage.

Mr. Speaker, Michigan truly is the Great Lakes State, touched by 4 of the 5 Great Lakes. Helping protect ships on the Great Lakes and the sailors who crew them are the hundreds of lighthouses that dot the Lakes. The State of Michigan alone has 124 lighthouses, the most of any State in the union, and I am proud to have 8 of these lighthouses in my district, including the oldest lighthouse in Michigan, located in Fort Gratiot on the shores of Lake Huron. Built in 1829, this lighthouse is still in use, along with the South Channel Light, Pointe Aux Barques Light, and the Harbor Beach Light, that were all in service before Abraham Lincoln was President.

In addition to having the most lighthouses of any other State, Mr. Speaker, Michigan was the first State to initiate a transfer of authority for lighthouses from the Federal Government to nonprofit groups. The State of Michigan accepted responsibility for lighthouses the Coast Guard previously had jurisdiction over, and then transferred authority to nonprofit groups such as Save our South Channel Lights, which I am proud to have located in my district. Through this process, the people of Michigan have been able to preserve these living landmarks and symbols of our nautical heritage.

Moreover, Mr. Speaker, as Secretary of State in Michigan, I unveiled a "Save our Lights" license plate in 2001, which directed funds to the Michigan Lighthouse Assistance Program, which remains dedicated to preserving the 124 lighthouses dotting the Michigan shoreline and islands. To date, the program has raised over $900,000 through the sale of license plates. With this in mind, it's only fitting that the Federal Government begins to take a look at helping to preserve these treasures, and help the public learn more about them for their own personal enjoyment.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 1346.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 6099, by the yeas and nays;

H. Res. 1082, by the yeas and nays.

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

UNBORN CHILD PAIN AWARENESS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 6099.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 6099, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 162, not voting 20, as follows:

[Roll No. 526]

YEAS—250

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
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
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
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
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Oberstar
Ortiz
Osborne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
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)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Terry
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—162

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Berkley
Berman
Biggert
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Clay
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
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)
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
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
Sires
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters

Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Becerra
Bishop (NY)
Brown (OH)
Cubin
Evans
Ford
Gibbons
Gilchrest
Jefferson
Murtha
Norwood
Nussle
Obey
Otter
Oxley
Paul
Strickland
Taylor (NC)
Watson
Weldon (PA)

□ 1849

Mr. BLUMENAUER 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.

SCHEDULE UPDATE

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

Mr. BOEHNER. Mr. Speaker, and my colleagues, I want to give everyone an update on the schedule for the balance of the week. We were attempting to finish our business by late tomorrow. That does not look possible to me at this point. And in order to give everyone as straight a heads-up as possible, I do expect that we will be finished by the end of business on Friday. And so I would suggest to Members that sometime Friday we will be finished. It is only Wednesday, so I can't tell you what time Friday, so don't ask. But for those of you that have big plane reservations, if you want to make reservations for Saturday morning, I think that you will be relatively safe.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING ST. DENIS, FRANCE, FOR NAMING STREET IN HONOR OF MUMIA ABU-JAMAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 1082.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 1082, 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 368, nays 31, answered ''present'' 8, not voting 25, as follows:

[Roll No. 527]

YEAS—368

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
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
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
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
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
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
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Olver
Ortiz
Osborne
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sekula Gibbs
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Abercrombie
Clay
Cleaver
Conyers
Cooper
Davis (IL)
Grijalva
Hinchey
Honda
Jackson (IL)
Johnson, E. B.
Kilpatrick (MI)
Lee
McKinney
Meeks (NY)
Nadler
Oberstar
Owens
Pastor
Payne
Rangel
Rush
Scott (VA)
Serrano
Stark
Towns
Udall (NM)
Velázquez
Waters
Weiner
Woolsey

ANSWERED ''PRESENT''—8

Farr
Green, Al
Gutierrez
Jackson-Lee (TX)
Lewis (GA)
Miller, George
Schakowsky
Watt

NOT VOTING—25

Becerra
Berman
Bishop (NY)
Brown (OH)
Camp (MI)
Case
Cubin
Evans
Ford
Gibbons
Gilchrest
Jefferson
Johnson (CT)
McKeon
Murtha
Norwood
Nussle
Obey
Otter
Oxley
Paul
Strickland
Taylor (NC)
Watson
Weldon (PA)

□ 1902

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

Mr. EMANUEL 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 was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

EXPRESSING SUPPORT FOR DEMOCRACY IN NEPAL

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1051) expressing support for democracy in Nepal that will require the full participation of the people of Nepal in the political process to hold elections for a constituent assembly and draft a new constitution and calling upon the Communist Party of Nepal-Maoist to adhere to commitments it has made and to respect human rights, as amended.

The Clerk read as follows:

H. RES. 1051

Whereas the United States and Nepal have longstanding ties of friendship and good relations, and since contributing as Nepal's first bilateral aid donor in January 1951, the United States has contributed more than $1,400,000,000 bilaterally and multilaterally to Nepal;

Whereas it is the policy of the United States to support sustained peace and democracy in Nepal in order to achieve important United States regional and bilateral goals, including preventing the spread of terror, enhancing regional stability, promoting democracy worldwide, and protecting United States citizens in Nepal;

Whereas the conflict in Nepal has claimed approximately 13,000 lives since 1996, and the insurgency continues to undermine political stability and the prospects for economic development in the country;

Whereas after three weeks of mass pro-democracy protests organized by the Seven-Party Alliance and the Communist Party of Nepal-Maoist, King Gyanendra reinstated the parliament, which reconvened on April 28, 2006; and

Whereas the United States supports the Government of Nepal's efforts to bring permanent peace and democracy to Nepal: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) reiterates its support for democracy in Nepal;

(B) recognizes that the full participation of the people of Nepal will be required in the political process to—

(i) hold elections for a constituent assembly; and

(ii) draft a new constitution; and

(C) welcomes agreements between the Government of Nepal and the Communist Party of Nepal-Maoist that commit both sides to a free, fair, multi-party, democratic political process; and

(2) it is the sense of the House of Representatives that—

(A) the Government of Nepal should—

(i) continue its role in developing a new democracy;

(ii) hold free and fair elections for a constituent assembly;

(iii) immediately take steps to restore law and order and government presence and service delivery throughout the country; and

(iv) implement the will of the people of Nepal; and

(B) the Maoists must—

(i) lay down their weapons and permanently and publicly give up violence and intimidation for political ends, both in word and deed; and

(ii) strictly honor and implement their commitments to the Government and people of Nepal, including to—

(I) respect human rights;

(II) uphold civil liberties, including freedom of speech, association, and the press;

(III) submit to the rule of law; and

(IV) dismantle parallel governance structures that emerged during the conflict.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. 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 matter on this resolution.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this timely resolution, which takes note of the recent comprehensive peace agreement between the government of Nepal and the Maoist insurgents and expresses the hope that this process will place Nepal on the path of lasting peace and democracy.

In particular, I want to thank the gentleman from California (Mr. LANTOS) for his thoughtful assistance in this resolution and to commend my good friend, the gentleman from New York (Mr. WALSH), for his leadership on the resolution and his long-standing interest in the welfare of the people of Nepal.

As my colleagues know, sandwiched between China and India and home to the soaring Himalayan Mountains, Nepal has long been known as one of the most beautiful countries on the planet. A constitutional monarchy since 1990, Nepal has long enjoyed good relations with the United States at the governmental level, nurtured in part by the many Peace Corps volunteers, such as Mr. WALSH, who have so ably served in the world's only Hindu kingdom.

Tragically, however, each year since the onset of a ruthless Maoist rebellion in 1966 has seen this country of 24 million ever more starkly challenged, not only by the insurgents, but by a panoply of developmental, governance and human rights problems that have converged to potentially jeopardize the viability of the state itself.

Most recently, popular anger at King Gyanendra's autocratic actions since early 2005 boiled over in April of this year, resulting in massive demonstrations across the country, and public support for a nationwide general strike called by Nepal's seven major political parties. Despite harsh reprisals by the security forces, the resolve of the democracy movement ultimately forced the King to restore sovereignty to the people of Nepal.

On April 24, the King bowed to public pressure and announced the reinstatement of Parliament. On April 28, Parliament convened for the first time since 2002 with G.P. Koirala of the Nepali Congress Party at the helm of a national unity government.

The King's seizure of civilian authority and disdain for the political parties led them to seek a rapprochement with Nepal's Maoist insurgents, based on their mutual rejection of the King's royal coup. This rapprochement led to a formalized 12-point understanding between the parties and the Maoists, the key element of which is a commitment by the parties, now the government, to support elections to a constituent assembly charged with drafting a new constitution, a long-standing Maoist demand in exchange for Maoist commitment to support multiparty democracy.

Under the comprehensive agreement reached this November, the Maoist rebels will join a transitional government, while their weapons are to be put under U.N. supervision. The new agreement also establishes an ambitious timetable for democratic reform with the objective of holding elections monitored by the U.N. to the constituent assembly by mid-June, 2007.

The Government of the United States has welcomed the announcement of this agreement. The administration and Congress hope this step will place Nepal on a path to lasting peace and democracy. All of us hope that the Maoist commitment to peace and multiparty democracy is genuine, and that they have irrevocably abandoned their stated goal of establishing a one-party authoritarian state.

While it is always prudent to judge those who take law into their hands by their actions, not their words, the Congress is committed to giving reconciliation approaches as a fair and reasonable chance. America fully supports any peace process that safeguards the aspirations of the Nepali people.

As the resolution suggests, this means that violence and intimidation and criminal acts, such as forced recruitment of cadre and extortion, should cease forthwith. Nepali people who have lived in fear and insecurity for over a decade deserve not only a chance for peace and prosperity, but to choose their own form of government through free and fair elections.

America is committed to helping the Nepali people build a peaceful, prosperous and democratic future. I urge support for this resolution.

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and urge all of my colleagues to do so as well.

I would first like to commend my friend and colleague from New York (Mr. WALSH) for introducing this measure and for his long-standing interest in Nepal since his days as a Peace Corps volunteer in that troubled nation.

Over the past decade, more than 13,000 citizens of Nepal have lost their lives in a brutal civil war. More than 200,000 have been displaced. Hopes for

peace have been repeatedly dashed, and the poor and impoverished people of Nepal have paid the price. With one of the lowest per capita GDPs in the entire world, the inability of the Maoists and the Nepalese government to negotiate a comprehensive peace agreement has been truly unconscionable.

In their bloody insurgent campaign, the Maoist guerillas have dragged children from their villages to serve as child soldiers. They have assassinated local officials who dare to challenge their authority and Nepalese soldiers trying to keep the peace, and they have repeatedly harassed poor villagers who simply wish to stay out of the civil war.

The Nepalese Government has not been without blame. The government has been hopelessly deadlocked by political divisions between the parties and between Nepal's elected political leadership and the Nepalese King. The Nepalese Army has also been responsible for severe human rights abuses in its efforts to defeat the Maoists.

With this history in mind, the news from Kathmandu last month that the Nepalese Government and the Maoists had finally signed a peace agreement is most welcome. On its face the peace agreement holds great promise to bring peace to Nepal at long last, as well as the restoration of democracy.

The guerillas will be forced to put their personnel and weapons in U.N.-monitored cantonments, and the Nepalese Army will put a similar number of soldiers back in their barracks. Elections for a constituent assembly will be held next year, and the guerillas will come into the government in the interim.

The leadership of the rebels has publicly renounced violence as a means to win political power in Nepal, and the Nepalese Government seems prepared to deal with some of the concerns raised by them.

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While the peace agreement is a very positive step forward, cautious optimism must remain the watchword for American policy towards Nepal. I am not convinced that the rebels have truly renounced violence or have given up on establishing an authoritarian Maoist society. I am very concerned that the peace deal lets the Maoists into the government before the Constituent Assembly elections next year, potentially giving them the ability to influence the election results in a non-democratic direction.

I am also concerned that Nepal's vibrant political parties have not put aside their deep divisions, nor are they prepared to move toward strong and effective governments. The elected leaders of Nepal must focus on encouraging foreign investment, creating jobs and promoting education, not jockeying for the next government appointment.

Mr. Speaker, the United States has been a strong friend of Nepal over many decades. Our Nation has been a major donor of foreign assistance to the Nepalese people and we have made enormous diplomatic efforts to promote peace and stability in Nepal. In the months ahead, the United States and the United Nations must keep up the pressure on all parties in Nepal to live up to the terms of the peace deal. Any sign that the rebels or the government are returning to the violent and corrupt ways of the past must be met head on by the international community.

With the right amount of international pressure, it is our strong belief that the peace agreement between the Nepalese Government and the rebels will bear fruit. Finally, the impoverished people of Nepal will get the form of democracy, human rights and good governance that they so richly deserve. I strongly support this resolution.

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

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

Mr. Speaker, as we all understand, this body is composed of 435 Members, and one of the unique features of membership is everyone brings a different background. It has been my experience here that the Members that have some of the most helpful backgrounds possible are those that have served in the United States Peace Corps, and this applies both to knowledge of the area of the world that they may have served, but also just in general. Every Peace Corps volunteer that I have known that has served in this body has been of exemplary character and compassion.

Symbolic of it all is the gentleman from New York, Mr. WALSH, one of our most decent, thoughtful Members, who served in Nepal, whose leadership on this issue and whose introduction of this bill is so much appreciated by this body.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from New York, JIM WALSH.

Mr. WALSH. Mr. Speaker, I would like to thank Chairman HYDE, Chairman LEACH and Ranking Member LANTOS for their great service to this country while serving on the International Relations Committee. They bring great honor to this House in their knowledge and the thoughtful approach they bring to our foreign policy, and I am very grateful to them for allowing this resolution to come before the House this evening. Let me thank also the entire International Relations Committee and staff for all the hard work and effort in getting this important resolution to the floor.

It is such a critical time for this beautiful little country in Asia, Nepal. The timing of this resolution could not be more appropriate. The Government of Nepal and the Communist Party of Nepal just signed a comprehensive peace agreement on November 21, bringing an end to the 11-year people's war which has claimed over 13,000 lives.

The 11-page historic document was signed by Prime Minister Girija Prasad Koirala on behalf of the Nepal Government and Maoist Chairman Prachanda on behalf of his party. This ten-point agreement came after a number of earlier understandings and agreements between the Seven Party Alliance and the Maoists.

The agreement states that ''After the Nepali Army is confined to barracks and the Maoist combatants to cantonments, possession and exhibition of arms, intimidation, and use of violence and weapons in any form shall be punishable by law.''

The agreement bars the government and the Maoists from recruiting soldiers, smuggling or transporting weapons and explosives, carrying out violent activities against each other, intimidating any person and destroying private property or public property. The agreement states no one is allowed to move about or participate in mass meetings and rallies with any type of arms.

The popular uprising for peace and democracy in April was historic. The will of the people of Nepal is what made the agreements of recent weeks between the government and the Maoists possible, and I am hopeful that those agreements will move Nepal further along the path to lasting peace and democracy.

The progress to date is commendable and there is cause for optimism, but there is much work to be done. Agreements are worth little if they go unimplemented, and the Maoists in particular continue to engage in behavior that calls into question their commitment to non-violence and multiparty democracy.

As Richard Boucher, the Assistant Secretary of State for South and Central Asian Affairs, said during his recent visit to Nepal, ''You don't walk into Parliament with a gun in your pocket.'' I again call upon the Maoists and their Chairman Prachanda to permanently end violence, to submit to the rule of law and to compete on an even playing field with Nepal's political parties for a contest of ideas to seek the votes of the Nepalese people in free and fair elections.

There is no place in a democracy for private armies. The parties of Nepal have requested U.N. assistance in monitoring adherence to the peace agreements, particularly the restriction of arms and armies. I welcome that request and the U.N.'s involvement, and I strongly support a robust U.N. monitoring mission in Nepal for the upcoming elections.

I am pleased and encouraged by these developments. The Nepalese people have spoken and expressed their will to have their voices heard. It is time for the political leaders to acknowledge their wishes and fully carry them out.

Mr. Speaker, again it gives me great pleasure to stand before you today to give praise to this historic comprehensive peace agreement as the framework for peace in Nepal and recognize the remarkable progress that has been

achieved by all. Nepal can hopefully now travel down the path of peace, stability and prosperity.

I commend the efforts of the leaders of that nation who focused on the greater good of the people of Nepal, and I urge them to continue to move forward.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to my good friend the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of the International Relations Committee.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this and his leadership in bringing it forward with my friend and colleague, the chairman of our subcommittee.

Mr. Speaker, oftentimes there is so much work that transpires in the course of the International Relations Committee dealing with things that are too far removed from the world's viewpoint at any given time.

Mr. Speaker, I appreciate my colleague from New York introducing this legislation. He brings to this debate the experience of somebody who not only was a Peace Corps volunteer years ago, but continues his interest and concern, although not a member of the committee, somebody who has repeatedly brought his attention and expertise and interest. And that is what I think is the strength of what we can do in this Chamber: having the strength that comes from people who have the experience, the concern, use this platform to be able to focus the attention in this country and around the world on these things that seemingly are minor on the world stage. But given the devastation that has been incurred on this small country, the loss of life, the upset, the loss of progress, being able to look at an opportunity like this, it is not just for Nepal, but it seems to me it is a demonstration of taking some of these intractable issues around the world and indicate that there are opportunities for hope.

I just appreciate Congressman WALSH bringing this forward. I know he has had some other experience in the past looking at other modest conundrums, like in Northern Ireland, where his follow-through and his commitment makes a difference, and it is part of the richness of the experience here in foreign affairs.

I hope that this is something as we move forward to a new session, that we will be able to keep the focus, the direction and the attention, because coming out of what we see in Iraq, we are going to need more than ever opportunities to find areas of agreement and to reinforce the positive aspects of diplomacy.

I appreciate again the opportunity to speak in support of this and strongly urge my colleagues to not just support this, but this is something where people think about ways that they can help spread this word for this important work.

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

Mr. Speaker, I have no further speakers, but I wish to take a bit of time to express my own deep admiration for my dear friend from Iowa, whose brilliance and decency and commitment we shall miss more than any of us can express.

During an extraordinarily distinguished, rich, impressive service, Congressman LEACH has brought to this body intellectual equipment, integrity, a passionate commitment to the Congress, and he will be sorely and deeply missed by all of us on both sides of the aisle.

On behalf of all of my colleagues on the Democratic side, I want to express our admiration, our respect and our friendship for him, and wish him the very best in what I am sure will be exciting future endeavors.

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

Mr. LEACH. Mr. Speaker, I thank very much my distinguished friend, and I wish him every great success as he takes on the leadership of this committee in this coming Congress. We all have a vested interest in the Congress doing well and the country moving forward.

Mr. MILLER of Florida. Mr. Speaker, I rise in support of Nepalese democracy. I would like to commend my colleague from New York, Mr. WALSH, for introducing this important bill and appreciate the opportunity to speak in support of it today.

The Nepalese people, like all people, deserve to live in a country free from conflict and to be represented by democratically elected officials. These elected leaders need to create a professional, non-political military force that can adequately deal with the Maoist rebels who have been destabilizing the country for so long. Currently as a result of the Maoist rule, nearly one third of the Nepalese people live below the poverty line; if the government of Nepal doesn't live up to its moral obligation to effectively govern many more will fall into destitution.

To those citizens who are fighting for democracy through non-violent methods, by standing up grass-roots organizations and educating people on the benefits of a free society, I say keep up the good work. Continue working to ensure freedom of the press and that the rights of all citizens are respected and not abused.

Mr. Speaker, I look forward to working in the future with Mr. WALSH and the other cosponsors of this bill to ensure that Congress focuses on democratic progress throughout the world.

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

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 1051, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–720) on the resolution (H. Res. 1096) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEMOCRATIC REPUBLIC OF THE CONGO RELIEF, SECURITY, AND DEMOCRACY PROMOTION ACT OF 2006

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the Senate Bill (S. 2125) to promote relief, security, and democracy in the Democratic Republic of the Congo, as amended.

The Clerk read as follows:

S. 2125

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 ''Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006''.

TITLE I—BILATERAL ACTION ON ADDRESSING URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The National Security Strategy of the United States, dated September 17, 2002, concludes that ''[i]n Africa, promise and opportunity sit side-by-side with disease, war, and desperate poverty. This threatens both a core value of the United States preserving human dignity and our strategic priority combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity.''

(2) On February 16, 2005, the Director of the Central Intelligence Agency testified, ''In Africa, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens.''

(3) According to the United States Agency for International Development, ''Given its size, population, and resources, the Congo is an important player in Africa and of long-term interest to the United States.''

(4) The Democratic Republic of the Congo is 2,345,410 square miles (approximately ¼ the size of the United States), lies at the heart of Africa, and touches every major region of sub-Saharan Africa. Therefore, a secure, peaceful, and prosperous Democratic Republic of the Congo would have a profound impact on progress throughout Africa.

(5) The most recent war in the Democratic Republic of the Congo, which erupted in 1998,

spawned some of the world's worst human rights atrocities and drew in six neighboring countries.

(6) Despite the conclusion of a peace agreement and subsequent withdrawal of foreign forces in 2003, both the real and perceived presence of armed groups hostile to the Governments of Uganda, Rwanda, and Burundi continue to serve as a major source of regional instability and an apparent pretext for continued interference in the Democratic Republic of the Congo by its neighbors.

(7) A mortality study completed in December 2004 by the International Rescue Committee found that 31,000 people were dying monthly and 3,800,000 people had died in the previous six years because of the conflict in the Democratic Republic of the Congo and resulting disintegration of the social service infrastructure, making this one of the deadliest conflicts since World War II.

(8) In 2004, Amnesty International estimated that at least 40,000 women and girls were systematically raped and tortured in the Democratic Republic of the Congo since 1998, and nearly two-thirds of ongoing abuses against women and girls are perpetrated by members of the security forces, particularly the Forces Armes de la Republique Democratique du Congo (FARDC) and the Police Nationale Congolaise (PNC).

(9) According to the Department of State, ''returning one of Africa's largest countries [the Democratic Republic of the Congo] to full peace and stability will require significant United States investments in support of national elections, the reintegration of former combatants, the return and reintegration of refugees and [internally displaced persons], establishment of central government control over vast territories, and promotion of national reconciliation and good governance''.

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to help promote, reinvigorate, and support the political process in the Democratic Republic of the Congo in order to press all parties in the Transitional National Government and the succeeding government to implement fully and to institutionalize mechanisms, including national and international election observers, fair and transparent voter registration procedures, and a significant civic awareness and public education campaign created for the July 30, 2006, elections and future elections in the Democratic Republic of the Congo, to ensure that elections are carried out in a fair and democratic manner;

(2) to urge the Government of the Democratic Republic of the Congo to recognize and act upon its responsibilities to immediately bring discipline to its security forces, hold those individuals responsible for atrocities and other human rights violations, particularly the rape of women and girls as an act of war, accountable and bring such individuals to justice;

(3) to help ensure that, once a stable national government is established in the Democratic Republic of the Congo, it is committed to multiparty democracy, open and transparent governance, respect for human rights and religious freedom, ending the violence throughout the country, promoting peace and stability with its neighbors, rehabilitating the national judicial system and enhancing the rule of law, combating corruption, instituting economic reforms to promote development, and creating an environment to promote private investment;

(4) to assist the Government of the Democratic Republic of the Congo as it seeks to meet the basic needs of its citizens, including security, safety, and access to health care, education, food, shelter, and clean drinking water;

(5) to support security sector reform by assisting the Government of the Democratic Republic of the Congo to establish a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire country, provided the Democratic Republic of the Congo meets all requirements for United States military assistance under existing law;

(6) to help expedite planning and implementation of programs associated with the disarmament, demobilization, repatriation, reintegration, and rehabilitation process in the Democratic Republic of the Congo;

(7) to support efforts of the Government of the Democratic Republic of the Congo, the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC), and other entities, as appropriate, to disarm, demobilize, and repatriate the Democratic Forces for the Liberation of Rwanda and other illegally armed groups;

(8) to make all efforts to ensure that the Government of the Democratic Republic of the Congo—

(A) is committed to responsible and transparent management of natural resources across the country; and

(B) takes active measures—

(i) to promote economic development;

(ii) to hold accountable individuals who illegally exploit the country's natural resources; and

(iii) to implement the Extractive Industries Transparency Initiative by enacting laws requiring disclosure and independent auditing of company payments and government receipts for natural resource extraction;

(9) to promote a viable civil society and to enhance nongovernmental organizations and institutions, including religious organizations, the media, political parties, trade unions, and trade and business associations, that can act as a stabilizing force and effective check on the government;

(10) to help rebuild and enhance infrastructure, communications, and other mechanisms that will increase the ability of the central government to manage internal affairs, encourage economic development, and facilitate relief efforts of humanitarian organizations;

(11) to help halt the high prevalence of sexual abuse and violence perpetrated against women and children in the Democratic Republic of the Congo and mitigate the detrimental effects from acts of this type of violence by undertaking a number of health, education, and psycho-social support programs;

(12) to work aggressively on a bilateral basis to urge governments of countries contributing troops to the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) to enact and enforce laws on trafficking in persons and sexual abuse that meet international standards, promote codes of conduct for troops serving as part of United Nations peacekeeping missions, and immediately investigate and punish citizens who are responsible for abuses in the Democratic Republic of the Congo;

(13) to assist the Government of the Democratic Republic of the Congo as undertakes steps to—

(A) protect internally displaced persons and refugees in the Democratic Republic of the Congo and border regions from all forms of violence, including gender-based violence and other human rights abuses;

(B) address other basic needs of vulnerable populations with the goal of allowing these conflict-affected individuals to ultimately return to their homes; and

(C) assess the magnitude of the problem of orphans from conflict and HIV/AIDS in the Democratic Republic of the Congo, and work to establish a program of national support;

(14) to engage with governments working to promote peace and security throughout the Democratic Republic of the Congo and hold accountable individuals, entities, and countries working to destabilize the country; and

(15) to promote appropriate use of the forests of the Democratic Republic of the Congo in a manner that benefits the rural population in that country that depends on the forests for their livelihoods and protects national and environmental interests.

SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) FUNDING FOR FISCAL YEARS 2006 AND 2007.—Of the amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454, chapter 469), and the Arms Export Control Act (22 U.S.C. 2751 et seq.) for fiscal year 2006 and 2007, at least $52,000,000 for each such fiscal year should be allocated for bilateral assistance programs in the Democratic Republic of the Congo.

(b) FUTURE YEAR FUNDING.—It is the sense of Congress that the Department of State should submit budget requests in fiscal years 2008 and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate if progress is being made, particularly cooperation by the Government of the Democratic Republic of the Congo, toward accomplishing the policy objectives described in section 102.

(c) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the Democratic Republic of the Congo and accomplish the policy objectives described in section 102.

SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the Democratic Republic of the Congo must be committed to achieving the policy objectives described in section 102 if the efforts of the United States and other members of the international community are to be effective in bringing relief, security, and democracy to the country;

(2) the Government of the Democratic Republic of the Congo should immediately exercise control over and discipline its armed forces, stop the mass rapes at the hands of its armed forces, and hold those responsible for these acts accountable before an appropriate tribunal;

(3) the Government of the Democratic Republic of the Congo, in collaboration with international aid agencies, should establish expert teams to assess the needs of the victims of rape and provide health, counseling, and social support services that such victims need; and

(4) the international community, through the United Nations peacekeeping mission, humanitarian and development relief, and other forms of assistance, is providing a substantial amount of funding that is giving the Government of the Democratic Republic of the Congo an opportunity to make progress towards accomplishing the policy objectives described in section 102, but this assistance cannot continue in perpetuity.

(b) TERMINATION OF ASSISTANCE.—It is the sense of Congress that the Secretary of State should withhold assistance otherwise available under this Act if the Secretary determines that the Government of the Democratic Republic of the Congo is not making

sufficient progress towards accomplishing the policy objectives described in section 102.

SEC. 105. WITHHOLDING OF ASSISTANCE.

The Secretary of State is authorized to withhold assistance made available under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than humanitarian, peacekeeping, and counterterrorism assistance, for a foreign country if the Secretary determines that the government of the foreign country is taking actions to destabilize the Democratic Republic of the Congo.

SEC. 106. REPORT ON PROGRESS TOWARD ACCOMPLISHING POLICY OBJECTIVES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the progress made toward accomplishing the policy objectives described in section 102.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of any major impediments that prevent the accomplishment of the policy objectives described in section 102, including any destabilizing activities undertaken in the Democratic Republic of Congo by governments of neighboring countries;

(2) an evaluation of United States policies and foreign assistance programs designed to accomplish such policy objectives; and

(3) recommendations for—

(A) improving the policies and programs referred to in paragraph (2); and

(B) any additional bilateral or multilateral actions necessary to promote peace and prosperity in the Democratic Republic of the Congo.

SEC. 107. SPECIAL ENVOY FOR THE GREAT LAKES REGION.

Not later than 60 days after the date of the enactment of this Act, the President should appoint a Special Envoy for the Great Lakes Region to help coordinate efforts to resolve the instability and insecurity in Eastern Congo.

TITLE II—MULTILATERAL ACTIONS TO ADDRESS URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE UNITED NATIONS SECURITY COUNCIL.

The United States should use its voice and vote in the United Nations Security Council—

(1) to address exploitation at the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) by continuing to urge, when credible allegations exist, appropriate investigation of alleged perpetrators and, as necessary, prosecution of United Nations personnel responsible for sexual abuses in the Democratic Republic of the Congo;

(2) to conclude at the earliest possible date a Memorandum of Understanding relating to binding codes of conduct and programs for the prevention of sexual abuse and trafficking in persons to be undertaken by the United Nations for all countries that contribute troops to MONUC, to include the assumption of personal liability for the provision of victims assistance and child support, as appropriate, by those who violate the codes of conduct;

(3) to strengthen the authority and capacity of MONUC by—

(A) providing specific authority and obligation to prevent and effectively counter imminent threats;

(B) clarifying and strengthening MONUC's rules of engagement to enhance the protection of vulnerable civilian populations;

(C) enhancing the surveillance and intelligence-gathering capabilities available to MONUC;

(D) where consistent with United States policy, making available personnel, communications, and military assets that improve the effectiveness of robust peacekeeping, mobility, and command and control capabilities of MONUC; and

(E) providing MONUC with the authority and resources needed to effectively monitor arms trafficking and natural resource exploitation at key border posts and airfields in the eastern part of the Democratic Republic of the Congo;

(4) to encourage regular visits of the United Nations Security Council to monitor the situation in the Democratic Republic of the Congo;

(5) to ensure that the practice of recruiting and arming children in the Democratic Republic of the Congo is immediately halted pursuant to Security Council Resolutions 1460 (2003) and 1539 (2004);

(6) to strengthen the arms embargo imposed pursuant to Security Council Resolution 1493 (2003) and ensure that violators are held accountable through appropriate measures, including the possible imposition of sanctions;

(7) to allow for the more effective protection and monitoring of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, and for public disclosure and independent auditing of natural resource revenues to help ensure transparent and accountable management of these revenues;

(8) to press countries in the Congo region to help facilitate an end to the violence in the Democratic Republic of the Congo and promote relief, security, and democracy throughout the region; and

(9) to encourage the United Nations Secretary-General to become more involved in completing the policy objectives described in paragraphs (1) and (2) of section 102 and ensure that recent fighting in North Kivu, which displaced over 150,000 people, as well as fighting in Ituri and other areas, does not create widespread instability throughout the country.

SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HUMANITARIAN AND DEVELOPMENT ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The President should instruct the United States permanent representative or executive director, as the case may be, to the United Nations voluntary agencies, including the World Food Program, the United Nations Development Program, and the United Nations High Commissioner for Refugees, and other appropriate international organizations to use the voice and vote of the United States to support additional humanitarian and development assistance for the Democratic Republic of the Congo in order to accomplish the policy objectives described in section 102.

(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in describing American foreign policy after World War II, General George Marshall said, ''Our policy is directed not against any country or doctrine, but against hunger, poverty, desperation and chaos. Its purpose should be the revival of a working economy in the world so as to permit an emergence of political and social conditions in which free institutions can exist.''

Mr. Speaker, the Democratic Republic of the Congo has seen more than its fair share of hunger, poverty, desperation and chaos. Since 1998, an estimated 4 million people have died as a result of war, famine and disease, and thousands more die each and every day. More than 40,000 women and children have been systematically raped and tortured at the hands of the armed forces of the Congo, perpetrators of genocide from neighboring Rwanda and an increasing intricate array of militia groups.

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Life expectancy in Congo has plummeted to 49 years, and years of war and rampant corruption have decimated an economy that should have been one of Africa's strongest.

Fortunately, hope for an end to the constant conflict and chaos that have plagued the Congo since independence has been raised following the historic elections that took place in July and October of this year. An estimated 70 percent of eligible voters turned out to vote in the face of great difficulties, and international monitors agreed that the election results were uncompromised by irregularities.

But the conduct of elections represent only an initial step towards normalcy. A legitimate result in the October runoff that is accepted by both parties and the population at large is vitally important. Further, the establishment of inclusive political institutions, the restoration of critical infrastructure and essential public services, and the creation of viable economic opportunities for development will be critically important if Congo is to flourish.

During a recent visit to Kinshasa earlier this month, U.N. Under Secretary of Humanitarian Affairs Jan Egelund asserted that ''the Congolese people were still suffering one of the world's worst humanitarian crises.'' Unfortunately, this is a fact that has largely escaped the attention of many of us, particularly as we focus on other well-deserved crises such as that which is occurring in Darfur and northern Uganda and, as a result of U.S. policy towards Congo, really has gone adrift and needs to be re-energized.

S. 2125 recognizes the importance of a coherent, forward-leaning U.S. policy toward the Congo. It identifies key U.S. policies in Congo, including the promotion of free, fair and democratic elections in the future; support for security sector reform and disarmament;

demobilization, repatriation, reintegration and rehabilitation programs; and the promotion of accountability for those who have committed atrocities and gross human rights violations.

It also asserts that the United States will work to ensure that a stable Congolese government is committed to the principles of good governance and resource management, rule of law, and peaceful coexistence with its regional neighbors. The bill suggests that the U.S. partner with other governments with similar goals for the Congo.

Finally, it compels the U.S. to work to strengthen the mandate of the United Nations peacekeeping force in the Congo, MONUC, to include specific authority to prevent and effectively counter imminent threats, protect civilians, enhance intelligence gathering capabilities, and monitor arms trafficking, and of course, also to look into the terrible problem of child soldiers.

S. 2125 further authorizes $52 million for fiscal years 2006 and 2007, an increase of $5 million, to carry out these objectives and expresses support for additional funding in future years. However, the bill makes it clear that U.S. assistance to Congo cannot continue in perpetuity. It calls on the Secretary of State to withhold such assistance if the government is not making sufficient progress towards accomplishing the stated U.S. foreign policy goals.

Mr. Speaker, this is a timely bill. While providing a road map for U.S. policy towards Congo during this critical stage in its transition, it rightly places the burden of success on the Congolese themselves. After all, solutions for Congo's ills cannot be imposed from the outside. The Congolese themselves must seize the opportunity for peace and prosperity that is before them. Still, this bill helps support them in that effort.

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

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

I would first like to thank my good friend Senator BARAK OBAMA for introducing this important and timely measure. I would also like to congratulate the people of the Congo for successfully holding their first free and fair elections in four decades, as well as the victor of this election, Laurent Kabila.

While the elections were a historic milestone, the euphoria is sobered by the painful and disastrous wars of the past. In fact, for the past 40 years, the people of the Congo have known nothing but dictatorship, tyranny, corruption, poverty and war.

Congo is one of Africa's poorest countries. It is the eighth poorest country in the entire world based on gross domestic product. Congo, a country the size of all of Western Europe, has less than 300 miles of paved road. Most of the country has no electricity, proper sanitation and, most importantly, no safe water.

The United Nations estimates that 4 million people died in the past 8 years as a direct result of war. To give you another stark look at the situation in the Congo, Mr. Speaker, the International Rescue Committee reports that 31,000 people are dying each month, or about 1,000 human beings every single day.

The Congo is in the midst of a humanitarian catastrophe that has not yet received the high-level attention or the adequate resources it desperately deserves. The United Nations announced recently that it was running out of money to feed some of the 1.7 million displaced Congolese who urgently needed aid.

Mr. Speaker, the children of Congo have suffered immeasurable pain as a result of war, poverty and disease. Children as young as 10 were recruited as child soldiers into the ranks of the guerrilla forces. Unprotected children as young as five or six work in some of Congo's most prosperous mines for about $1 a day.

According to UNICEF, more than 600 Congolese children die every single day, and even more are displaced, sexually abused or victimized by abduction as child soldiers.

An estimated 1 million Congolese are living with HIV/AIDS, but no one can realistically know for sure. The country has only seven doctors per 100,000 people, and life expectancy is in the low 40s.

Mr. Speaker, Congo has a long and difficult road to recovery, but with their commitment and our support they can make it.

The country has enormous natural resources. In terms of its untapped mineral wealth, it is one of the richest countries in the world. Its soil is expected to contain every mineral listed on the periodic table. Large deposits of gold, copper, cobalt, diamond, gas and oil still remain untapped.

The Congo River has the second largest flow on Earth after the Amazon and is the second longest river in Africa after the Nile. The estimated hydroelectric potential has the capacity to provide electrical power to the entire continent of Africa.

Congo is home to the world's second largest tropical rain forest, with nearly 20 percent of the planet's remaining rain forests. The Congo Basin represents 70 percent of the African continent's plant cover, with over 600 tree species and 10,000 animal species.

In short, Mr. Speaker, Congo has the potential to turn that enormous natural wealth into a rich and prosperous nation, if properly managed under the stewardship of a free economy and a transparent, noncorrupt and stable democracy.

The bill that we are voting on today is an important step on the long road towards bringing peace and prosperity to the Congo.

Our bill establishes 14 core principles of U.S. policy across a wide range of issues. It authorizes a 25 percent increase in U.S. assistance for the Congo. It calls for a special envoy to help resolve the situation in eastern Congo, and it urges the administration to use its voice and its vote at the United Nations Security Council to strengthen the U.N. peacekeeping force that is providing some security in parts of the Congo.

Major faith-based and humanitarian nongovernmental organizations, including some with extensive field operations in Congo, have endorsed our legislation, including CARE, Catholic Relief Services, Global Witness, International Crisis Group, International Rescue Committee, and Oxfam America.

Mr. Speaker, I want to stress that we are under no illusion that enacting the policies in this bill will be a panacea for Congo's many ills. But we know that we cannot accept the status quo, particularly not for Congo's children.

Mr. Speaker, the Congo, Africa's heart of darkness, need not languish forever in its current state, decades of poverty, death and grief, midst an enormous amount of natural wealth.

We can help move them on the path towards a bright and prosperous future.

I urge all of my colleagues to vote in support of this legislation.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I want to congratulate my classmate and dear friend from New Jersey and also the gentleman from California, my friend and neighbor, soon-to-be-chairman of the International Relations Committee.

I also want to start by doing exactly what my friend from California did, and that is extend congratulations to Senator BARAK OBAMA, who really authored and has been pushing S. 2125 for a long period of time. I have had numerous conversations with him about this, and we talked about the need to ensure that as we look at the military challenges that we face, the promotion of democratization, political pluralism, the rule of law, the building of these democratic institutions, while at the same time we focus on the very important security needs, is a priority for the Democratic Republic of the Congo.

This is, as Mr. LANTOS has said, a country that for four decades has gone through a tumultuous history. Nearly 2 decades ago, I had the opportunity to visit with President Mobuto Sese-Seko in Kinshasa, and then went to Boundji, which was his birthplace. I will never forget how horrified we were seeing the tremendous resources about which my friend spoke utilized to basically build a shrine to this man at his birthplace.

It is a country that has gone through tremendous human rights violations.

As section 102 of this act points out, since 1998 40,000 women and children have been brutally raped in large part by those involved in security for the country. I believe that it is essential for us to take this very small amount of money and do everything that we can in our quest to make sure that that four-decade history is history and that it never repeats itself at all. I believe that this measure which enjoys strong bipartisan support can send a signal.

I am very pleased to work closely with my colleague from North Carolina (Mr. PRICE) with our House Democracy Assistance Commission. I am going to be speaking about that on the next measure we bring forward, but I happen to believe as we look at the House Democracy Assistance Commission in its effort to build up parliaments in emerging, new and reemerging democracies, it is important for us to look at countries that will be natural partners of ours in this quest to build these parliaments. I think that the Democratic Republic of the Congo, along with Kenya, which we are working with on the continent of Africa, and Liberia will potentially be a prime candidate for us to partner with in building that, and I know I will be working with Mr. PRICE on that in the coming months.

This measure is a very important first step, and I join in congratulating the people of the Democratic Republic of Congo for taking that step towards free and fair elections and look forward to their continued success and obviously this multilateral approach which the act calls for, getting other countries involved, will I believe go a long way towards helping them.

I thank my friend for yielding.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of S. 2125, the "Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006."

Three years after the end of "Africa's World War" and having conducted the most logistically complicated election in history, the Democratic Republic of Congo, DRC, faces its best chance for peace and progress since independence. However, credible mortality studies estimate that over 1,000 people continue to die each day from conflict-related causes, mostly disease and malnutrition, and pervasive state weakness threatens backsliding and a return to wide-spread violence. The international community has played a critical role in supporting the DRC until this point, and with the inauguration of the new democratically elected government, such support will be even more important going forward.

I am particularly proud of the role played by Lisa Shannon, a constituent of mine and the founder of Run for Congo Women. After learning about the Congo on Oprah, Lisa decided to do a solo, 31 mile run on Portland's Wildwood Trail to raise money for Women for Women International's work in Congo. Just over a year later, Run for Congo Women has blossomed into a global effort to raise awareness and support the women of the DRC. Lisa has tirelessly walked the halls of Congress to promote the bill we're passing today and is a shining example of the difference that one committed individual can make.

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Mr. LANTOS. Mr. Speaker, we have no additional requests for time. We yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, we likewise yield back the balance of our time.

The SPEAKER pro tempore (Mr. WAMP). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 2125, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR LEBANON'S DEMOCRATIC INSTITUTIONS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1088) expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel.

The Clerk read as follows:

H. RES. 1088

Whereas on November 21, 2006 Pierre Gemayel, a Member of the March 14 parliamentary coalition, was assassinated in New Jdeidé, north of Beirut, Lebanon;

Whereas a series of targeted attacks and killings of public leaders working to promote democracy and autonomy in Lebanon has placed a heavy toll on Lebanon's intellectual and democratic freedoms;

Whereas the prosecution by the proposed International Independent Investigation Commission of persons accused in the assassination of former Prime Minister Rafik Hariri could deter future assassinations;

Whereas Pierre Gemayel was born on September 24, 1972 into a prominent Lebanese family;

Whereas Pierre Gemayel was first elected to the Lebanese Parliament in 2000;

Whereas Pierre Gemayel was named Minister of Industry in the Lebanese Government in 2005;

Whereas Amine Gemayel, the father of Pierre Gemayel and former President of Lebanon, has urged the Phalange party supporters and all Lebanese citizens to promote cooperation and solidarity and hamper attempts to instigate civil strife;

Whereas, on November 21, 2006, following Pierre Gemayel's assassination, President George W. Bush stated that "the United States remains fully committed to supporting Lebanon's independence and democracy in the face of attempts by Syria, Iran, and their allies within Lebanon to foment instability and violence";

Whereas supporting the development of democratic institutions in Lebanon is critical to promoting the interests of the United States in the Middle East region, building upon the momentum of the March 14, 2005 "Cedar Revolution," fighting terrorism, and supporting negotiations for peace in the region; and

Whereas the House Democracy Assistance Commission has worked in partnership with the Lebanese Parliament to strengthen its institutional capacity, and met with Pierre Gemayel during the Commission's delegation to Lebanon in July 2006: Now, therefore be it

Resolved, That the House of Representatives—

(1) Expresses its condolences for this heinous crime to the people of Lebanon and to the members of Lebanon's Cabinet in which Pierre Gemayel served with distinction;

(2) Affirms its support for the international tribunal to try suspects in the 2005 assassination of former Prime Minister Rafik Hariri;

(3) Urges that the perpetrators of the assassination of Pierre Gemayel be brought to justice;

(4) Conveys concern regarding the increasing polarization of Lebanon's religious sects and calls on the Government of Lebanon to actively pursue electoral reform as a first step in reducing confessional tensions;

(5) Recognizes that a regional peace in the Middle East will greatly contribute to Lebanon's long-term security and stability; and

(6) Reaffirms the commitment of the United States to support and promote the development of autonomous, effective democratic institutions in Lebanon, including an independent Parliament and a strong central government that represent and serve the interests of the Lebanese people.

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

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of House Resolution 1088, expressing support for Lebanon's democratic institutions and condemning the recent assassinations of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel.

Mr. Gemayel's brutal murder serves as yet another example of the Syria regime's pattern of assassinations of Lebanese dissidents and political figures who seek full Lebanese sovereignty and independence from nefarious outside forces as Syria and Iran.

This resolution appropriately urges those responsible for Mr. Gemayel's murder to be brought to justice and expresses condolences to the people of Lebanon for his death.

The resolution reiterates our commitment for a fully sovereign independent Lebanon, and calls on the Lebanese Government to implement the necessary electoral reforms for Lebanon to achieve such autonomy, develop its democratic institutions, and help reduce the increasing sectarian divisions.

Mr. Gemayel's murder was a deplorable act of cowardice aimed at undermining Lebanon's sovereignty and destroying its democratic institutions. It should move the United Nations to once and for all hold Syria accountable for the 2005 assassination of former Lebanese Prime Minister Rafik Hariri. Responsible nations must realize that Syria and Iran kill, destroy, and seek instability in places like Lebanon so that they may gain yet more power and influence in the region. We must not allow this to continue.

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

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

Mr. Speaker, this resolution reflects our sorrow, our anguish, and our resolve following the recent assassination of Lebanese Minister of Industry, Pierre Gemayel.

I felt this loss personally. Pierre was the son of former Lebanese President Amin Gemayel and the grandson of one of the most significant figures of modern Lebanese history, his namesake, Pierre Gemayel, our friends.

Mr. Speaker, it is a coincidence that we are considering this resolution on the day when the Iraq Study Group has released its much anticipated report. As we all know, the Iraq Study Group calls for the United States to engage with all regional parties, including Syria and Iran. I have been in the forefront of those urging that we engage even with our enemies. That is why I have met repeatedly with the leaders of Syria and North Korea, and that is why I have consistently, if unsuccessfully, sought a visa to visit Iran, and that is why I applauded the successful example of our engagement that resulted in Libya's peaceful divestment of its weapons of mass destruction materials.

As former Secretary of State James Baker said in a briefing for our leadership this morning, the policy of isolating states like Syria, and I quote, ''has brought us nothing.''

Nevertheless, Mr. Speaker, Damascus and Tehran should not misunderstand the intentions of those of us who support dialogue. We are not going to stray one iota from our core commitments. There will be no compromise on terrorism or nuclear arms, or the security of the State of Israel or on Lebanese sovereignty and democracy, or on the international tribunal to investigate the shameful assassinations of Hariri, Gemayel, and other Lebanese patriots in recent years.

For those of us who support dialogue, the message of this resolution is that dialogue does not mean capitulation. By passing this resolution, Mr. Speaker, our body will make clear that we staunchly oppose the sinister designs of Iran and Syria to destabilize Lebanon, particularly through the bloodthirsty instrument of Hezbollah.

Syria will pay a heavy price if it does not cease its relentless campaign of intimidation and destabilization in Lebanon and if it refuses to cooperate with the Hariri investigation and the international tribunal.

This most recent Gemayel assassination was a crime against a man and his family, but most of all against the Lebanese nation. As our resolution makes clear, the perpetrators must be brought to justice. We don't know who pulled the trigger, but we have the strongest of suspicions about who gave the orders.

The Gemayel murder is one of more than a half a dozen political assassinations or attempted assassinations in Lebanon since the tragic killing of former Prime Minister Rafik Hariri along with his compatriots last year. All the victims, Mr. Speaker, share a common profile: They supported democracy, and they outspokenly opposed Syrian and Iranian designs on their nation.

Mr. Speaker, I visited Lebanon just some weeks ago. I met with Prime Minister Fuad Siniora and many of his colleagues who are members of the March 14th Movement, which forms the core of his government. While we did not agree about every issue regarding Lebanon and the region, this much I can tell you: These people have made a courageous commitment to the sovereignty of their nation. They have done so in the face of threats to their lives and the loss of their comrades, and they are stalwart democrats. I came away convinced that this government deserves our strongest support.

Mr. Speaker, by adopting this resolution, we can firmly declare support for the democratically elected Lebanese Government and for all democratically thinking Lebanese. I urge that we do so. I urge all of my colleagues to support our resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am pleased to yield such time as he may consume to the author of this resolution, Mr. DREIER of California.

Mr. DREIER. Mr. Speaker, I want to express my appreciation to the very distinguished subcommittee chairman as well as to my friend from California (Mr. LANTOS) again, as soon-to-be chairman of the International Relations Committee.

This resolution I am very pleased to have introduced along with my colleague DAVID PRICE with whom I serve as cochair of the House Democracy Assistance Commission.

As I look across the aisle, I see my friend ALCEE HASTINGS with whom I sit on the Rules Committee, and I am reminded of the first trip that we made to Beirut. It was a year ago this past spring, shortly after the March 14th Movement and the Cedar Revolution began. We had the chance to visit the widow of former Prime Minister Rafik Hariri, and Mr. HASTINGS and the rest of our delegation placed a wreath at the grave of Rafik Hariri in Martyr Square in Beirut, a spot that has gotten a great deal of attention on television just in the past few weeks, very tragically. And as has been pointed out, we have seen now the 16th assassination take place with the tragic murder of Pierre Gemayel, and that is in the last 2 years.

Mr. Speaker, as we look at this challenge, it underscores the fact that the United States of America must, as Mr. LANTOS has just said, reaffirm its strong commitment to the future of Lebanon.

One of the greatest challenges that the Lebanese people have faced in its relationship with the United States of America has been the issue of uncertainty. In 1983, when we saw the tragic bombing of the Marine barracks, the United States of America withdrew from Lebanon. They have gone through a quarter century of civil war, and they have great challenges in the region. As Mr. LANTOS correctly said, we don't agree with every single policy in Lebanon, and obviously there have been real challenges on their southern border as we know very well. But at the same time, it is absolutely essential that we remember that this is a reemerging democracy.

This past July, Mr. PRICE and I had the privilege of leading a delegation of our Members representing the House Democracy Assistance Commission. This is a commission that I am very proud was put together by Speaker DENNIS HASTERT and soon-to-be Speaker NANCY PELOSI, and it was established a year ago this past March, and the goal was to take new and reemerging democracies and work directly with those parliaments that have just been elected.

Now, we all have the privilege of participating in important work in interparliamentary exchanges, the European Union, the Bundestag, the DIAG in Japan. I have been part of the U.S.-Mexico interparliamentary conference. But the unique thing about the House Democracy Assistance Commission, we now have a dozen countries with which we are working very closely on this. We have been able to take these newly elected parliamentarians and do as Mr. PRICE and I and our delegation did in Lebanon for 2 days: work with them on the building of their committee structure, their very important oversight of the executive branch, the building of their libraries, putting into place a budget process.

And that is exactly what we were doing this past July in Lebanon. And we, of course, since our trip in July, have seen a very tragic time in Lebanon. In fact, it was just days after we left that we saw Hezbollah engage in the kidnapping of those Israeli defense forces troops in southern Lebanon, and we all know what happened after that. And there was a sense that a degree of stability was coming to Lebanon within the past several weeks and the last couple of months; and then, of course, we got the tragic news that led to Mr. PRICE and my authoring this very important measure, underscoring how important it is as we look at the tragic assassination of Minister Gemayel that we need to do all that we can, all that we can, to make sure that Lebanon's future is a bright one.

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Mr. Speaker, I urge my colleagues to support this measure. I thank again Mr. PRICE and all of the Members of our Democracy Assistance Commission for the fine work and effort that they put into this, and to say again that we

are going to reaffirm with this resolution our commitment to the future of Lebanon.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield to my distinguished friend from North Carolina, Mr. DAVID PRICE, who serves as the ranking member of the Democracy Assistance Commission, as much time as he may consume.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman and am proud to add my voice of commendation in support of House Resolution 1088, which I have cosponsored with the gentleman from California, chairman of the House Democracy Assistance Commission.

In July, I traveled with the commission to Beirut to initiate a partnership with the Lebanese Parliament. While there, I had an opportunity to have lunch with Pierre Gemayel. I was struck then by his charismatic personality and his enthusiasm over the prospects for real reform in Lebanon.

In many ways, Pierre Gemayel represented the promise of Lebanon's future. A strong advocate of democratic governance in Lebanon, he shook off the constraints of confessionalism to battle side by side with Christians, Sunni and Shia Muslims to guarantee Lebanon's sovereignty against the persisting threat of Syrian domination.

Pierre Gemayel was named to lead the Industry Ministry in the wake of the Cedar Revolution demonstrations of March 14, 2005 and the subsequent national elections which brought to power a cross-sectarian coalition of pro-democracy politicians, determined to reform the Lebanese Government to make it strong and effective and to resist foreign domination.

Our Nation celebrated the courage of the Lebanese people in registering their demand for democratic government in these elections, but we have not done enough since the elections to support the democratic institutions and leaders like Pierre Gemayel have worked to strengthen.

This resolution before us sends a clear signal that the United States must do more to support these institutions if we hope to help the Lebanese people achieve their dreams.

I thank my colleague, DAVID DRIER of California, for his strong leadership as chairman of our House Democracy Assistance Commission. This commission, as he has stated, has allowed Members of this body to work colleague to colleague to strengthen the Lebanese Parliament and other parliaments in emerging democracies. I look forward to joining with him in the next Congress to continue this important work.

And I join my colleagues in expressing condolences to the Gemayel family and the people of Lebanon on their tragic loss. We must also acknowledge that Mr. Gemayel is but the latest in a succession of leaders recently martyred in Lebanon because of their fight for democracy, beginning with former Prime Minister Rafik Hariri. We must fight to bring justice to the perpetrators of these crimes and to bring fulfillment to the goals these pro-democracy leaders have sought.

Mr. Speaker, I urge my colleagues to support the resolution and to support efforts to strengthen democratic institutions in Lebanon.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H. Res. 1088.

The question was taken.

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

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

The yeas and nays were ordered.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5385. An act making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5385) ''An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes'', requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints

Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. LEAHY, and Mr. HARKIN, to be the conferees on the part of the Senate.

CONDEMNING IRAN'S COMMITMENT TO HOLD INTERNATIONAL HOLOCAUST DENIAL CONFERENCE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1091) condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006, as amended.

The Clerk read as follows:

H. RES. 1091

Whereas Iranian President Mahmoud Ahmadinejad has expressed his intention to hold an international Holocaust denial conference entitled ''Study of Holocaust: A Global Perspective'', to begin on December 11, 2006, in Tehran;

Whereas in August 2006, Iran staged an international contest of cartoons on the Holocaust, endorsing and promoting prevailing anti-Semitic and anti-Israeli stereotypes and Holocaust denial;

Whereas Mahmoud Ahmadinejad wrote in a letter in July 2006 to German Chancellor Angela Merkel, ''Is it not a reasonable possibility that some countries that had won the war (World War II) made up this excuse to constantly embarrass the defeated people . . . to bar their progress.'';

Whereas on October 26, 2005, in a conference entitled, ''The World without Zionism'', President Ahmadinejad stated in a speech that ''Israel must be wiped off the map.'';

Whereas thereafter, these anti-Semitic comments were broadly condemned by the United Nations and others, including in a measure passed by a unanimous vote of the United States House of Representatives on October 28, 2005;

Whereas Mahmoud Ahmadinejad's current intent to host an international Holocaust denial conference is only the latest in a series of threatening, anti-Semitic, Holocaust denial statements and actions he has undertaken since assuming power;

Whereas to deny the Holocaust's occurrence is in itself an act of anti-Semitism;

Whereas one who denies the Holocaust, denies the greatest modern tragedy of the Jewish people and the most extreme act of anti-Semitism in modern history;

Whereas Ahmadinejad's statements and actions occur in the midst of Iran's relentless defiance of the international community by rejecting nuclear nonproliferation standards and the latest United Nations Security Council demand that Iran immediately halt its efforts to enrich uranium; and

Whereas the longstanding policy of the Iranian regime aimed at destroying the democratic State of Israel, highlighted by statements made by Mahmoud Ahmadinejad, underscores the threat posed by a nuclear Iran: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms Iran's commitment to hold an international holocaust denial conference on December 11-12, 2006, and any and all anti-Semitic statements made by Iranian President Mahmoud Ahmadinejad and other Iranian leaders;

(2) reaffirms the United States commitment to prevent a nuclear Iran;

(3) calls on the United Nations to officially and publicly repudiate all of Iran's anti-Semitic statements made at such conference and hold accountable United Nations member states that encourage or echo such statements;

(4) calls on the United Nations Security Council to strengthen its commitment to taking measures necessary to prevent Iran from possessing nuclear power;

(5) reaffirms the United States longstanding friendship with and support for the State of Israel; and

(6) vows to never forget the murder of millions in the Holocaust and affirms its commitment to ensuring that such genocide never happen again.

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

The Chair recognizes the gentlewoman from Florida.

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

Mr. Speaker, I rise in strong support of House Resolution 1091 authored by my good friend from Florida, Mr. ALCEE HASTINGS.

This resolution does some very important things, Mr. Speaker. It condemns Iran's commitment to hold an international Holocaust denial conference next week.

The Iranian leadership has been the source of vile and appalling anti-Semitic statements denying the Holocaust and calling for Israel to be wiped off the map. Iran's commitment to hold an international Holocaust denial conference reaffirms the radical regime's hateful policy aimed at destroying the State of Israel.

Iran's continued defiance of the international nuclear nonproliferation standards and its unrelenting support of the Shiite insurgents in Iraq as well as terror groups like Hezbollah and Hamas clearly indicates that Iran's reprehensible statements are more than mere rhetoric. The hateful words of the extremist regimes must be taken seriously.

This resolution by Mr. HASTINGS condemns Ahmadinejad's stated intent to hold the Holocaust denial conference and calls on the United Nations to officially repudiate all of Iran's anti-Semitic statements and hold accountable United Nations member nations that promote such hateful statements.

Moreover, Mr. HASTINGS' resolution reaffirms the commitment of the United States to prevent Iran from achieving its nuclear ambitions and vows to never forget the murder of millions in the Holocaust.

To ensure that the atrocities of the Holocaust must never happen again, it is critical that the world community in a united and cohesive manner condemns in the strongest form possible the actions and the statements of those who deny the Holocaust while actively planning yet another one.

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

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

Mr. Speaker, first I want to acknowledge the efforts of the Democratic sponsor of this important measure, my friend and colleague from Florida, Congressman HASTINGS, who is well known as a strong fighter in the battle against all forms of bigotry, including racism and anti-Semitism.

This was particularly evident in his distinguished term as president of the Organization for Security and Cooperation in Europe when a number of conferences on anti-Semitism were held with his support and sponsorship.

Mr. Speaker, the resolution before the House today condemns in the strongest terms Iran's commitment to hold an international Holocaust denial conference next week. The conference, entitled ''Study of Holocaust: A Global Perspective,'' is clearly designed to spread the notion that the systematic state-sponsored murder of 6 million innocent men, women and children, principally Jews and other targeted groups by Nazi Germany and its collaborators during World War II, was either an exaggeration or a fabrication.

As the only Holocaust survivor ever elected to Congress, I am outraged at attempts to deny what I know from firsthand experience to be tragically true.

Let me be very clear: Despite Ahmadinejad's lunatic statements, the Holocaust did happen. Six million innocent Jews and people from other targeted groups were slaughtered in this genocide. I personally suffered through it, and I lost virtually my entire family in this historic horror.

We all remember, Mr. Speaker, George Santayana's famous statement that ''those who cannot remember the past are condemned to repeat it.'' Iran's Ahmadinejad not only wants the world to forget the past, he also wants it to be revised in the hope that history will be repeated with the destruction of Israel and the Jews. He clearly and forcefully demonstrated this at a conference in October 2005 when he stated, ''Israel must be wiped off the map.''

Last July Ahmadinejad spread more deception and anti-Western and anti-Israel propaganda when he sent a letter to Chancellor Angela Merkel of Germany suggesting that some countries who won World War II might have fabricated the Holocaust to embarrass the German people and bar their progress.

In August, Mr. Speaker, Iran held an outrageous international contest of cartoons on the Holocaust to endorse and promote anti-Semitic and anti-Israeli stereotypes, as well as Holocaust denial. We can see that his hosting this Holocaust denial conference next week is just one more abominable step in Ahmadinejad's ugly journey to undermine the West, promote global anti-Semitism and destroy Israel.

Ahmadinejad's declarations and actions are frightening not only to Israel but to the entire civilized world. Iran supports terrorist groups bent on destroying Israel and the West. Even more serious is the fact that Iran has defied the international community by rejecting nuclear nonproliferation standards and the United Nations Security Council's demand that Iran halt its efforts to enrich uranium. Thus, in the future, we could be facing an Iran prepared to use nuclear weapons to achieve its appalling destructive goals.

Mr. Speaker, this powerful resolution not only condemns these outrageous Iranian actions, it also calls for the United Nations to officially and publicly repudiate Iran's anti-Semitic statements. U.N. member states that echo and encourage such statements should also be held accountable. As we all know, too many U.N. conferences and resolutions have been hijacked irresponsibly to promote the same anti-Israel and anti-Semitic rhetoric and actions. I personally saw this happen in Durban, South Africa during a conference against so-called ''racism'' 6 years ago which was hijacked by extremists who used that conference to denounce the State of Israel.

Mr. Speaker, we also must continue our efforts to prevent Iran from becoming a nuclear power and to condemn its outrageous and destructive goals of destroying our ally Israel and other Western targets.

□ 2015

Finally, Mr. Speaker, we must remind the world that in spite of the lies by revisionist historians and Ahmadinejad, the Holocaust in fact did occur, and millions suffered and 6 million died.

As we see from the ongoing atrocities in Sudan, the Holocaust saying of ''never again'' unfortunately has not proved to be true. Thus we must recommit to do all we can to stop Holocaust denial, remember the past, and in doing so, not be condemned to repeat it. We must do all we can to stop mass murder and genocide whenever and wherever it occurs, as it does today in Darfur.

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

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am pleased to yield such time as he may consume to one of our leaders on the International Relations Committee, Mr. BURTON of Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman for yielding.

I cannot imagine anybody denying the Holocaust. Anyone who has been to Israel and seen the Holocaust Museum or been to the Holocaust Museum here could have no doubt about the tragic events that took place by Nazi Germany in World War II.

But what I would like to talk about in addition to that right now is some of the things that are going on right now that bother me a great deal, that parallel this. In August of 1939 Soviet Foreign Minister Molotov stunned the world by signing the Nazi-Soviet Nonaggression Pact under the watchful eyes of German Foreign Minister Von Ribbentrop and Soviet leader Joseph Stalin. They signed that nonaggression pact and what it guaranteed was that there would not be a war on two fronts. That was what Hitler wanted. And then Lord Chamberlain went to Munich and signed an agreement saying he would give away the Sudetenland in exchange for peace, and what happened was we had a war that killed 62 million people. Sixty-two million people.

We are now in the Nuclear Age, and this leader in Iran who is denying that

the Holocaust did not occur is hell-bent for leather to create another holocaust which, in my opinion, could kill hundreds of millions of people, not 62 million but hundreds of millions of people, by using nuclear weapons. And it is of great concern to me the things that he has been saying. Ayatollah Khomeini referred to the United States when he was alive as the ''Great Satan.'' The current leader and strongman, Ayatollah Khameneh'i, has ruled out any possible kind of relationship with the United States, calling us the ''Great Satan.'' And on October 26, 2005, addressing a conference in Tehran entitled ''The World Without Zionism,'' Ahmadinejad, the President of Iran, said Israel must be wiped off the map, described Israel as a ''disgraceful blot on the face of the Islamic world'' and declared that ''anybody,'' including the United States, ''who recognizes Israel will burn in the fire of the Islamic national fury.'' He went on to say, ''To those who doubt, to those who ask is it possible, or those who do not believe, I say accomplishment of a world without America and Israel is both possible and feasible.'' And then, quoting the Ayatollah Khomeini, he said, ''Israel must be wiped off'' the face of the Earth, ''from the map of the world, and with the help of the Almighty, we shall soon experience a world without America or Zionism, notwithstanding those who doubt.''

Now, today the Baker-Hamilton Commission indicated that we must start talking to Iran and others in the region. I have never been against talking, but it is distressful to me at a time when they are hell-bent to develop a nuclear program, a nuclear weapons program, and the whole world cannot stop them from doing it, that there should be dialogue with them. It is analogous to saying to Adolph Hitler, after he invaded Poland, ''We want to deal with you.'' They tried that. Stalin tried it. Chamberlain tried it. And 62 million people died.

What we need to do right now is do whatever it takes to make sure there is not another holocaust. Whatever it takes. And that means making absolutely sure that people who are hell-bent to destroy Israel and the United States and Europe, if they don't agree with their religious beliefs, that they are stopped from developing nuclear weapons. We must not let them develop nuclear weapons.

This resolution deals with the Holocaust that did occur, and what I am talking about is a holocaust that we do not want to occur. And the best way to make sure that does not happen is to make sure that the President of Iran and the ayatollahs over there do not get nuclear weaponry.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished author of this resolution, my good friend from Florida, Congressman HASTINGS.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend TOM LANTOS, who has been stalwart in fighting not only anti-Semitism but bigotry throughout this world.

I would like to start by saying that I am very grateful for the bipartisan cooperation of many House leaders to ensure that this important legislation was so promptly brought to the House floor. In particular, I would like to thank my good friends and colleagues, the majority leader, JOHN BOEHNER; Speaker-elect NANCY PELOSI; of course, as I have mentioned, my extremely good friend and mentor, the incoming chair of the House International Relations Committee, the distinguished gentleman from California, TOM LANTOS; the current chair of the Subcommittee on the Middle East and Central Asia; and my fellow Floridian and very, very good friend and colleague and classmate and ally in a number of mutual efforts on behalf of our respective constituencies; and the ranking Democratic member, GARY ACKERMAN from New York.

I sincerely appreciate the assistance of all of these colleagues in allowing me to introduce this legislation and bring it to the floor for a vote on the second-to-last day of the legislative year and, importantly, prior to the occurrence of this nasty conference.

The haste with which this bill was brought to the floor and its bipartisan support is a clear testament to the importance this congressional body places on public condemnation of anti-Semitism worldwide and the desire of congressional leaders to rid the globe of the scourge of anti-Semitism.

The commitment of Iranian President Ahmadinejad and other Iranian leaders to hold a Holocaust denial conference on December 11 of this month is unabashed, reprehensible anti-Semitism at its worst. I learned about this 2 weeks ago at a conference in Malta. And to the man and woman that were there, everyone condemned this action.

More than 70 years ago, a different leader from a different nation rose to power based on his open hatred of a particular group of people. He started by forcing Jews to identify themselves with the Star of David on their clothing and enacting restrictive laws for Jewish shopkeepers. He ended his crusade, ''the final solution,'' with the mass murder of 6 million or more Jews in extermination camps.

I would recommend to Mr. Ahmadinejad that he do as some of us have done in the past, not even requiring of him that he meet in this Congress our only Holocaust survivor, who in fact suffered immeasurably, as did his family and friends and colleagues, at the hands of this kind of hatred. I would recommend to him that he do as I did: visit Auschwitz and Treblinka, and perhaps it would be there that he may come to learn of the horrors that so many people were confronted with.

If ''never again'' means anything to us now, then we cannot ignore this latest egregious act of anti-Semitism. The world will not turn its back to President Ahmadinejad and Iranian leaders' anti-Semitic, anti-Israel, and anti-U.S. public acts and statements. The same country that spews such hatred towards Jews is also on a determined path towards nuclear weapon possession. But that is a whole different conflict that needs to be discussed on a whole different day.

For today I want to just end and focus on the topic of anti-Semitism. Let Iran's second Holocaust denial conference serve as a wake-up call for the entire international community about the endurance of anti-Semitism in this world. As the president emeritus of the Organization for Security and Cooperation in Europe's Parliamentary Assembly, the world's largest regional security organization, and someone who has traveled extensively across this globe, I am acutely aware of the prevalence of anti-Semitism not only in Iran but worldwide. Combating anti-Semitism fits into my world view of the importance of fighting all types of bigotry. I have dedicated my entire professional life toward eradicating hate spewed by racists, anti-Semites, xenophobes and homophobes.

I greatly appreciate the fact that my colleagues recognize the importance of a unified international condemnation of Iran's commitment to hold another Holocaust denial conference. We have a shared responsibility to promote awareness of injustice and preach tolerance education if we ever are to succeed in combating this widespread epidemic of hate.

I certainly am deeply appreciative that Mr. LANTOS and Ms. ROS-LEHTINEN saw fit to permit this matter to be brought to the body.

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Florida for his eloquent statement.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I also want to thank my good friend from Florida, Mr. HASTINGS, who is a proud defender of human rights and freedom and liberty here and abroad as well. We need more of them.

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

The SPEAKER pro tempore (Mr. WESTMORELAND). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 2030

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WESTMORELAND). 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.

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.)

WEYERHAEUSER COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to recognize Weyerhaeuser Corporation and its wonderful community service in assisting in the relief efforts and the rebuilding of the gulf coast that was devastated by Hurricane Katrina in August of 2005. This outstanding company has gone well beyond the call of duty, truly exemplifying what community service is.

The Weyerhaeuser Company was incorporated in 1900, and is one the world's largest integrated forest product companies, headquartered in Federal Way, Washington, employing 5,000 people in over 40 locations in 18 countries. In 2005, they recorded sales of $22.6 billion, and the company manages more than 2.4 million acres of timberlands in three States. I am pleased to note that of the many locations of the Weyerhaeuser Corporation, two are in the Fifth District of North Carolina.

In recognition of their outstanding community service and dedication to helping those who need it most, Weyerhaeuser Corporation has been recognized with the Ron Brown Award. This is the only Presidential award to honor companies, ''for their exemplary quality of their relationships with employees and communities.'' This award is presented to companies that have set forth strong initiatives to strengthen their employees and the community that surrounds them, as well as promote pioneering business initiatives. The Ron Brown Award was originally established by President Bill Clinton after the late Secretary of Commerce, Ron Brown, who believed that ''businesses do well by doing good.'' In my opinion, there is no better choice for this award than the Weyerhaeuser Company for its outstanding work and dedication to our country.

On December 4, 2006, the chairman, president and CEO of Weyerhaeuser accepted the Ron Brown Award from U.S. Secretary of Commerce Carlos M. Gutierrez at a ceremony at the White House. Mr. Rogel accepted the award and dedicated it to Weyerhaeuser's disaster relief coordinator, Katy Taylor, along with the partners and volunteers who attended the ceremony.

Also recognized in the White House ceremony was the North Carolina Baptist Builders, with whom Weyerhaeuser teamed up in the gulf coast relief efforts. The North Carolina Baptist Builders is a faith-based organization that set forth a large mission to rebuild 600 homes along the coast. To the credit of the Baptist Builders, the Weyerhaeuser Company recognized their ''smoothly run rebuilding operation to keep projects moving.'' It is this kind of forward thinking and teamwork that makes the Weyerhaeuser Company so deserving of the Ron Brown Award.

I am honored to have such a wonderful and dedicated company that operates in North Carolina in places such as Charlotte, Greensboro, Newton and many other places, including Elkin and Winston-Salem in the Fifth District. Weyerhaeuser Company has been operating in North Carolina since 1957 with approximately 3,090 employees.

The dedication of Weyerhaeuser to the community is astounding and sets a shining example to other businesses about the importance of community service and helping the less fortunate. To date, nearly 300 employees and retirees from across the United States and Canada have volunteered more than 42,000 hours of their time and helped rebuild 50 homes. Weyerhaeuser has a truly generous policy of allowing employees 2 to 4 weeks' paid leave to help volunteer in the rebuilding efforts of the gulf coast. Not only does it pay its employees while they are volunteering their time, but it also pays their way and their spouses' way for the rebuilding efforts. Now, over a year later, Weyerhaeuser employees are still participating in reconstruction efforts and have contributed a combined disaster relief to date totaling more than $2.8 million. This is nothing short of extraordinary.

While I can mention some of the accomplishments of Weyerhaeuser Company's contribution, it is the people Weyerhaeuser has touched and the response it has received that truly shows the difference it has made to individuals, families and the community as a whole. As one family wrote in response to the help from Weyerhaeuser volunteers, ''Because of all your efforts, we are home! Words cannot truly express the outpouring of love we have received. We are eternally grateful to our Weyerhaeuser family.'' This shows how the assistance of strangers can surely touch one's life and make their life better and give true meaning for caring in the community.

A sign of the high caliber of individuals Weyerhaeuser employs is some of the comments that went to the gulf coast to help. One man noted, ''The days were long and hot, the work was intense, but the rewards were immeasurable. This has been an experience I won't soon forget.'' Another volunteer employee commented, ''This experience was such a blessing. I got so much more from it than I felt I gave.'' Even Weyerhaeuser's retirees participated and one reflected of the occasion to assist those in need saying, ''Having once more the opportunity to work side by side with other Weyerhaeuser employees and retirees made me realize anew why I enjoyed working for Weyerhaeuser so much. It's all about the people and the values the company ascribes to. Thanks again.''

Testimonies such as these speak volumes of Weyerhaeuser Company and its dedication to its employees and others. It goes beyond helping those who are under its employment, but it extends a helping hand to strangers to make the world a better place to live.

I am pleased that Weyerhaeuser has had a long standing tradition in North Carolina and especially in the Fifth District. It is without question an admirable and outstanding company that lives up to the highest meaning of community service.

Weyerhaeuser's dedication to helping others is immeasurable and I cannot thank the company enough for the work they have done and continue to do. It is truly deserving of such a prestigious award, and I am delighted to see Weyerhaeuser's efforts have been recognized by the Administration. Their work of its employees and retirees shows that there is no one more deserving.

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.)

IRAQ STUDY GROUP REPORT

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, today the Iraq Study Group released a reasonable working document that affirms the situation in Iraq, and I quote, ''is grave and deteriorating,'' and, I quote again, ''time is running out for a U.S. success strategy.'' Indeed the report attests that 79 percent of the Iraqi people do not believe that the U.S. presence there is constructive; 79 percent of the people of Iraq do not view our presence as constructive.

I have affirmed many times since the Abu Ghraib prison scandal that the Bush administration policy has forfeited our moral authority in Iraq. Those polling numbers prove it again. On the very day that this report was released, today, another 10 U.S. soldiers have lost their lives in Iraq. Attacks against U.S. forces now total more than 180 a day. And this figure doubles with each passing year.

The report also restates our Nation's financial commitment to the Iraqi war, now soaring over $400 billion a year,

sapping strength from U.S. domestic priorities such as health care, education, energy independence, all much needed here at home. Unfortunately, the report begins with this sentence, and I quote: ''The U.S. has long-term relationships and interests at stake in the Middle East,'' but then, amazingly, fails to identify them. Obviously, one of them is oil. And the U.S., again, does not commit itself in this report to a strong effort to restore America's energy independence here at home.

In addition, the report is very iffy on how the oil bounty of Iraq, which has the second largest set of reserves in the entire world, will be handled in the future. Though it makes suggestions on how to manage that oil reserve, the prospects of that being accomplished are quite remote. The report makes many recommendations that apply in Iraq, but not to end America's chief strategic vulnerability, our dependence on imported petroleum surely from the Middle East.

Importantly, the report places the Iraq situation in a regional context, explaining how what is happening in Iraq is operating to harm America's standing throughout the Middle East. It states how tepid international support is for the U.S. engagement in Iraq, despite the President's acclamations that there is a coalition of the willing.

In addition, the report acknowledging that for the United States to draw down forces, Iraqi units must replace them. And then the report details that the 138,000 Iraqi Army troops and 188,000 police units have some state of readiness. Half of them are not up to the task, with many functions infiltrated by the opposition.

The report presents a confusing picture on the issue of how long the United States might need to maintain its presence in Iraq. It recommends unit withdrawal by 2008 at some level. But then, in a different section, the report states that not all U.S. combat brigades would be needed in the future for force protection for backing up Iraqi units, but, of course, says many units would still be needed. At least that is the inference, but it doesn't say how many.

In the end, it fails to address the issue of how many combat units would actually be needed and, therefore, leaves the door open for an extended U.S. presence.

Admitting the difficulty it will entail, the report recommends restoring broken diplomatic relations with nations the administration has publicly ridiculed, such as Syria and Iran, as well as factions within Iraq and throughout the region with which the administration has no dialogue, such as Moqtada al-Sadr's Mahdi faction. The report properly identifies the unresolved Israeli-Palestinian conflict as paramount to reaching a regional peace settlement, stating clearly that neither Democrats nor Republicans would ever abandon Israel, but making strong recommendations on how to restore the peace process.

The report also makes some statements I find implausible. One is that only 5,000 civilian contractors are operating in Iraq, from hired guns to transportation specialists, when in fact that number now exceeds over 100,000, and represents a serious and worrisome departure from past U.S. military operations. If that private presence morphs into a mercenary force that occupies Iraq as the U.S. military withdraws, this would be a first in American history and a development I would not welcome.

Mr. Speaker, I was disappointed to read that at the U.S. Embassy in Baghdad, which was the largest in the world with over 1,000 employees, only 33 Americans speak Arabic. This is shocking and dangerous and another indication of the shocking mismanagement of the U.S. mission in Iraq.

URGING A PRESIDENTIAL PARDON FOR TWO U.S. BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am on the floor tonight to bring to the attention of the House a situation involving two U.S. Border Patrol agents. Agent Ramos and Compean were found guilty in a Federal court for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our southern borders into Texas. These agents never should have been prosecuted for their actions last year, yet they have been sentenced to 11 and 12 years in Federal prison respectively. On January 17 of 2007, both agents will enter Federal prison unless action is taken to overturn their sentences.

Agent Ramos served the Border Patrol for 9 years, and was a former nominee for Border Patrol Agent of the Year.

Agent Compean had 5 years of experience as a border agent. By attempting to apprehend an illegal alien drug smuggler, these agents were simply doing their job to protect the American people. These agents should have been commended for their actions, but instead the U.S. Attorney's Office prosecuted these agents and granted full immunity to the drug smuggler for his testimony against our agents.

□ 2045

The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights. Ladies and gentlemen of the House, he is not an American citizen, he is a criminal.

On October 26, an article by Sara Carter of the Los Angeles News Group, quotes two of the drug smuggler's family members who said, ''He has been smuggling drugs since he was 14 years of age and would not move drugs unless he had a gun on him, and he has been bragging about the money he is going to get in a lawsuit every time we talk to him.''

While this habitual drug smuggler goes free, the families of the two El Paso Border Patrol agents have struggled to cope for almost 2 years with this unjust prosecution and conviction.

On October 18, an article by Sara Carter, she describes the devastation that has fallen upon the Ramos family, stating, and I quote, ''They have almost lost their home on several occasions, they no longer have medical insurance, and most of the money raised for them will go to attorneys when they appeal the case.''

I further quote, ''Threats from associates of . . . [the drug smuggler] have left the Ramoses fearful for their children's safety. The El Paso Sheriff's Department has had deputies monitoring the Ramos family since the threats came by e-mail and phone.''

The article reports, ''Ramos first thought when the smuggler turned to him was of his wife and three young sons. He shot at the smuggler to save his life and his partner's, he said.'' Although it is clear that the agents fired shots to defend themselves and the border that they patrol, Ramos and Compean were convicted mainly on the testimony of a drug smuggler who claimed he was unarmed.

A sealed indictment for the drug charges forbade the defense from calling into question the integrity of the drug smuggler as a witness. Despite my repeated requests for an investigation of this case, and a request from dozens of Members of Congress to pardon the agents, this administration has ignored the concerns of countless citizens who have decried the unjust prosecution of these two heroes.

Members of Congress and the American people are outraged and concerned with this administration's indifference to the plight of these two honorable men who have been crucified unfairly by a Federal prosecutor. By using the power of his office to pardon these two agents, the President has the opportunity to immediately reverse a grave injustice. These two agents have given years of their life to service to this Nation, and have been unjustly punished for doing their job to protect our homeland.

Mr. Speaker, in closing, many in Congress and the people of America are asking the President to please consider our request and to pardon these two agents for protecting the American people from a known drug dealer. Please listen, Mr. President, we are asking you to please help.

□ 2045

The SPEAKER pro tempore (Mr. WESTMORELAND). 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.)

TIME FOR A CHANGE IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, it is time for the stubbornness of the White House to end. Today the President received recommendations from the bipartisan Iraq Study Group. This report should serve as a wake-up call that the status quo is simply not working, and that both Democrats and Republicans are now coming to the conclusion that we must take our troops out of Iraq.

The President's strategy of stay the course is not working. In fact, things in Iraq are dramatically worse today than they were 1 year ago. Consider that last year the people of Iraq were experiencing an average of 200 attacks per week. Today those attacks have doubled to more than 400 every week.

Imagine that, Mr. Speaker, living in a country or trying to stabilize a country where 400 attacks are taking place on a weekly basis. The situation is not getting any easier for American troops either. This October was the deadliest month for U.S. troops in more than 2 years, and the war is increasingly a war fought exclusively by American troops. To date 12 countries have pulled their troops out, and six more countries are planning to withdraw in the coming months.

Now, what are our brave men and women accomplishing today in Iraq? They are essentially serving as referees in a civil war between Shia and Sunni militias.

Mr. Speaker, we are also spending billions of dollars in Iraq, money that could be better served on domestic priorities here in the United States or in combating terrorists who are making a comeback in Afghanistan.

Today we are spending $8 billion a month in Iraq, and we are not seeing any change on the ground.

Mr. Speaker, the American people voiced their frustration with the problems in Iraq and demanded with their votes a change of course on election day this year. But instead of listening to the people, instead of listening to Democrats, instead of listening to countless foreign policy experts who have demanded a change of course, President Bush has stubbornly stayed the same course.

He said there will be no graceful exit from Iraq, and that American troops will still be in Iraq when he leaves office in 2 years. This is President Bush's war. He initiated it, and it is now his responsibility to get us out.

Mr. Speaker, we must eliminate the open-ended commitment to keep troops in Iraq indefinitely. The Iraqi Prime Minister stated that his army has reached, and I quote, a good level of competency and efficiency, and that they could be ready to take on the task of securing Iraq by June of next year. We should force the Iraqi security forces to play an increased role in securing their own country. The Pentagon must also redouble its efforts to effectively train the Iraqi security forces.

This past weekend, Mr. Speaker, a classified memo penned by Secretary of Defense Donald Rumsfeld suggested that our course of action in Iraq is not working and the President should reconsider redeploying troops. Now, as Democrats, for months we have proposed this solution of redeploying troops out of Iraq, and the only thing that has happened is that we have been vilified by the President and many of our Republican colleagues in Congress.

I want to say, Mr. Speaker, that I support House Joint Resolution 73 introduced by Congressman JACK MURTHA of Pennsylvania last November 17 in 2005.

I don't want to go through that whole resolution, but I would like to make reference to the last whereas clause and the resolve clause, and it says, Whereas Congress finds it evident that continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq or the Persian Gulf region. Now, therefore be it resolved that the deployment of the United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date. That is what I believe in. That is what I would like to see us pass here.

Today I think, Mr. Speaker, it is very important to mention and to note that the Iraq Study Group, a bipartisan group, Democrats and Republicans, sent President Bush a strong message, and that is that the President's state of denial about the Iraq war cannot continue. The time has simply come to bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. HEFLEY) is recognized for 5 minutes.

(Mr. HEFLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GOODBYE TO FRIENDS

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. Mr. Speaker, at the end of every election cycle, we say goodbye to a lot of our friends and hello to new Members of the Congress. Tonight, since we are right near the end of our session, our special session, I thought I would take just a moment to say goodbye to some of my friends, whom I am not going to see again, unless they invite me to their House for a steak dinner when I get in their region.

A lot of the Members of the Republican Study Committee, which SAM JOHNSON, JOHN DOOLITTLE and ERNIE ISTOOK and I founded about 10 years ago, were defeated in this elect. We have some new Members, but a lot of them were defeated. I want to say to them you have done a great job for your country and all of you we are going to miss. I can't name all of you, but you know who you are.

I also want to say a fond farewell to some of my colleagues from Indiana who I think fought the good fight and I think did a good job for our Hoosier State, but won't be with us again. MIKE SODREL, who has a great southern Indiana accent, I loved to rib him when he was on the radio. MIKE, we are going to miss you. He was very active on Agriculture Committee, the Science Committee, Small Business and Transportation. I don't know how he did all of that. That must be one of the reasons he wasn't able to win the reelection. He probably worked too hard up here.

Then, of course, CHRIS CHOCOLA, who was on the Budget and also Ways and Means. CHRIS was also from the northern part of Indiana. He did a great job for our State. We will miss CHRIS as well.

JOHN HOSTETLER, who came from what we call the bloody Eighth of Indiana. He carried the Republican mantle of leadership in that district for a very, very long time. He did a great job, but unfortunately this time the bloody Eighth got to him. JOHN, we are going to miss you as well.

ERNIE ISTOOK, who as I said before was one of the founders of the Republican Study Group, we called it CAT, Conservative Action Team. ERNIE ran for Governor and got hit with the tide. So, ERNIE, he didn't make the governorship. We are going to lose him as a Member of Congress. ERNIE, we are going to miss you as well. You did a great job with the Republican Study Committee.

Then I want to say goodbye to some of my buddies from the 98th Congress. There is only one of us left, the last man standing, SHERRY. There were 24 of us that were elected back in 1982 and 1983. SHERRY BOEHLERT, NANCY JOHNSON and MIKE BILIRAKIS were the last four. JOHN MCCAIN was the other four, but he went over to that other body where the air is a little bit rarefied. JOHN and I will be the only two left.

But SHERRY, we are going miss you. I know you are going to go home and really enjoy being with your wife and family and not having to run every time you hear a bell ring. You will probably hear the phone ring and go nuts.

NANCY JOHNSON, you have been a great friend. I will certainly miss you as well.

MIKE BILIRAKIS, fortunately MIKE's son has joined us from his district. We are going to miss MIKE as well. I had some great debates with MIKE about Cyprus. MIKE, I am going to miss you on those debates. Maybe your son will

take up the mantle, and we will have those debates just like you and I have.

Anyhow, goodbye to my old friends, the Republican Study Committee members. We will miss you. Hopefully you will come back and see us when you get a chance. As I said before, if I get in your neck of the woods, especially you, SHERRY, I will stop by for dinner.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and include extraneous material on the subject of my special order today.

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

There was no objection.

GOODBYE TO COLLEAGUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, my colleagues, I just would like to begin, I guess, where DAN BURTON has left off in saying so long to so many Members of Congress that we have worked with. Because there are so few people here, I think it is an indication of how we have legislated in terms of waiting so late and Members having to leave, but I guess the most important thing that I wanted to say is that this legislative body has been very good to me, and I have been here for well over three decades.

Not only did I have, do I have, an opportunity to serve my district and my country in this Congress, but it allowed me to meet and work with some of the most exciting, intelligent and interesting people that I never would have met had I not had the great honor of serving here.

This has been especially true in the last decade where friendships have been very difficult to maintain, one, because of the legislative schedules that have been so different with the small amount of time that we spent here; two, because we don't travel abroad as a Congressional team; but, lastly, and I guess the thing that hurts the most, is that the group became not just friends, what committee, what part of the country you came from, but it was whether you were Republican or Democrat, and that made the difference.

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I do hope that the new Congress will have just as much partisanship as relates to the issues that they believe in, but that we will have the Congress that I came to enjoy; that the partisanship would include friendship and would allow people to differ in the ideologies and their political beliefs, but at the end of the day we can say that we still were able to be friends. I really think that we all have to agree that in part, and perhaps a large part, the American people said that in the last election.

I say that because tonight the epitome of how that works is with my friend of long years, Congressman SHERRY BOEHLERT, a gentleman, a scholar, an American, a Member of Congress; a person who loves his district, his constituents, but loves Congress and his country; a person that stood up to Republicans and Democrats for what he believed in; a person who soared in popularity among those people that were concerned with our country, with our environment; and a person that, no matter how strongly he believed or other people disagreed with him, never lost a friend in that process.

We will miss SHERWOOD. He has fought the good fight. He set an example for all of us. But I think that the best tribute that we can pay to him is that maybe all of us, Republicans and Democrats, would try to find out, how did he do this? How was he able to maintain his convictions, keep his head high, be eloquent in the debate, disagree with so many people, Democrats and even those within his party, and, at the end of the day, everyone is able to say what a true gentleman SHERWOOD BOEHLERT is, what a great gentleman he is, and, I am pleased to say, what a great friend he has been.

So I know that because of the depth of his commitment, that he could never walk away from us in terms of commitment. And so as he follows through in an extension of his life and terminates that legislative part, I just want you to know that the entire delegation felt a sense of friendship for him. We will miss him, and we in the New York delegation, and I hope the Congress, will try desperately hard when we are tempted to do what we think our party label would want us to do, that we can remember that some have come here as friends; they can do their job, they can work hard, they can disagree, and, God willing, we can leave as friends.

Mr. Speaker, my failing eyes allowed me not to see my buddy on the floor when I started this talk, and I just want to say personally, SHERWOOD, you have been a model for me, a model for the New York delegation, and if people had known our delegation, as diverse as it is, perhaps they could go to their delegation and be able to say that, hell, anybody, if we try hard, can be like SHERWOOD BOEHLERT.

We will miss you, but I am so glad that I am in the same State, and I know I will be seeing more of you.

Mr. Speaker, I would like to submit Mr. BOEHLERT's biography for the RECORD.

BIOGRAPHY OF REPRESENTATIVE SHERWOOD BOEHLERT

Utica native Sherwood Boehlert (R–New Hartford), Chairman of the House Science Committee, was first elected to the House of Representatives in November 1982. He is currently serving in his 12th consecutive term representing Upstate New York.

Boehlert has served on the Science Committee since 1983, and was elected Chairman in January 2001. The Committee has jurisdiction over all federal, nonmilitary scientific and technology research and development programs, on which the federal government spends more than $30 billion a year. The Committee has jurisdiction over NASA, the National Science Foundation, and research and development initiatives within the Environmental Protection Agency, the Department of Energy, and the Department of Commerce. In addition, the Committee has jurisdiction over civil aviation research and development and marine research.

Boehlert is a senior member of the House Transportation and Infrastructure Committee, serving as Chairman of its subcommittee on Water Resources and Environment from 1995 to 2000. He remains an active member of that Subcommittee.

Boehlert was a founding member of the House Homeland Security Committee, by appointment of Speaker J. Dennis Hastert. Boehlert was also an eight year member of the House Permanent Select Committee on Intelligence (term limited).

Born on September 28, 1936 in Utica, New York, Boehlert is a graduate of Whitesboro Central High School and Utica College Bachelor of Science, 1961). Before serving as Oneida County Executive (1979–83), he was manager of public relations at Wyandotte Chemical (1961–83), he was manager of public relations at Wyandotte Chemical (1961–64) and served two years in the U.S. Army (1956–58).

Boehlert served as chief of staff for two area Congressmen, Alexander Pirnie (1964–72) and Donald Mitchell (1973–79), where he became intimately familiar with the people, places and issues of Upstate New York.

An avid New York Yankees fan and movie buff, Boehlert and his wife, Marianne (Willey) Boehlert, make their home in New Hartford, New York. They have four grown children and five grandchildren. When Congress is not in session, he returns to Central New York each weekend to stay in touch with the people who elected him to represent them in Washington.

The 24th Congressional District includes all or parts of Broome, Cayuga, Chenango, Cortland, Herkimer, Oneida, Ontario, Otsego, Tioga, Tompkins, and Seneca counties.

Mr. REYNOLDS. Mr. Speaker, the upstate city of Utica, New York, calls itself the "City of Possibilities;" and I rise today to pay tribute to one of its sons, who saw his service in government not only as that of great possibilities, but of responsibility and achievement.

My friend, my colleague, SHERWOOD "SHERRY" BOEHLERT will retire at the end of this Congress after 12 terms of proud service to his community, his state and our nation.

Whether it was as a Congressional staff member, U.S. Army veteran, Oneida County Executive, or Member of Congress, SHERRY BOEHLERT saw government as a proud and noble profession, serving others to achieve for them a better quality of life.

His service on the House Science Committee, which began in 1983 and culminated with his election as chairman in 2001, earned SHERRY high marks for his intellect and independence, his ability and his vision.

As a fellow New Yorker, I have been honored to be SHERRY'S friend and colleague for so many years.

I know how committed he has been to the responsibilities of his office and those he serves, and the tremendous devotion he feels to this institution.

Second only to this House is SHERRY's devotion to another great institution, the New York Yankees.

And it was the Yankee Clipper himself, Joe DiMaggio, who once said ''there is always some kid who may be seeing me for the first time. I owe him my best.''

Mr. Speaker, for more than two decades, SHERRY BOEHLERT has always given us his best.

So I ask that this Body join me in thanking Representative SHERRY BOEHLERT for his service, and that you join me in wishing him, his wife Marianne, and their family our sincerest best wishes for great health and happiness in the year's ahead.

Mr. MARKEY. Mr. Speaker, SHERRY BOEHLERT was my good friend. He was a wonderful chairman and a great environmental champion. SHERRY was a consistent bulwark in the Republican Party against drilling in the Arctic National Wildlife Refuge in Alaska and his outstanding leadership is one of the main reasons why the Refuge remains a pristine wilderness today. In defending this magnificent wilderness, he more than filled the shoes of a Republican General—President Dwight David Eisenhower—who had the foresight to protect the refuge for its unique environmental values and the backbone to resist a storm of pressure to let the drillers destroy this untrammeled corner of America forever. SHERRY was also the leading Republican voice for higher fuel economy standards for our nation's cars, trucks and SUVs. In doing so, he stood tall for our soldiers who fight on the oil fields of the Middle East and for the children of our children who are facing a climate change catastrophe that we are only beginning to fathom. I was fortunate enough to have had the opportunity to work with him often in these fights and his leadership and passion were an inspiration to me and to everyone who knew him.

Mr. EHLERS. Mr. Speaker, I rise to pay tribute to my good friend and colleague, SHERRY BOEHLERT.

It has been my honor to serve on the Science Committee with SHERRY for more than a decade. As the Committee Chairman, his inspired leadership earned the respect of his colleagues on both sides of the aisle. SHERRY's thoughtful approach to policy and commitment to pragmatic, non-partisan solutions to our nation's problems have led to policies that are both sensible and effective. Under his leadership, the Committee has elevated the importance of the federal science and technology portfolio, promoted sound environmental and energy policies, and strengthened math and science education. He also reinforced the scientific expertise of the Committee by adding a number of seasoned scientists to its staff.

SHERRY's unflagging optimism allowed him to plow through adversity and what most of us would consider insurmountable challenges. Through even the most discouraging times, his generosity of spirit and his endless good humor has been contagious to his colleagues—even when they don't share his point of view. I am certain that his endless enthusiasm and constant optimism will be remembered by all who have worked with SHERRY. He has served the public in a manner that is rarely seen today: thoughtfully, carefully, and with great humility. In all, SHERRY will leave this Congress considerably better than he found it, and he will be sorely missed.

It lessens the blow slightly to know that SHERRY will not be going too far away. He will be continuing his service to his fellow citizens in Washington at the Wilson Center on a scholarly appointment. Undoubtedly, science policy will continue to feel the influence of his thoughtful and dynamic approach to problem-solving.

Mrs. MALONEY. Mr. Speaker, the New York delegation is a strong and unified delegation. At the end of the 109th Congress, four of our colleagues and friends will be exiting Congress. Tonight, we honor them.

SHERWOOD BOEHLERT

I first commend my dear friend and colleague SHERRY BOEHLERT on his service to the people of New York and the people of this country. He has developed the reputation as one of the most well-respected Members of this body, and it is well-deserved. Since he came to Washington in 1983, SHERRY has helped make good policy for our nation, and he has made countless friends along the way.

From the minute I set foot in the halls of Congress, it became clear to me that SHERRY was a colleague to whom I could look for honest opinions, respectful dialog and sound advice. It never mattered that he was on the other side of the aisle.

SHERRY's legislative skill is reflected in his record, which includes a rise through the ranks of the Science Committee to the Chairmanship in 2001. On that committee as well as the Transportation and Infrastructure Committee, he has a long list of accomplishments. Clearly, anyone who says ''Nice guys finish last'' never met SHERRY BOEHLERT.

I am glad that I have had the honor to serve with SHERRY and to be able to call him my friend. I wish my colleague a long, happy and healthy life away from the Congress, and I thank him for his friendship.

SUE KELLY

I want to speak about my friend and colleague SUE KELLY, who has worked with me for many years in the Financial Services Committee, the Women's Caucus, and the Terrorist Financing Task Force, among other things.

Congresswoman KELLY has worked hard for New York. One of the issues on which she has been a strong voice is the renewal of TRIA. I know she shares my view that TRIA is essential for New York's economy and growth and she has advocated vigorously for its renewal.

Like the rest of us who lived through 9/11 in New York she understands the need to provide continuing support as the city continues to recover, and to provide economic security against the possibility of future terrorism.

She has also worked hard for women. As a member of the Women's Caucus she and I have worked together to advance the rights of women in many areas, and I consider this a very important part of her service.

Perhaps my favorite memory of something that SUE and I did together was our visit to Qatar in 1999 to observe and celebrate its first democratic elections, and the first time that women of any of the countries in the Gulf Cooperation Council had the right to vote and run for office.

Allowing women to vote and giving them the opportunity to run for office was a major step forward in the democratic transformation of Qatar and I know we both felt that it was a truly momentous occasion.

I thank Congresswoman KELLY for her service to New York and for her support for these issues that are dear to me as well.

MAJOR OWENS

I would like to wish a very fond farewell to my good friend and colleague MAJOR OWENS. The residents of our city, our state and our nation are better off for his service, and on a personal level, I am better off for his friendship.

MAJOR has done a tremendous job for the working men and women of this country, most recently serving as ranking member of the Subcommittee for Workforce Protections and helping lead on such important issues as raising the minimum wage and protecting OSHA. His work on civil rights has been vital, and his work on behalf of New Yorkers has been tireless. We have worked closely together to ensure that the recovery from 9/11 is followed through, and he has shown himself to be an insightful and hard working legislator.

I will certainly miss my colleague from Brooklyn. We have served together for my entire time in Congress, and I cannot imagine this place without him. I wish MAJOR nothing but the best, I thank him for his dedicated work for the people of New York, and I will always treasure our friendship.

JOHN SWEENEY

I honor my colleague and fellow New Yorker JOHN SWEENEY for his service. Together, we have collaborated on a number of issues vital to our state, including the recovery from 9/11 to the fight for fairer homeland security funding for high-threat areas.

JOHN has always been an impassioned advocate for his beliefs, and I have very much enjoyed and appreciated our work together.

I wish JOHN nothing but the best, and I am proud to have served with him and to call him my friend.

Mr. CROWLEY. Mr. Speaker, I rise today to respectfully acknowledge and pay tribute to the distinguished careers of the four retiring Members of the New York delegation, SHERWOOD BOEHLERT, MAJOR OWENS, JOHN SWEENEY, and SUE KELLY.

Representative BOEHLERT has served the people of his upstate New York district with pride for 12 consecutive terms and leaves us now as the Republican dean of our delegation. His tenure in the House will be reflected upon with admiration and he will be remembered in particular for his successful efforts at bipartisan compromise. Reaching across the aisle numerous times, SHERRY has delivered results which have benefited not only the people of his native New York but which have also enhanced the welfare of the entire nation. As long-time Chair of the House Science Committee, he has worked on a number of issues ranging from fuel efficiency and researching environmentally-friendly energies to improving the quality of math and science education programs for our nation's youth.

Congressman OWENS leaves behind a distinguished record as a legislator who has devoted special attention to labor and education. His commitment to social issues as a member of the Congressional Progressive Caucus has also led to a number of far-reaching improvements for the American people. Since his election in 1982, MAJOR has fought for school modernization and, most recently, has been

an advocate for increased No Child Left Behind funding. Additionally, he has promoted initiatives to increase the minimum wage and create a system of universal health care.

Congressman SWEENEY is someone whom I had the fortune to know in Albany and deserves recognition for his tireless service to the citizens of New York State. His accomplishments are felt from his northern upstate district down to the five boroughs of New York City. As Vice-Chairman of the Transportation, Treasury, and HUD Appropriations Subcommittee, JOHN has always been a reliable source of support for the state's small business owners and has championed projects facilitating growth and job development. As a Member representing Queens and the Bronx, I am also personally indebted to JOHN for his successful fight to secure over $21 billion in recovery aid for the people of New York City in the aftermath of the September 11 terrorist attacks on our city.

I also wish to highlight the achievements of Representative KELLY, and in particular, her work as a colleague of mine on the House Financial Services Committee. She has made large contributions to significant pieces of legislation such as the Sarbanes-Oxley bill that ensures greater corporate accountability and has led the battle to enforce corporate diligence by heading initial hearings into fraud cases involving Enron and WorldCom. Mrs. KELLY also merits appreciation for her efforts to achieve justice for Holocaust survivors by leading hearings regarding WWII restitution. I wish Representative KELLY well in future endeavors.

Mr. Speaker, I thank these Members for their distinguished service to this Congress and I wish them the sincerest of luck on their upcoming projects. New York State and this Congress are richer as a result of their contributions.

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentlewoman from Texas (Ms. SEKULA GIBBS) is recognized for 5 minutes.

(Ms. SEKULA GIBBS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO REPRESENTATIVE SHERWOOD BOEHLERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. CASTLE) is recognized for 5 minutes.

Mr. CASTLE. Mr. Speaker, I also want to rise to extol the virtues of SHERRY BOEHLERT. I worked very hard on trying to write something out here. It took me a while to get this together. I am not quite as glib as the distinguished other gentleman from New York who spoke earlier, and I had to think long and hard about really good things to say about SHERRY as well. But I would just like to start by saying a few things.

One, he is I think the most affable person in the House of Representatives. There are a lot of us here, but he always did things with goodwill, with a good sense of humor. I am not remotely surprised that he didn't make enemies when he spoke or he took opposite positions, because he didn't do that with a vindictiveness, and he usually did it with facts behind what he was saying. So for that he deserves tremendous credit.

He has been an incredible advocate for centrist Republican positions. He and I have worked together on a variety of those issues, going to the highest levels in this House, sometimes to extend funding in certain circumstances, other times to fight legislation which was coming forward, and for that I will be eternally grateful.

He also is an environmentalist extraordinaire. He probably excels in that field as much as anybody in the House of Representatives, Republican or Democrat. He is knowledgeable. He had tremendous staff support. He carried out his convictions on the floor. He articulated the issues well.

I don't know of a single issue involving the environment in which probably 25 or 30 of us did not go to SHERRY and say exactly what do you think about this, and usually we voted the way he was thinking because of his extraordinary knowledge.

Now, I am saying nice things about him, but I should point out some downside. He is a Yankee fan. I don't know how that happens. I think people become Yankee fans because they are winners, and that is the reason he is a Yankee fan instead of a Mets fan or something of that nature. But he is there, and we will have to forgive him that.

He comes from a region of New York State, up around Utica. He lives in New Hartford, New York, which happens to be an area in which I spent 4 years going to Hamilton College. He and I graduated in the same year from different colleges; he, from Utica College, which we realized soon when we came down here together on the floor of the House of Representatives. But he has been my agent, telling me about Hamilton College all these years, and I appreciate that a great deal.

He also dedicated a science building there, as the head of the Science Committee recently, to great acclaim by the people at Hamilton and has a warm spot in his heart for that.

Moves significantly. He has a good part of his family, of his children, have now moved to Rehobeth Beach, Delaware, and he and Marianne are hopefully going to spend more time in the southern part of Delaware, which I consider to be very important. It is a beautiful spot. Everybody here should consider that, as a matter of fact, as part of their future. I hope that SHERRY will come there often and spend time there and we can enjoy his company at that spot.

I can't tell you how fair he has been. If you go to SHERRY with something, he will describe it to you, go back and forth, and, if he is with you, he is going to be on your side and he is the single greatest advocate you can possibly have.

There are many, many other things he has achieved, particularly as head of the Science Committee, dealing with the American Competitiveness Initiative, which he was slightly ahead of the President in terms of that area. In nanotechnology, he was a force in making sure that we have proper regulation in that area. The same thing is true of cybersecurity. He has been concerned about NASA all these years.

He has just done a wonderful job of representing the mid-part of New York State, an exceptional job over all of these years he has been in the Congress of the United States.

But I think far beyond that, for those of us who had a chance to know SHERRY and to work with him, to know his family, to know Marianne, to know what they stand for and how they are, he has the warmest embrace he could possibly have from all of us. He is an exceptional human being. And I am sure, since he is in good health and that he will be in Washington from time to time, that we will hear from him on a variety of issues. And I look forward to that moment, being able to hear from SHERRY as to what he is thinking, as to what is going on, keeping us informed on the outside and keeping us informed on the inside as to what we should be doing in minding our P's and Q's.

To a wonderful Member of the Congress of the United States, to a wonderful individual in the United States, I pay all the acclaim possible to my good friend SHERRY BOEHLERT.

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 New York (Mr. KUHL) is recognized for 5 minutes.

(Mr. KUHL of New York addressed the House. His remarks will appear hereafter in the Extensiolns of Remarks.)

TRIBUTE TO DEPARTING FLORIDA MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I rise this evening to pay tribute to four of our Florida colleagues who will depart at the end of this 109th Congress.

CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS have all served our great state and our great Nation with passion and with pride. They have all left their own individual mark on this House as an institution, and I know they will be missed by all of our colleagues.

MIKE BILIRAKIS was my immediate neighbor as he represents the Ninth Congressional District of Florida just to my north. There is no member more beloved by his constituents than MIKE BILIRAKIS as they respect him as a man of character and integrity.

MIKE was not a member who scheduled press conferences or spoke often on the House floor. He did his work behind the scenes and was tenacious when seeing matters through to their conclusion. You only need to look at his efforts to provide concurrent receipt payments for our Nation's veterans who retired from military service with a disability. After more than a decade, his legislation was signed into law to solve this terrible inequity for so many veterans. Likewise, he fought tirelessly for veterans with spinal cord injuries to expand the spinal cord treatment unit at the Haley VA Hospital.

This is how he worked on the many other issues that were of special interest to him including health care, Medicare, seniors issues, or medical research. He took his work as Chairman of the Veterans Affairs Subcommittee on Oversight and Investigations and the Energy and Commerce Subcommittee on Health seriously and spent considerable time on the many legislative matters that fell within their jurisdiction.

Mr. Speaker, MIKE BILIRAKIS is a patriot and statesman and we will miss the quiet grace with which he and his wife Evelyn served the people of Florida. For me, I will especially miss him as a friend and confidant. They are a special couple who I wish all the best in their retirement years. And I know it is with great pride that they will watch as their son Gus is sworn-in next month to establish a new legacy of service in this House.

Mr. Speaker, I also rise to pay tribute to CLAY SHAW, the Chairman of our Florida delegation. He has done outstanding work over the past few years in keeping the 25 members of our delegation communicating and focusing on the needs of our large and growing state.

CLAY also has a distinguished record of legislative success in this House. He chaired three Subcommittees of the Ways and Means Committee, leaving behind an indelible stamp of success in many divergent areas. It was under his chairmanship that we passed and enacted sweeping welfare reform. He was a voice of reason as chairman of the Social Security Subcommittee as the Congress and our Nation has wrestled with the best approach to sure up the financial integrity of the Social Security Trust Funds. And in his latest assignment, he has advanced the issues of global trade and competitiveness as chairman of the Trade Subcommittee.

He has also been an unquestioned champion for our environment as he has been a leader in the restoration of the Everglades, the renourishment of Florida's beautiful beaches, and in fighting to prevent drilling for oil off Florida's coastline.

Mr. Speaker, in addition to his legislative successes, CLAY is also a personal inspiration as he and Emilie have worked together to represent our Nation, our state, and the 22nd district of Florida with great energy and integrity. Even two battles with lung cancer never slowed CLAY's drive to serve in this House as he never missed a step.

Our colleagues from Florida, those who served with him on the Ways and Means Committee, and all those who have come to know him over the past 26 years will miss CLAY and his easygoing yet thoughtful manner.

Mr. Speaker, KATHERINE HARRIS is one of our delegation's most junior members but quickly established herself as one of the hardest working members of this House. She has devoted her career to public service, having been elected to serve Florida as a State Senator, Secretary of State, and member of the House for the past four years representing the people of the 13th Congressional District.

Among her many legislative accomplishments in that short period of time were bills to create more affordable housing opportunities, to provide funding for a veterans cemetery in Sarasota, to restore equity in disability payments for veterans, and to spur free trade. Mr. Speaker, I want to thank KATHERINE for her service here and to wish her all the best in her future endeavors.

Finally, Mr. Speaker, I want to pay tribute to JIM DAVIS, my colleague from the 11th District of Florida whom I share the City of St. Petersburg with and who has proudly represented the people of the Tampa Bay area for 10 years.

From his first days in office, JIM has always kept his focus on fiscal responsibility through his work on the Budget Committee. He also established himself as a leader on education issues, particularly in the recruitment in response to severe shortages in Florida and throughout the Nation.

As much as I will remember JIM for his legislative work, I will always remember the care with which he balanced his work here with his passion to spend time with his wife Peggy and their sons Peter and William. JIM found a way to manage the hectic schedule of the House with the need to be with his young sons as they have grown during his five terms here.

Mr. Speaker, the Florida Congressional Delegation has always worked well together in the best interests of the people of Florida. We may have had differences of opinion on national legislation, but we put those differences aside to work on Florida issues. With the departure of CLAY SHAW, MIKE BILIRAKIS, KATHERINE HARRIS, and JIM DAVIS, we lose four Members who have devoted themselves to this House and to our State. We will miss their service and their friendship but we will continue to carry on their commitment to serve with honor and distinction. In closing, I join with all my colleagues who will follow me this evening in wishing each of these Members the very best as they leave the people's House.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

(Mr. UDALL of New Mexico addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN APPRECIATION OF DEPARTING FLORIDA MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today to express my appreciation for departing members of the Florida Congressional Delegation.

I am especially saddened that I will not see CLAY SHAW walking these halls or voting on this esteemed Floor next year. He is a class act, a true public servant who always demonstrated grace and decency. He has been a great mentor to me, and I can only hope that I can serve in Congress with the same honor CLAY SHAW did for 26 years. I know he will now have more time for his wonderful wife and his lovely family, but I also know that I will miss him dearly.

MIKE BILIRAKIS has earned his retirement from public service and I wish him well. Proverbs states that "A wise son maketh a glad father," and MIKE BILIRAKIS should be a very glad dad. I had the great pleasure of serving with his son Gus in the Florida State Legislature, and I look forward to working with him again in the 110th Congress.

No one can doubt that KATHERINE HARRIS loves Florida. Her family roots run deep in the Sunshine State, and no one is more proud of our great State than her. I am honored to have served with her both in the Florida Statehouse and in this distinguished Chamber. I wish her all the best.

FAREWELL TO FELLOW FLORIDA MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I join my esteemed colleagues this evening in paying tribute to the Members of the Florida Congressional Delegation who will be departing this body at the end of this week—Representatives CLAY SHAW, MIKE BILIRAKIS, JIM DAVIS, and KATHERINE HARRIS.

It has been an honor and a privilege to work with such fine Americans throughout my tenure in Congress.

Therefore, it is with great sadness that I begin by paying homage to one of our greatest leaders in Congress, CLAY SHAW.

During his 25 years as a Member of Congress, CLAY has demonstrated outstanding service, dedication, hard work, devotion, and love for the American people and our wonderful State of Florida.

As dean of the Florida delegation, CLAY has been a confidant and trusted advisor to many of us.

From offshore drilling, to insurance regulation, to hurricane relief, CLAY has led the Delegation to ensure that we work together on the issues important to Floridians.

Our delegation will never be the same without CLAY at the helm.

We can only hope that our next leader will be of the same caliber and possess equal skills and resourcefulness.

It has been a true pleasure to serve with CLAY, and I know that the legacy of his contributions to this distinguished body will serve as an example for Members both present and future.

I would also like to take this opportunity to thank my dear friend and colleague MICHAEL BILIRAKIS for his 24 years of service to our Nation.

During his time in Congress, MIKE has been a terrific spokesperson for his constituents, and they should be proud that he has served them with honor and distinction.

I have been fortunate to work with MIKE on many different topics affecting our communities locally and abroad.

Together we formed the Congressional Hellenic Caucus, a forum to promote the domestic interests of the Greek-American and Hellenic communities, and we have tackled issues of importance to the Hellenic community such as the just reunification of Cyprus and the appropriate name for the Former Yugoslav Republic of Macedonia.

I am privileged to call MIKE my friend, and I look forward to our continued friendship for many years to come.

I also look forward to working with his son Gus in continuing all the good work MIKE has done for Florida.

I would also like to recognize the Representative from Tampa, Florida, JIM DAVIS.

Upon arriving to Congress in 1996, JIM was elected as President of the incoming freshman class by his Democrat colleagues, an early indication of his keen leadership abilities.

While we have differed on issues, we have been able to come together and work for the good of Florida and our constituents.

JIM has served this body for over a decade, and his colleagues from both sides of the aisle will miss him.

Lastly, KATHERINE HARRIS has been integral part of the Florida delegation and her presence will be sorely missed.

In her time here, KATHERINE has made a tremendous impression on all those she came in contact with.

Not only will her constituents miss KATHERINE, but she will be missed by her colleagues for the central role she had on all her committees, especially the International Relations Committee, where I was fortunate to have her as an ally on Middle East issues.

I also had the opportunity to travel to Iraq with KATHERINE, and meet with Iraqi officials, women Iraqi leaders, and our brave troops.

Her incredible optimism and keen understanding will be deeply missed by our close-knit Florida family.

In closing, I would like to offer my warmest wishes to CLAY, MIKE, JIM, and KATHERINE for their dedicated service to our country.

Whatever your next vocation may be, I am certain that you will all continue to serve the citizens of Florida and our great Nation with dignity and I look forward to working with you all again.

TRIBUTE TO VARIOUS MEMBERS OF THE NEW YORK CONGRESSIONAL DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to a number of New Yorkers who have served so well in this Congress, some of whom are retiring, some of whom were defeated in the last election, all of whom have served our State ably. I regret, unfortunately, that some members of our very own delegation worked for the defeat of some of these, and unfortunately that does affect the comity and collegiality of our delegation, but we have to resolve that in the coming days.

But I would like to talk about my travel partner, SHERRY BOEHLERT, a man whom I have had the pleasure of getting to know over the last 18 years in my service here. He is a great guy. He is loved in his home. He is loved in Washington by all, as you have heard tonight, people on both sides of the aisle. He is a great baseball fan, a Yankee fan. People love the Yankees because they are the Yankees. They are New York. They are our brand name.

He has served as a congressional staffer for 20 years. He served for former Congressman Alexander Pirnie. So he started at the bottom and worked his way to the very top.

He is possibly the biggest baseball fan in the Congress. He is known as a centrist, a moderate.

He served on the Science Committee since 1983 and became its chairman in 2001. In that capacity, he has been the leading Republican environmentalist in the House, a remarkable title and one that certainly is fitting.

He is recognized as a champion of Federal investment in science and technology. He authored amendments to the Clean Air Act that have changed the way we breathe in this country. He authored the conservation title in 1996 on the farm bill, which changes the way we drink our water. So many things, so many contributions to our community.

Perhaps the greatest contribution that someone in the Boehlert family made was his wife, Marianne, for the time that she spent away from him while he did his job here. We are deeply grateful to Marianne for that. I know SHERRY looks forward to his move to MIKE CASTLE's district and working in the Woodrow Wilson International Center, and he will serve us well there and his country.

I would also like to pay tribute to my colleague and friend, SUE KELLY. SUE was elected in 1994 and is finishing her sixth term in the Congress. She represents the West Point District of New York. Prior to coming to Congress, she had a professional career that ranged from teacher, to small business owner, patient advocate, rape counselor, PTA president and biomedical researcher. What a resume.

She was appointed chairman of the House Financial Services Oversight Investigations Subcommittee, was a co-author of Sarbanes-Oxley, and made her subcommittee a leading force in Congress to improve the Federal Government's ability to track and disrupt terrorist financing. She also served on the bipartisan Congressional Anti-Terrorist Financing Task Force.

SUE has also been a great advocate for the Hudson River and worked hard to enact the Hudson River Habitat Restoration Act. She is also a chief sponsor of the Women's Health and Cancer Rights Act, enacted in 1998.

She is a good friend, we will miss her, but I know she will continue to serve her country and her community.

My good friend and colleague, JOHN SWEENEY, also a member of the Appropriations Committee, represents New York's 20th Congressional District in Clifton Park, New York. JOHN served as executive director and chief counsel for the New York State Republican Party. JOHN served 2 more years as the New York State commissioner of labor under Governor Pataki.

He is a fellow appropriator and serves as vice chairman of the Transportation-Treasury Subcommittee and HUD Appropriations Subcommittee for Homeland Security and Foreign Operations. He is a dedicated, hardworking public official. His dedication to New York is unchallenged.

He worked very hard to restore the Albany International Airport and the Capital Region, which is a booming airport today. He helped ensure that I–87 was designated a high-priority corridor to receive Federal highway resources, and he led the charge to ban dangerous steroid drugs in professional sports and throughout our society.

Significantly, JOHN played an important role in the $21 billion appropriation for New York City after September 11.

Lastly, my colleague and longest serving Member to retire is MAJOR OWENS. MAJOR OWENS has served New York in so many ways, representing New York's 11th District in Brooklyn. Before coming here, he served as public library community coordinator, community action executive, New York city commissioner, Columbia University professor, and New York State senator.

What a remarkable public servant he has been. During his tenure in Congress, Congressman OWENS gained notoriety for his role as chairman of the Subcommittee on Select Education and Civil Rights in the 1980s, for his role in the passage of the Americans with Disabilities Act, a strong supporter for the minimum wage, strong support of Davis-Bacon legislation and a strong supporter of workers rights to organize into labor unions.

All of these men and women have given their all for the State of New York. We owe them much. They have asked little other than to serve. They have been given that award by the people of New York. Now they are going on to something else. We wish them all the best, Godspeed, and thank you deeply from the bottom of our hearts.

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REPUBLICAN STUDY COMMITTEE TRIBUTE

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, before he leaves the floor I would echo the sentiment of my gratitude for the friendship, the public service and the example of integrity of the gentleman from

New York, and his leadership and his kindness will be greatly missed here as well as his passion for public service. Mr. BOEHLERT, I congratulate you and thank you.

We gather today in a caucus known as the Republican Study Committee in this leadership hour to do what my colleagues from New York have just completed doing, Mr. Speaker, and that is really taking a moment to both speak of and hear from some of our cherished colleagues who will be moving on to other careers, some voluntarily, some involuntarily, but all of them ending time, short and long, here on Capitol Hill that have been marked by a commitment to principle and a commitment to integrity.

I sometimes will say, Mr. Speaker, that my ambition in Congress is to get out of this place with my family and my reputation for commitment to principle intact, and all of those that we will hear from tonight have accomplished that.

I served as the chair of the Republican Study Committee in this Congress and will be joined this evening with an assist from the newly-elected chairman of the Republican Study Committee, JEB HENSARLING from Texas, who will be helping me introduce and also extol the careers of those individuals who will be leaving the employ of the people of the United States of America at the end of the 109th Congress this week.

I want to begin by introducing for a few remarks the gentleman from Minnesota's 1st Congressional District. GIL GUTKNECHT represents the peak of the baby boom generation in his career in public service. After serving in the Minnesota House of Representatives for 12 years, GIL GUTKNECHT was elected to Congress in 1994, part of a storied class that brought a new majority to Capitol Hill. He has served as the chairman of the House Agriculture Subcommittee on Operations, Oversight, Nutrition and Forestry, but more than that he has earned a reputation nationally as a deficit hawk for his service while on the House Budget Committee.

He has also throughout his career earned many awards as a friend of the farmer, a friend of the taxpayer, and if I may say so, as I yield time to the gentleman from Minnesota, one of simply the most plain spoken, eloquent Members of the House of Representatives.

GIL GUTKNECHT has often said that he believes, ''Words have meaning, ideas matter and actions have consequences,'' and he set an example of that throughout his 12 years here on Capitol Hill. It is with great pleasure that I recognize a colleague and a friend and inspiration for the Republican Study Committee, Minnesota's 1st Congressional, GIL GUTKNECHT.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman from Indiana for having this Special Order.

Woody Allen once observed that he was not afraid of death. He just did not want to be there when it happened, and it was a little like that on Tuesday night about 10 o'clock for some of us. We were there when it happened.

But I did want to reflect, I have been so blessed to serve in this great body for the last 12 years. I wanted to reflect a little bit about what it was like when I first ran for Congress, what it was like during those heady days, some of the highs and lows, some of the accomplishments.

The Congress itself is a living, breathing organism, and every 2 years we have an election, and in some respects every 2 years we have an entirely different Congress. A lot of the faces stay the same, but the dynamic is different. There will be different leaders. There will be different issues, and I was so fortunate and I really do mean blessed that, first of all, I had a chance to serve in the Minnesota State Legislature.

In that capacity, I served as what we would probably call here the whip. I was the floor leader, and every day it was my job to help organize the debate. I made sure that, and the years that I was in the position we were in the minority, but every year, every day I made sure that the other side was held accountable for what they said and what they did and what they proposed and how they voted. I really enjoyed that job. We had real debates in the legislature, unlike the Congress.

But it was really time for me to move on, and so I decided to run for the U.S. House of Representatives in 1994 and I was very fortunate. I picked a good year. The issues favored us. The wind was at our back.

I will never forget. It was kind of a cloudy day, and Members probably remember that as well, but it was a cloudy day when we all gathered here in Washington that fall to sign the Contract with America, and just as we went on the western steps of the U.S. Capitol Building here, just as we walked out there, the clouds parted and the sun came out. It was almost like it was a divine message that the sun was going to shine on the Republican Party that year and it did.

Most of us that day believed we were going to win, and most of us did. I came here with one of the largest freshman classes in the history of Republican Party, and I will never forget, when we came here we were the toast of the town. The Republican freshmen that year, we spent our days at orientation and looking for apartments and doing all the other things that freshmen have to do when they come here, but the evenings we were wined and dined by almost everyone.

I will also never forget one particular story. We were waiting outside the hotel, some of us, and a sweet little lady came by. I guess it is not politically correct to say a sweet little old lady, but she had kind of blue hair, and anyway, she looked at us and sort of gave a double take. Perhaps she recognized Sonny Bono, and she said, You are the Republican freshmen, aren't you? And we said, yes, and we started to introduce ourselves. Then almost with a tear in her eye, she said, you know, I have been waiting 40 years for you because it had been 40 years since the Republicans had been in the majority in this House of Representatives.

In fact, going back just a little bit before that, one of the first trips I made to Washington as a candidate for Congress, I was invited to a leadership meeting. I was star struck. Pretty soon HENRY HYDE came into the meeting room. I sat in the corner, and there was a big pile of the best cookies I had ever since, and they had flasks of coffee, and so I sat in the corner and thought I am just going to watch this like a fly on the wall and drink coffee and eat these cookies. Pretty soon HENRY HYDE comes bouncing in and those who remember HENRY in his earlier days had quite a bounce to his step. I was in awe of HENRY HYDE. I had watched him on C–SPAN. I had heard his speeches. I was a big fan of all that he had done to protect the unborn.

I am sitting in the back of the room and Dick Armey comes in, and pretty soon Newt Gingrich comes in, and I am just sitting there, my eyes are big, and I am watching all this. And then Bill Paxon walked into the room and he spotted me. He said, oh, hey, we have got GIL GUTKNECHT over here, he is going to win that seat back in the 1st Congressional District back in Minnesota; stand up and say a few words, GIL.

I was like a deer in the headlight for longer than I want to admit. Finally, when I gained my senses I said, you know, I was born in 1951, and when I was a child, a very small child, a baby, Republicans were in the majority in this House. I said I believe like Haley's Comet our time is coming again, and you know, I have been to auction college. One of the things they teach you in auction college is to read people's eyes. As I looked around the room at the leaders of the Republican Caucus that day, I could read their eyes. Some of them were saying, yeah, right, kid, but one of them, and I will never forget, Newt Gingrich, his eyes said, yes, we are going to be in the majority. Ultimately, Newt was right.

So we came to Washington. I think about that little lady who had been waiting 40 years for us, and I thought about her often. I hope we have not let her down too much. I think maybe in the last couple of years, maybe we did, but those were heady days, and we made enormous progress.

I remember coming down to the floor of the House with one of my colleagues, Congressman Mark Neumann from Wisconsin's 1st Congressional District, and Mark came to town with charts. He was the first person that I know that actually used charts on the Special Orders. Part of the reason he used charts is there had been a study done at the University of Wisconsin that said you are 40 percent more believable if you

use charts, and so we all started using charts. But it started I think with Mark Neumann.

He had this simple chart about what it was going to take to balance the Federal budget and it was not complicated. You have to slow the rate of the growth of spending, so that the Federal budget does not grow at a faster rate than the average family budget. Now, that is not rocket science, but you know what, we did it and it worked.

I remember in, and Ernie will remember this, too, when we locked horns with former President Clinton, and in December of 1995 we shut the government down. I remember also when it was all over, when we finally, and if I can say this, when Bob Dole capitulated and ended the government shutdown, I remember what Newt said to me. He said, you know, it was a dumb fight dumbly fought, and I think a lot of people thought that, but it was an important turning point because we sent a message not only to the President and the administration but to the American people that we were deadly serious about controlling Federal spending, the growth in Federal spending and, more importantly, allowing Americans to keep more of what they earned.

We did a lot of important things. It was not just about the Contract with America. We marched through those in the first 100 days, and I remember something that HENRY HYDE said when it was all over. He said, you know, it was not a 100 days that was so tough, it was the hundred nights.

We literally were in session almost from Monday morning early, working most evenings till 8, 9, 10, 11 o'clock at night, but it was a wonderful time. We reformed the welfare system. We cut the welfare rolls in half, and we reinforced those time-tested values that I think have made America the special place that it is.

So I was so privileged to have been here as part of that, and we did make some enormous progress on so many fronts, and we literally went from a $250 billion deficit, and deficits for as far as the eye could see, to something people had even forgotten and that is by September 11, 2001, when we had a Budget Committee meeting that morning on September 11, 2001, the issue we were talking about was what are we going to do with this big surplus. We were looking at surpluses of trillions of dollars.

So it has been a very special time to be here. I really do think we lost our way a bit once we got into the surplus situation, but as I think about all of the areas where we were able to have an influence on the course of events, yes, we made a lot of mistakes. I made a lot of mistakes, but this has been a very special time in American history.

I never thought when I ran for Congress that I would vote in effect to declare war. I never thought that I would be called to vote on articles of impeachment. I did believe that we would have a chance to vote for a balanced budget agreement.

The high point perhaps, during my entire tenure here in Congress, was when the President of the United States, William Jefferson Clinton, joined us and he issued those immortal words that the era of big government is over. It may have been a bit premature because the empire has struck back in the last number of years, and as I say, we have made a lot of mistakes on the way.

I hope we have not let people down, but it has been a wonderful privilege for me to serve in this very special place. This is the people's House, and you know, sometimes when the slings and arrows of outrageous fortune, of electoral ups and downs do not necessarily break our way, it is easy for us to blame the voters, but in the end I believe that the voters have a right to be wrong, even if they are wrong, but I also believe for the most part the voters are right. I think we lost our way in the last several years, and so they began to wonder were we still the party of reform, were we still the party that battled big government or that defended big government?

□ 2130

Were we the party that was trying to change Washington or had Washington changed us? And my only wish for all of you and particularly the Members of the Republican Study Committee is that you return to those time-tested principles and values, because in the end that is what this is all about. Government will either reinforce time-tested principles and values or it will undermine them. When government grows, freedom declines.

And I am sorry, I should remember who said it, and now I have even forgotten the quote. But I think our founders really understood that those who would trade liberty for security will lose both and deserve neither. Those words were true 220 years ago and they are true today.

And I know that we had an interesting debate this afternoon about the rights of the unborn. If you look at what our founders said and what they wrote, even Thomas Jefferson, who was not necessarily considered a religious man in the sense that a lot of our folks who were our founders, but he was a deeply religious man. And he said that the same God who gave us life gave us freedom.

Those rights and those inalienable rights that were talked about so much in the early days of our Republic need to be talked about again. And I think it really falls upon the Republican Study Committee and the people who are here, regardless of what the numbers are, regardless of what the polls may say today, those time-tested values and principles will win out.

And I don't believe the American voters voted against our values, I don't think the voters voted against our principles. There were other cross-currents. And even if they did, we simply need to do a much better job of telling our story.

I was privileged to come to Washington with J.D. HAYWORTH and that freshman class, and so as I leave I will have both some sad memories about how things ended, or at least they ended for me, but I will have mostly incredibly fond memories of golden days and golden nights and ways that we made a difference.

I will close by saying this. When I go to high schools and visit with students, I tell them a couple things. First of all, I always tell them I am one of the luckiest people that they will meet that day, and I say that because every day I felt like I made a little difference in somebody's life. And it didn't necessarily make the papers. A lot of times people talk about, well, what is said in the Washington Post and did it make the CBS News and did Fox News do something about it. A lot of the things that we do every day don't make the news.

It may be a woman who calls and her daughter is stuck at a New Jersey airport and she has lost her passport, and she is frantic and she says, ''Congressman, my daughter is stuck at this airport. Can you help get her passport?'' And that is a true story. And we were able to get that young lady a passport through the State Department in a matter of about 3 hours and get her on the next plane. Now, to this day that mother thinks I am the greatest guy who ever lived. And there are a lot of other things, whether it is a veteran's benefit, to helping people plug into the right administrative issue. There all kinds of things that people in Congress do every day that don't make the news but we are making a difference in people's lives.

And I do believe in that expression that you used earlier: If you want to change the world, you have got to first change your neighborhood. And if you can't change your neighborhood, at least be a good example. And I think the responsibility of the Republican Study Committee is to be that beacon of light, but most importantly, to be a good example. Because both America and I think many Members of Congress want to follow it, and they are looking for leadership.

So thank you very much for having this little event tonight and thank you for giving me one last chance to visit with the folks here in the House Chamber. As I say, it has been a wonderful experience. I want to thank all the folks who I worked with through the years, including, and especially, Mark Newman from Wisconsin's First Congressional District for getting us started using charts. Thank you very much.

Mr. PENCE. Mr. Speaker, I yield such time as he may consume, as we see other outgoing Members arriving, to the newly elected chairman of the Republican Study Committee for the 110th Congress, JIM HENSARLING from Texas.

Mr. HENSARLING. I certainly thank my friend for yielding time, and I did not want to let my dear friend and colleague from Minnesota depart without at least adding my thoughts as well.

I did a little homework this evening to discover that, even though my own heritage is German, I know little about it, that GUTKNECHT means good hired hand in that language. And we have a good hired hand amongst us, Mr. Speaker.

I had the honor and privilege of first meeting this man back in 1996 when we were both involved in the Phil Graham for President Campaign. Senator Phil Graham is my dear friend and mentor; and although that battle perhaps did not end well, for me it cemented an admiration for the gentleman from Minnesota. And although, as you can see and the American people can see, he certainly has a folksy Midwestern way about him that really belies the fact that I believe him to be one of the deepest thinkers that we have in this United States Congress, and I know that his principle compass always points in one direction. And I have seen this man take many, many tough votes, and I have seen this man go against his own party when he thought he was right. He is a man who puts country above career, and I have seen him do it time and time again.

I believe, Mr. Speaker, that his departure from this body is not only a loss to him, but as I have the great honor and privilege in the future to follow my dear friend from Indiana and chair the conservative caucus of the House, the Republican Study Committee, that certainly his wisdom, his insight, his leadership will be sorely missed. He is a great leader. He has done great for the people of Minnesota, he has done great for the people of America, and I am proud to always call him my friend.

Mr. PENCE. ERNEST ISTOOK began his career in Congress in November of 1992, serving as a distinguished Member of the House Appropriations Committee where he served as the chairman of the Transportation and Treasury Appropriations Subcommittee.

Before arriving in Congress, he served as a city councilman in Oklahoma City, and during that time also sat on the board of many local interests. He also served in the State legislature there in the Sooner State, beginning in 1986. ERNEST ISTOOK leaves us after 14 years of service in the United States House of Representatives, and he takes with him not only an optimistic, cheerful conservatism that was the source of mentoring to me and other conservatives in the Republican Study Committee for many years, but he really takes his greatest asset, which is his wife Judy, who, while she did not become the first lady of Oklahoma this year, she was I think the first lady of the Republican Study Committee for many years and will always be so in our hearts.

I recognize the gentleman from the Fifth Congressional District, ERNEST ISTOOK, for such time as he may consume, with the deepest gratitude and admiration of his junior colleagues in the Republican Study Committee, an organization, I might add, Mr. Speaker, that Congressman ERNEST ISTOOK founded during his 14-year tenure in the United States House of Representatives, the largest caucus in the Congress of the United States today. I yield such time as he may consume.

Mr. ISTOOK. I thank my friend from Indiana, and I thank everybody for having a little bit of time this evening to talk about the importance of the Republican Study Committee, the importance of conservative principles. And I really enjoyed hearing my friend GIL GUTKNECHT recount some of the things during his years here. Myself, I don't choose to try to talk about the things that have happened during the 14 years, because really I don't think service in the Congress is about me, and it is not about us as individuals; it is about what do we do to carry on the principles upon which this country was founded, the self-government, the ideal, the understanding that God made us as people able and capable to govern ourselves; and not only that, to live our lives without having to be controlled by government.

So I would like to spend my time this evening talking a little bit about what I believe, as a principled conservative, as somebody who believes, yes, in economic conservatism and social conservatism. But it is really based upon the premise that God made each of us as capable individuals, and that we have the free agency to make decisions for ourselves. And conservative principles enable us, enable us, to fulfill that destiny rather than having our lives dictated to us by government.

I fear, of course, that the pendulum has gone too far in the United States. Government is too big, it spends too much. And, of course, any government that is big enough to give you everything that you want is powerful enough to take everything that you have got. And I know the year that I was born, which was 1950, the typical American family, in Federal income taxes, paid something like 2 or 2½ percent of their annual income in Federal income taxes. Today, on average, it is closer to 10 times that amount. Now, that tells you something about what is going on.

And when you look at what has happened here in Washington, D.C., and the voters sent a message if people here will just listen to it. And what is the common factor, whether you are talking about the level of spending, the amount of earmarks, the bridge to nowhere, whether you are talking about campaign finance issues, ethics issues, lobbying issues, it all happens because big government creates big problems, big government creates big lobbying, big government creates a big need to defend yourself against it. So everything that we have that I think has caught the attention in a negative way of the voters this year traces back to the fact that we haven't controlled the size of government.

Now, I was really happy when we had some years during my time in Congress when we actually balanced the budget. Boy, that was important. But you know, when 9/11 happened it became an excuse not just to spend more money on defense and homeland security to meet the security needs, but it was, what is the old adage, ''in for a dime, in for a dollar.'' And we saw that. I remember back during the Vietnam era the catch phrase was ''guns and butter.'' If you are going to pay for guns, you don't have enough money to pay for butter. You can't be expanding social programs at the time that you are trying to take care of the defense and the security needs of the country.

Well, we saw that some people said even though 9/11 created some spending requirements to take care of the security of Americans, we still spent too much in other ways, and we are paying the price, the consequences.

I was asked when I was first elected to Congress, if there is one thing, one thing that you could accomplish, what would it be? And I said the adoption of a balanced budget amendment, because I think that is what constricts and controls the size of government. You know, we haven't even had a vote on a balanced budget amendment here in this House in 11½ years. I have become the principal author of the balanced budget amendment, but unfortunately the people in charge of bringing things through committee and to the floor haven't brought it here in 11½ years.

□ 2145

I think that is one of the reasons that we have the difficulties that we do: We don't require government to live within its means as all of us have to do when we sit around the kitchen table and try to balance the family budget. Maybe we need to install a kitchen table here in the Congress so we can sit around it and actually have to balance things.

I certainly hope that if the people that are here in the 110th Congress don't do anything else, bring back the balanced budget amendment. It was the number one item in the Contract With America in 1994, and it is a sad travesty that it hasn't even been voted on in this body in some 11 and a half years.

We have been entrusted with the power to govern, and where much is given, much is expected. We have to be more in tune with the American people, and we have to talk to the American people about correct principles.

Too often we hear there is a problem; therefore, government needs to step in and be the solver of problems rather than the creator of problems. What was the Ronald Reagan line, too many people that if something moves, tax it; if it keeps moving, regulate it; if it stops moving, subsidize it. We have seen that too much.

We need to stress personal responsibility more than government programs. That is what we have gotten away from.

The most important thing that each of us will do happens with our families. I am so grateful for my wife, Judy, and for my five children, Amy, Butch, Chad, Diana, and Emily, and what they mean to me. But no wife could have been more supportive than my wife Judy has been. I am eternally grateful to her, and want her to know how very much I love her.

You see, I believe the most important work I ever do, or any of us will ever do does not happen within the halls of Congress but within the walls of our own home. We need that principle. We need to remind Americans that they are given God-given blessings.

As was stated in the Declaration of Independence, we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights. Among these rights are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men.

What did they say: Government exists to protect the rights that were given to us as a gift from God. We need to remember that truth. We need to follow that principle. We need to abide by that as the Founding Fathers taught us to do.

So I am grateful for the people in this body who hold true to those beliefs, who believe in the capabilities, the dynamic abilities of the American people. I believe America rests upon four pillars that we must keep strong and solid: Freedom, free enterprise, faith, and family. It is my prayer that we will each strengthen each and every one of those pillars. Thank you for letting me speak this evening.

Mr. PENCE. I thank the gentleman from Oklahoma's Fifth Congressional District for his service, his founding service to the Republican Study Committee, and would recognize our nearly elected chairman for a few brief remarks.

Mr. HENSARLING. I thank the gentleman for yielding, and I wish to add my own meager voice to those who celebrate the career of Ernest Istook, truly one of the great leaders in the conservative movement in the last decade.

Certainly his vision, his forethought, his courage to help found the modern Republican Study Committee has been critical to any progress that the conservative movement has achieved in this House. And, Mr. Speaker, it has been much. It has been much.

So as a Texan, I will certainly miss my colleague from north of the Red River. Again, as the incoming chairman of the Republican Study Committee, I will certainly miss the wisdom and leadership that he has to provide. But I know that he hopefully will not go far and be available to us at all times.

I want to say again how proud I am to know this man and celebrate his work to try to balance the Federal budget as families have to balance their budget every single day.

And even more importantly, Mr. Speaker, for the work that he has done to ensure that in this Nation that it is truly one Nation under God because we know that our unalienable rights are granted to us by our creator, and that unless we champion the cause of public affirmation of faith, we cannot preserve liberty unless we know and allow people to affirm their faith in public that these rights are given by God himself, and that is the work of Ernest Istook, and I am proud to know him.

Mr. PENCE. I thank the gentleman from Texas.

Mr. Speaker, this was a time of transition in particular for my home State, the Hoosier State. Indiana this year will bid farewell to the extraordinary service of Congressman JOHN HOSTETTLER of southwestern Indiana and to a two-term congressman from the land of Notre Dame in South Bend, Indiana, Congressman CHRIS CHOCOLA.

Throughout both of their careers, they have been men of integrity, commitment to their families, and in the case of Congressman HOSTETTLER and Congressman CHOCOLA, they are both men who throughout their career in Congress were active members of the Republican Study Committee and they brought the principles of their conservative values day in and day out to committees and to this floor.

Another example of that is Congressman MIKE SODREL who joins us on the floor today. Mike and his wife, Keta, who most members of the Republican Study Committee have come to know well since he was sworn in as the congressman for the Ninth District of Indiana in January of 2005, have made an extraordinary impression on the heart of our caucus and the heart of this Congress in a relatively short period of time.

MIKE SODREL served in the Army National Guard from 1966 to 1973. In 1976, Congressman MIKE SODREL and his wife Keta scraped together a few dollars and bought a truck and turned it into one of the most prolific and successful transportation companies in the Midwest.

A veteran Indiana political reporter called MIKE SODREL, upon his election Congress, ''the closest thing to Mr. Smith goes to Washington as I think you will find in Congress.''

MIKE SODREL and I come dialectically from a very different part of our State. Pronunciation of words is a little different farther south of Highway 40. I hope however long the Lord permits to serve the people of Indiana in this place, that I will serve with the integrity every day to principles and family and to conservative values that the gentleman from Indiana served.

I yield to the congressman from the Ninth Congressional District of Indiana.

Mr. SODREL. Mr. Speaker, I thank the gentleman for those kind words, and for his commitment to the Republican Study Committee. I will be short. In fact, a reporter accused me when I first arrived here of being laconic. I have to admit I had to go look that up. It means being relatively stingy with your words. He asked me two questions, and I said ''yes'' and ''yes,'' not realizing it was the job of a Member of Congress to elaborate on all of these things.

As I listened to the previous speakers, if you want to know what happened in this election, you can walk over to the Science Committee. In the hearing room one of the first things I noticed in the wood paneling behind Members in gold-leaf lettering was Proverbs 29:18: Where there is no vision, the people perish. We failed to give the people vision; not the fault of the Republican Study Committee, but it was our fault generally, failure to give the people vision.

I know the RSC has a vision, and I encourage you to not only keep the vision, communicate the vision, and insist that others listen to the vision.

It has been my distinct honor to serve in this body, serve my district and my State and my country for the last 2 years. I had the privilege of visiting my former unit, the 151st Infantry when they were deployed in Afghanistan. They are fine people and represented our State and country well, and acquitted themselves well in the field.

And in typical Hoosier fashion, and I would like to recognize them here tonight, their mission, according to the military was security and training. They couldn't go home in the evenings, so they took on a third mission which was humanitarian. In partnership with Graceland Baptist Church in New Albany, they provided money and classrooms and blankets and virtually anything that the people of Afghanistan needed that they could supply.

They also had a skill set that you don't find in a typical infantry battalion. The commanding officer, Lieutenant Colonel Grube, was a 6th grade schoolteacher. Sergeant First Class Scott Hamm was manager of the Silver Creek Water Company. So it didn't matter what the locals needed, if you needed water, you called the 151st. If you needed a classroom built, you called the 151st. They had carpenters, electricians, they had all of these civilian skill sets. And being just one step out of civilian life and being of a higher average age than a normal infantry unit, and a lot of them being married with children, they related well to the local folks. So I had the privilege to visit them in Afghanistan and see what kind of job they did and how they represented the State of Indiana in that theater.

I really have nothing else to add other than it has been my honor and privilege not only to serve in this institution, but to serve with people like

my colleague from Indiana, Mr. PENCE, and I appreciate your service as chairman of the Republican Study Committee and I appreciate your integrity and hard work and I hope that you will certainly carry on.

Mr. PENCE. I thank the gentleman for his gracious words. I know that I speak on behalf of all of the people of Indiana when I express my gratitude for your career of service that we know will be ongoing. Just the hours will be better, but we are grateful for your participation in allowing us to embarrass you tonight.

I want to yield to the gentleman from Texas.

Mr. HENSARLING. Mr. Speaker, I want to add my voice to say that Congressman SODREL will be missed. His cheerful countenance will be missed. In getting to know him, I got to know a man of courage who would always vote on principle, who knew what needed to be done and would do the right thing regardless of the consequences, a man who has served his Nation well, and like the other gentleman from Indiana has said, will serve his Nation well again in the future.

Mr. PENCE. I thank the gentleman for his remarks.

Mr. Speaker, before we bring a Member of Congress who is the appropriate clean-up batter tonight in this Special Order celebrating the life and career of members of the Republican Study Committee, I cannot help but feel that we have loaded the bases and the Babe is about to come to bat. At the risk of having to interrupt him, which I have not done in my 6 years in Congress and would not have the courage to do tonight, allow me to do a little housekeeping before that and mention the names of BOB BEAUPREZ of Colorado's Seventh Congressional District, a dairy farmer, community banker, a United States Congressman and a member of the Study Committee.

MARK GREEN of Wisconsin served his fourth term in the United States House of Representatives with impressive, populist leadership.

We have heard from GIL GUTKNECHT tonight.

MELISSA HART, a cherished member of the Republican Study Committee from Pennsylvania's 4th Congressional District, was elected in the year 2000. Her district included southwestern Pennsylvania, and she rose swiftly in this institution to some of its most important committees and most powerful positions in the national party. She is a voice that we will hear and see again soon.

We heard of JOHN HOSTETTLER tonight from Indiana's Eighth Congressional District, and from ERNEST ISTOOK of Oklahoma's Fifth.

ANNE NORTHUP, a feisty, strong, principled conservative who served the Third Congressional District in Kentucky since 1996 is retiring, and she and her tenacity will be missed.

From California's 11th District, finishing his seventh term in the United States House of Representatives, a man who brought principled conservative reform to American environmental policy, RICHARD POMBO, will be receiving the Congress and our caucus this year.

And a man I might lastly add, JIM RYUN of the Second Congressional District of Kansas, a five-term Member of Congress, a budget hawk, but a man who along with his wife, Anne, have simply been in the business of ministering to families in this institution every day they have been here. JIM RYUN came to global fame as the world record holder in the high school mile, a record that he held for 36 years until one day when we walked from the Capitol together and he received word of a young Virginia teenager who had bested him.

□ 2200

And JIM RYUN in his typical style jumped in the car, drove to meet with that high schooler, and congratulated him. JIM's faith, his integrity, his character, his voice will be missed in this place as will the charm and ebullience of his wife, Anne.

Lastly I would just mention the staff of the Republican Study Committee. During my term as chairman of the Republican Study Committee, we have had not one but two extraordinary executive directors. Sheila Cole served as the executive director during the first year of my tenure, a tumultuous time where the winds of change and circumstances buffeted House conservatives, and our staff led by Sheila Cole, a courageous woman who has gone on to be an at-home mom, we simply would not have been able to achieve what we achieved in impacting the policy of this Nation for fiscal discipline and conservative pro-life values had Sheila Cole not been at the helm.

And if I might also add Dr. Paul Teller, who stepped into her stead and served and led the staff of the Republican Study Committee with equal distinction. Whether it be his passion and guidance on fiscal issues, whether it be his capacity to build coalitions within the Congress or his professionalism in informing Members in a timely way of the issues that we confronted as a caucus, Dr. Paul Teller has provided exceptional leadership to this organization. And I know that his future is so bright that he has got to wear shades, and we thank Dr. Paul Teller.

To Russ Vought, to Joelle, to Derek, to the balance, Mr. Speaker, I would just add to the RECORD tonight my humble and heartfelt gratitude. Anything that we have accomplished as a caucus, we have accomplished because of an extraordinary staff.

With that said, allow me to yield to our last speaker of the evening, Mr. Speaker. He is the gentleman from the Fifth Congressional District of Arizona. J.D. HAYWORTH represented Arizona's Fifth District, which includes Scottsdale, Tempe, and its environs. First elected in 1994. He was the first Arizonian ever to serve on the House Ways and Means Committee, which is one of the most powerful legislative panels in Congress. J.D. also added another key subcommittee assignment to his duties for the 109th session of Congress. He served on the Ways and Means Subcommittee on Health during a particularly crucial time, the debate over the Medicare prescription drug entitlement. He was a key voice in ensuring that there were free market reforms included in that legislation as it moved through the Congress. He also, being a westerner, served on the Resources Committee, which has jurisdiction over public lands, water, Indian affairs. He has been a powerful voice for reform and private property and humanity in the development of those policies.

Since coming to Washington, DC, Mr. Speaker, as anyone looking in tonight might also know, he has become simply the most prominent Republican on the airwaves of the Nation. Whether it was radio talk shows, whether it was television programs on every single network, there has been no more compelling voice for conservative values, no more compelling voice for a strong stand on immigration in America. There has been a no more passionate voice for conservative fiscal and social policies than the gentleman from Arizona.

I yield to Mr. J.D. HAYWORTH.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Indiana for an overly generous introduction and one that I will cherish and agree with wholeheartedly.

I would also be remiss, as I was listening to his statements earlier and as he very generously offered a sports analogy and spoke of the ''Sultan of Swat,'' the great bambino, George Herman Ruth, for purposes of full disclosure, at least I have lost the Ruthian dimensions here in my midsection, although I have maintained the skinny legs but, alas, not the ability to hit the long ball besides in a metaphorical fashion here on the floor. Mr. Speaker, despite that generous introduction, for purposes of full disclosure, we should point out that to put it delicately, I was involuntarily retired from this body. One who served here before, a great gentleman, Stan Parris of Virginia, when I first met him, he said, ''J.D., I retired from the Congress because of ill health.

I said, ''Oh, really?''

He said, ''Yeah. The voters of my district got sick of me.''

So perhaps, again, to be perfectly candid, there was some of that at work as well.

And my friend from Minnesota who preceded me here in the well, along with my friends from Indiana and from Oklahoma, offered varying perspectives, but they are variations on the same theme: What a great honor it is to serve in the people's House. And many take their leave in different fashion.

History notes that the great Davy Crockett of Tennessee, when informed

of his election loss by members of the press, invited those gentlemen from the fourth estate to visit a ''nether region'' as he instead would head for Texas, as the gentleman from Texas remembers.

And again to be perfectly candid, Mr. Speaker, we would be less than human, we would be less than honest if at times during this difficult period of transition we were not tempted to offer the recommendations of Mr. Crockett to those, although I hasten to add to my friends from the Lone Star State I shan't be following them to Texas. And hopefully should I return to the media, Mr. Speaker, I won't be sent to those other nether regions, come to think of it.

There is a saying, Mr. Speaker, that we laugh to keep from crying, and it is not my intent to launch into an overly maudlin remembrance tonight in this valedictory. And while I appreciated my friend from Oklahoma talk about the principles of self-government, I fear that some will hear these remarks and say, well, you have got the first part right because it turns out being about self. Not entirely, but, again, it should be noted that those of us who come here and serve, Republican, Democrat or independent, from across this country do share one basic characteristic: None of us suffer from a shortage of self-esteem.

And during my time here, Mr. Speaker, I have seen incredible things. Yes, I will talk policy. I will get to that, but given my reputation according to Washingtonian Magazine as only the second biggest windbag in Congress, I am bucking tonight to go a little further afield. Now, in all sincerity, Mr. Speaker, I have seen on this floor and in this institution acts of incredible kindness. I have also seen acts of unspeakable pettiness. I have seen policies embraced with foresight and vision, and I have seen actions taken that have wreaked of the expedience of the nanosecond. I have seen the great and good. I have seen the bad and ugly. In short, Mr. Speaker, I have seen here in the people's House the full range of the human experience. Mr. Speaker, my colleagues, that again reaffirms the genius of our Founders in naming this institution the House of Representatives, because just as so many have come from so many different walks of life, we have seen representative behavior that has been of incredibly high standards, and to be candid, we have seen other less desirable traits. But stop and think about what our Founders have wrought. Understanding, as my colleague from Oklahoma talked about, what separated this new experiment in this new world from the monarchies of Europe, from other governments instituted among men, the notion that our Creator endowed us with rights and we the people voluntarily conferred power, political power, on the government; that first God, through the freedoms granted us, gave us that ability to voluntarily confer power on this government.

And in this constitutional republic, Article I, Section 1, ''All legislative powers herein granted shall be vested in a Congress of the United States.'' And in the initial inception of this particular institution, in the inception of our founders, one constitutional office directly accountable to the people, decided by popular vote, and given the fact that events could change a mechanism through a fairly short term of 2 years so that the body politic could make those changes representative of their change in priorities and their change in outlook. And despite all the flaws and the foibles and the pitfalls and pratfalls of the human experience, it has worked remarkably well. Whether the disappointment voiced by one Davy Crockett and others in other ways finishing second in elections, again, a euphemism for losing elections, we have put aside personal disappointment to give thanks that here we settle questions with balance, not bullets.

And as we reflect on all the talk that we have heard during the course of the campaign that there should be a new bipartisanship, a new nonpartisanship, for purposes of full disclosure, let us understand that many items and many actions pass through this institution through unanimous consent, but on major questions, it is inevitable that free people will have different perspectives. And it is well and it is good and it is proper for a free people to freely debate and discuss and advocate different positions, and here with this marvelous mechanism of representation, the people decide.

My friend from Oklahoma spoke of bringing the kitchen table in. Mr. Speaker, I would offer another room in the house. Mr. Speaker, in essence, this hallowed Chamber is America's living room. And here we gather to discuss the challenges we face as a people. And we have our arguments and we have our times of agreement, and despite many challenges and many disappointments, somehow we get it done.

Mr. Speaker, one word in closing. I would be remiss if I did not thank my family. My wife, Mary; my kids, Nicole, Hannah, and John Micah; my parents; so many who have given me much such support. My colleagues who join me here in this Congress with the new majority. But most of all, the people of Arizona, who for 12 years gave me the opportunity to represent them in the Congress of the United States.

I do not know what is next, but I do appreciate the words of the Prophet Jeremiah: ''For I have plans for you,'' sayeth the Lord, ''plans to prosper you, not to harm you. Plans to give you hope and a future.''

Mr. Speaker, my colleagues, public service is not always defined by public office. And for all the American people, let us join in a prayer that the future of our republic will forever remain bright.

□ 2215

The SPEAKER pro tempore (Mr. DENT). The gentleman from Indiana has 30 seconds remaining.

Mr. PENCE. I would like to yield the balance of that to the new chairman of the Republican Study Committee, Mr. HENSARLING of Texas.

Mr. HENSARLING. I thank the gentleman for yielding.

All I can say, Mr. Speaker, is that God only made one J.D. HAYWORTH. And right now he is saying, ''Well done, good and faithful servant.'' What a powerful orator.

Mr. Speaker, tonight we celebrated the congressional careers of proud sons and daughters of the Republican Study Committee, proud sons and daughters of the Republican Party, proud Members of this body who have served their Nation well.

We thank you, Mr. Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 854. An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York as the ''Tito Puente Post Office Building''.

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building''.

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the ''Beverly J. Wilson Post Office Building''.

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the ''Lance Corporal Robert A. Martinez Post Office Building''.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the ''Vincent J. Whibbs, Sr. Post Office Building''.

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the ''Morris K. 'Mo' Udall Post Office Building''.

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the ''Dr. Leonard Price Stavisky Post Office''.

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the ''John J. Sinde Post Office Building''.

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the ''Wallace W. Sykes Post Office Building''.

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building''.

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the ''Captain Christopher P. Petty and Major William F. Hecker, III Post Office Building''.

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the ''Hamilton H. Judson Post Office''.

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

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

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. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I come to the well of the House today to address America's predicament in Iraq and I do so with the thoughts of my neighbor's son who tonight is serving in Baghdad as many of our proud men and women, sons and daughters, husbands and wives are serving. I am going to have his future in mind during my comments today. I know my colleagues, both Republicans and Democrats, share these views. They have their own kin and neighbors.

My neighbor was one who is the young man I watched growing up playing peewee football in Bainbridge Island, Washington. He was called to service in Iraq. He went. He served proudly for a year. He was ready to return. He was literally on the plane to return when he was called back to go back into Baghdad in the President's effort to send more troops into Baghdad. He has suffered two IED explosions, just about lost his ear in one of them. He is now in continual firefights in Baghdad. And I think of his 1-year-old son who is being raised by his grandparents since the mother is also serving in the United States Army in Iraq at this time. Their lives are in my mind, and Iraq is not an abstraction nor a partisan issue, it is a very personal one for many of us. And those are what my thoughts will be and I would like them to infuse some of my comments tonight.

The reason I have come, of course, is we have had this Iraq Study Group report. It is an amazing document. I hope people who are interested in Iraq will take some time to look at it. It is both accurate in some places and woefully short in others, and I would like to address both places where it is stunningly accurate and amazingly candid and refreshingly real and the places where it falls short in what we really have to do to accomplish our true national interests in Iraq.

Before I do that, though, I think it is appropriate in talking about Iraq and our obligation to our soldiers there, like my neighbor's son, just for a moment to ask how we got in this current predicament in Iraq. We went into Iraq with two goals: One goal was to remove Saddam Hussein, a brutal dictator, from power, to give the Iraqi people the chance to restore some dignity and freedom to their country. That mission was accomplished through the incredible, efficient and courageous act of our military men and women in fairly short order. It was accomplished. It has been now accomplished for over 3 years. That is mission accomplished, truly.

The second reason we went into Iraq was to make sure that there were no weapons of mass destruction in Iraq. Despite scouring Iraq with a fine-toothed comb and literally billions of dollars trying to find any scent, any hint, any fingerprint, any dust of WMDs, that has been eliminated as a threat because it did not exist in the first place. Our two national missions in Iraq have been complete now for some time.

We have had a third national mission in Iraq that comes not out of our self-interest as a Nation but out of our obligation as a fair country to lead the world in caring for our neighbors, and that is to give the Iraqis a fair opportunity to form a government and take control of their own destiny. We now have been at that mission for longer than we were fighting World War II. That mission is accomplished. We have given the Iraqi people every opportunity to form a meaningful government in Iraq at this time. Yet our sons and daughters are still there tonight with the administration still tonight committed to staying as long as the Iraqis decide we are going to stay.

The President has said that our people are going to stay there indefinitely unless conditions that are under control of the Iraqis will allow him to bring them home. I am here tonight to say we should not allow the Iraqis to control when our sons and daughters come home. That should be a decision of the United States of America. That position finds substantial support in the report I will allude to as well as our common sense as Americans.

Now, first I want to say I am glad this report has been issued. Before the election, we heard a President who was bound and determined to stay the course. He was bound and determined to never take off rose-colored glasses. He was bound and determined to stay with his Secretary of Defense, despite the fact that every living human being who had looked at Iraq has seen nothing but a continued evidence of failure of leadership in the civilian ranks in the Secretary of Defense. He was bound and determined to have his Vice President say that we were dealing with dead-enders and that this was just a matter of a short period of time to roll up the opposition in Iraq. Every single one of those statements by the President of the United States was flat wrong.

Then we had Tuesday, November 7 came along and the American people gave a very strong verdict to the President's stay-the-course position. We hope that has been a sobering influence on the White House. Secondly, we had this Iraqi Study Group report come out. We hope that the combination of those two events will knock the White House off its pedestal into a position where it will work with the U.S. Congress to get our troops home. It remains to be seen whether or not those two events have that desired effect.

I would like to allude to this report now. There are things in this report that I think have not been in the news that I have reviewed, that I think it is important to realize in substantial detail, and the reason is that this report is the most categorical, clear, objective, bipartisan and well-reasoned rejection of President George Bush's assessment of the conditions in Iraq that you will find. It was bipartisan, as people know. It had people, I don't think any of whom had been against the Iraq war when it started, I don't believe, wiser heads who had been around policy for many years in this country, and unanimously they rejected the hallucinations of the White House that things were going okay in Iraq. And it is long overdue to have had a pronouncement from Washington, D.C. to that effect.

So, if I can, let me allude to what their conclusions have been. Number one, and I will quote:

''The situation in Iraq is grave and deteriorating. The government is not adequately advancing national reconciliation, providing basic security, or delivering essential services.''

Iraqis have no electricity, they have no functioning police, they have no employment, they have no means to run their army, they have no functioning control over their borders. They have no functioning government. This is a government in name only.

Number two: ''Iraqis have not been convinced that they must take responsibility for their own future. Iraq's neighbors and much of the international community have not been persuaded to play an active and constructive role.'' I want to just focus on that for a moment. Iraqis have not been convinced that they must take responsibility for their own future. Why is that? Why have the Iraqi politicians refused to make an agreement about disposition of oil? Why have they refused to make a disposition about employment practices in the Iraqi government? Why have they refused to make an agreement about how the ministries will be handled?

Well, there is one reason. President George Bush has told them that troops will stay indefinitely in Iraqi. They do not have a real-life incentive to form a true government in Iraq because we have given them a crutch to lean on forever, according to this President. We have got to change that message dramatically, immediately, and I think this report makes that clear.

Quoting: ''The United Nations estimates that 1.6 million Iraqis are displaced within Iraq, and up to 1.8 million Iraqis have fled the country.'' The Iraqis are voting with their feet.

''Iraqis may become so sobered by the prospect of an unfolding civil war and intervention by their regional neighbors that they take the steps necessary to avert catastrophe. But at the moment, such a scenario seems implausible because the Iraqi people and their leaders have been slow to demonstrate the capacity or will to act.''

We have not focused their intention on the necessity of reaching agreements to form a true national government in Iraq. We have given them a security blanket at the cost of over 2,800 lives, over 20,000 seriously injured Americans, over 400 billion American taxpayer dollars, and probably over $2 trillion in the long-term costs of this war with no end in sight, with no guarantee to the American people that this war is going to end, and with no requirement by the Iraqis that they act.

For some time I have been bothered by this. I have been bothered that the President has stood on the sidelines and allowed this situation to deteriorate, with rose-colored glasses on cruise control. I picked up the phone a few weeks ago to call one of the administration officials to talk to them about that. I said it was my perception that there is no Iraqi government essentially because there is no agreement about oil. The oil in Iraq is located under the Shiites' territory and the Kurds' territory. It is not located where most of the Sunnis live. And the Shiites to date have been insisting at least on the new oil fields remaining in the regional areas, meaning, bottom line, Shiites get the oil. Sunnis who have run the country for 75 years, if not more, are left out. Therefore, they have had continuing sectarian violence.

So I asked this official, is that assessment a fair assessment of this situation? And he said, yes. And it is interesting because his assessment is the same one as this report as we will talk to in depth.

I said, well, then, I hope to believe that the President has given an ultimatum, at least privately, to Mr. Maliki and all of the other Iraqi officials that we are leaving if they do not form an agreement about oil. And the answer stunned me. He said, no, we have not done that. We haven't put that pressure on the Iraqis. And I said, why not? He said, well, we don't think that's our place.

So while our sons and daughters are dying tonight, and my neighbor's son is in Baghdad when he should be home with his 1-year-old son, the White House doesn't think it is its place to put pressure on the Iraqis to reach an agreement about oil so that they can form a government and we can get our troops home. This is the most callously indifferent, negligent attitude of this administration and it is costing our country dearly and it is wrong. And this report on a bipartisan basis has said it is wrong. It has said very clearly that we need to make a statement.

It goes on to say, ''There is no action the American military can take that by itself can bring about success in Iraq.'' This requires a political resolution. Yet our President has not insisted on a political resolution. He has essentially told the politicians they can diddle, they can squabble, they can bicker, they can disagree, they can create these little deals where the Shiite radicals, al-Sadr gets three ministries and maybe the Sunnis get half a one, and the sectarian violence goes out of control and our kids get killed, with no threat whatsoever that we are bringing our troops home.

□ 2230

That is one of the reasons that we are in the pickle we are in. The report goes on to say, ''The United States must not make an open-ended commitment to keep large numbers of American troops deployed in Iraq.''

That is exactly what the President has done. He has made a commitment to keep these troops there indefinitely. As long as we have been in Japan or Germany, and apparently people still think that this is like World War II, when the Vice President and Mr. Wolfowitz and the whole group of them essentially said we would be welcomed like we were in the streets of Paris in World War II. They still have that image of what this is all about in Iraq.

As a result, our policy is failing, because they still are essentially saying, we are going to stay there for 50 years like we have in Europe, and that is a policy inconsistent with our national security goals.

Next statement, ''While it is clear that the presence of U.S. troops in Iraq is moderating the violence, there is little evidence that the long-term deployment of U.S. troops by itself has led or will lead to fundamental improvements in the security situation.''

Now, that is a profound statement. We believe, because we are truly the greatest Nation on Earth, and we are, we have done remarkable things. We have the most efficient, most capable, most dedicated military force the world has ever seen. We have the best soldiers, Air Force and sailors the world has ever seen. They are great people. I know I visited two of them in a military hospital in Landstuhl, Germany, two young men from Bremerton, Washington, on my return trip from Iraq about a year and a half ago.

These two young men had very, very serious leg injuries, and I went and saw them in their hospital beds and they had their legs propped up and tubes and pins and everything in their legs, and they had only been out of Iraq 2 or 3 days. I asked them how they were doing, and both of them said, sir, I just want to get back to my unit as fast as I can, sir.

That was a pretty impressive moment for me that these young men who had such bad injuries, the first thing they could say is they wanted to get back to their unit. Anyone who has dealt with the people, Americans serving in Iraq, you would be so proud of their service and what they are doing. We have incredible talent and dedication there. They have been amazingly dedicated through a very difficult 3 years, many of them serving on their second, third, fourth rotation throughout Iraq, without complaint. It is really pretty amazing.

So we have got the best people, we have got the best equipment, but we do not have the best policy, and a policy that essentially allows the Iraqi government to dawdle and not form an agreement is one doomed for failure. That is the policy of the President tonight unless something changes, and we are calling for strong changes in that regard. There is a real clear reality in Iraq. No deal on oil, no peace. No deal on petroleum, no way for us out, and we have got to insist on that, and that has not happened.

The report goes on to say, the composition of the Iraqi government is basically sectarian, and key players within the government too often act in their sectarian interest.

Now, we are all thrilled when there was voting going on in Iraq. We would like to think that they, in Iraq, were as committed to their government when they voted as we are to ours. We know how government works. We have had a peaceful transition of power here in the United States Congress. The people were dissatisfied with the course of the Nation this November 7, and they spoke, and I think they spoke very clearly that they wanted a change of course in Iraq.

But the fact of the matter is, this is more like sort of a gangs dealing up turf in Iraq than it is a working government. Right now three of the ministries are controlled by Mr. al-Sadr, who runs this brigade of perhaps 60,000 people in a personal militia, and those three ministries of the government we are supposed to be helping and allied with, will not even work with Americans. Three of the major ministries, might be 40 percent of the government in Iraq, won't even talk to us, and these are the people we are trying to help.

This is not a working situation. And have we basically said to the Iraqis, to Mr. Maliki, you must disarm that Sadr militia? You must get access to those agencies of the government? No, we haven't said that. We haven't said that at all. We have said we will just stay there forever if it takes that long. You

can just play whatever difficult games you have in the sectarian tensions in Iraq, and we will stay forever. That is the wrong message to Iraq.

We have got to tell them they are going to stand on their own feet very quickly, or they will fall, and only the Iraqis can make that decision ultimately, and we have made a decision, a commitment, and I know a lot of people who are against this war, myself among them.

I was very vocally opposed to this war when we started. I thought that we did not receive proper intelligence. I thought the intelligence was cherry picked. I thought that the threat was vastly overstated. Even though it was popular to be for the war at the time and the war drums were beating, I and 164 other Members of the House voted against the war.

Many of my constituents felt the same way I did. But even though they were very, very strongly against the war, they felt there was some national obligation on our part to give the Iraqis some reasonable chance to form a government. We had destroyed a government, we had some obligation to give them a chance to reestablish security and a government in Iraq.

But that cannot be a never-ending responsibility of the United States, and we have now spent longer in and given the Iraqis longer than the greatest generation took to win World War II. We have to realize that even though that period of time has gone on, the situation according to this bipartisan report isn't getting better, it is getting worse, and we have to recognize that reality. We have to have a major change in Iraq.

It goes on to say the security situation cannot improve unless leaders act in support of national reconciliation. Shiite leaders must make the decision to demobilize militias. Sunni Arabs must make the decision to seek their aims through a peaceful political process, not through violent revolt. The Iraqi government and Sunni Arab tribes must aggressively pursue al Qaeda. None of those things are happening, and we have not insisted on any of those things happening. We have been the patsy while this sectarian conflict has gone on, and we have not insisted that it stop, or we are removing our troops tomorrow.

As a result, these folks have refused to make the very difficult compromises it takes to form a government. I have got to tell you, I know how difficult it is. It is difficult enough around here in peace time, and I know it is difficult for leaders in Iraq. But American sons and daughters cannot be expected to be sent to the streets of Baghdad when Iraqis will not go.

You know what happened when we decided to pull troops out of Al Anbar Province where the insurgency is essentially taking over to send into Baghdad, and we called for six groups to come of the Iraqi forces? Only two of them showed up. We still don't have the troops the plan called for months ago to get security into Baghdad. Why didn't they show up? They didn't show up because they don't have a government to stand up for yet, because the politicians will not make the compromises necessary to do so, because we haven't required it. We have got to have a tough position in Iraq, and the tough position is one of tough love. Tough love is you tell the Iraqis they have got to fish or cut bait, because our ability to sustain this is not unlimited.

This goes on to say the problems of the Iraqi police and the criminal justice system are profound. Significant questions remain about the ethnic composition of some Iraqi units. Specifically they will carry out missions on behalf of sectarian goals instead of agenda. Units lack leadership, equipment, personnel, logistics and support.

I want to take a moment, if I can, to talk about what this administration has not done in the pursuit of its own policy. You know, for 3 years now, the President has said we will stand down as the Iraqi military stands up. But this administration has always wanted to fight this war on the cheap. It has never been willing to commit the resources to what a successful pursuit of this mission would require, and a successful pursuit of this mission, for the last 3 years, would be to equip, arm and train an Iraqi military as rapidly as possible, and we haven't done 40 percent of that effort.

The reason I know that—I went to Iraq, and I talked to the Iraqi forces, and they say we don't have any equipment, we don't have any communications, we don't have any payroll system, we don't have any recruitment system, we don't have any logistics system, we don't have any medical evacuation system, we don't have any communication system with the public. We are some people with AK–47s in pickup trucks who have been given a very short training period by the United States Government.

As a consequence, a difficult situation where you had extremely low motivation anyway to stand up for the government has been made worse. In fact, it was so bad that a year and a half ago, my friends the Republicans limited the amount we were going to spend training the Iraqi army. They wanted to reduce it. I said if the way out of Iraq is to stand up an Iraqi army, it seems to me we should do this as quickly as possible.

So I offered an amendment to the military appropriations bill that was accepted that at least didn't cut the training for the Iraqi army, but the fact of the matter is, any military assessment of the Iraqi army is they can't fight. They don't have the wherewithal to fight. We go into battle with armor, communications, Medevac, howitzers, gunships, F–16s.

We tell the Iraqis to go out with some pickups and AK–47s and no communications equipment. Why is that? Well, it is because the administration has never been willing to ask the sacrifices that are necessary of the American people to complete this mission successfully. It has tried to fight the war on the cheap, and the people paid dearly with both our losses of 2,800 people, 20,000 people who are seriously injured, and goodness knows how many Iraqis who have lost their lives.

You know, maybe we would have a different attitude if we had a chief executive who was committed to this commission enough to ask for sacrifices of the American people, but we don't have that. We have a situation where for 3 years this has been essentially a half-hearted effort, an unwillingness to get tough with the Iraqis and an unwillingness to commit the resources necessary to do the job, and a debacle has unfolded. Probably the largest foreign policy debacle has unfolded in the last of America's history.

So this is a stunningly disturbing report, and I note that it contains many of criticisms that I and my colleagues and what's called the Iraq Watch have been making on the floor of the House now for 2 years. We have come to the floor of the House in the evening. Many, if not all of these criticisms we have espoused. I think they have more reliabilities now that a bipartisan group has essentially been saying what we have been saying about the failure of this administration policy in Iraq. So the question now becomes what should be the change?

Well, the first thing is there has to be a change in the Iraqi government. I will quote this report, the composition of the Iraqi government is basically sectarian, and key players within the government too often act in their sectarian interest. The security situation cannot improve unless leaders act in support of national reconciliation. Shiite leaders must make the decision to demobilize militias. Sunni Arabs must make the decision to seek their aims through a peaceful political process, not through violent revolt. We must insist on this. We must require. We must compel it. Today we have not done so.

Now, what conclusions has this report drawn? It gets a little bit murky reading the report. It is not entirely clear what this group actually said. It is a committee of individuals who signed a report, and most people know the old saying that a camel is a horse designed by a committee, and what this group really recommends is a little bit ambiguous in part. But I would suggest there is one thing that is important and one thing that has a little lacking in this report.

□ 2245

The first thing is it demands a change in our policy, it demands a realistic assessment of our policy, and it demands that we get tough with the Iraqis to demand a political solution in Iraq, because that is a central prerequisite to any progress being made in Iraq. And that is a very import offering of this report, that we have to do that.

Now, the question then becomes, what do we do as far as troop levels and our military mission in Iraq? Their report is a bit of weak tea in that regard. It essentially alludes, and you will hear news reports that this calls for essentially removing our major combat missions by the end of next year, by 2008, by the first quarter of 2008.

The report isn't quite that clear. It says that by the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq. ''Could be.''

At the time U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces in rapid reaction and special operations teams and search and rescue. ''Could.''

''Could'' is not a strong enough word for what this situation demands of American leadership. The word ''must'' must be in our response from Congress about Iraq. It is time to talk turkey with the Iraqi government. We cannot shade it. We can use polite language, but we cannot use language that is susceptible to multiple interpretations.

We must tell the Iraqi government that their training wheels have to come off, they have to strike the political deals on oil that have to be made, because our troops are coming home at a date, if not certain, that is at least within certain parameters. There is no reason that that process should not start now in a way that is militarily defensible. We have to send that strong message to the Iraqis, and only our actions will do so.

Frankly, language like ''could be'' I don't think is going to register on the streets of Baghdad, where 100 to 200 bodies are being found every couple of days. We need to send a stronger message.

The question is, how do we do that? I would like to think the President of the United States would have an epiphany reading this report. I would like to think that he will shed those rose-colored glasses that he has worn for 3 years. I would like to think that he will decide not to heed the advice of his vice president, who has been wrong on virtually every single thing in Iraq policy.

I would like to think that he will then come to the U.S. Congress and say, ''I am totally changing my statement on Iraq. I now believe we have to start bringing our troops home, because nothing less will result in the Iraqi government having an incentive to form a real government.''

If those things happen, Congress will be able in short order to reach an agreement to end this war in Iraq and give the Iraqis what they need, which is an incentive for action on the political front.

I am not all that hopeful that will happen. The President since the election has said some gracious things. The day after the election he said that he wanted to work on a bipartisan basis, and those words were greeted happily by us and we would like to believe that was the case.

Two weeks later, the President sent up six judges that he knew would be rejected by the U.S. Senate because of their entirely right-wing beliefs. Last week he appointed an individual to take care of the contraceptive program of the United States, to give women control over their destiny, and he appointed a person who thinks contraception somehow should be illegal, or at least inappropriate.

So the signs have not been entirely favorable that the President received the message from the American people given him on November 7. Some of my colleagues have. In the earlier discussion here, we had some of my colleagues, Republicans, quite a number of them, doing a valedictorian speech tonight who had come out on the short end in the election. I think they received the message. Many of them I consider friends, and they are good people, and they are credible people and hard-working people, and I know the taste of defeat, so I have some empathy for them.

But the American people have spoken, and we need the President to listen to them, and we need the President to listen to this report, and we need the President to listen to his troops, and those messages are we need a radical rethinking of Iraq policy.

Now, I have a message I would hope my colleagues will also consider tonight, and that is if the President does not heed that message of the American people, we here in the House of House of Representatives have a responsibility to act. We cannot just be folks who give speeches about Iraq, all though that is what I am doing here tonight. We cannot be people who just issue press releases about Iraq. We cannot be Congressmen and women who simply send letters to the White House.

If the President of the United States refuses to change course in Iraq in a meaningful way, this Congress has to use the ability granted to it by the United States Constitution to assure that there will be a change in Iraq, and we have an opportunity to do so through the appropriations process.

This war cannot be fought and the President cannot continue to put these troops in harm's way without funding. The geniuses in Philadelphia established the People's House and gave as its first obligation responsibility for the fiscal condition of the Nation.

No President can continue a war without funding. If the funding stops for the Iraq war, our troops will come home, and this Congress has to have the gumption to take such action if the President does not heed the will of the American people.

Now, people say, oh, isn't that fraught with political risk? You know, it might be. And that is why people in Vietnam waited 3 to 4 years after it became obvious that our policy was wrong, of not removing our sons and daughters at that time, and my friends at that time and my colleagues at that time, from harm's way in Vietnam.

Iraq is not Vietnam. It is dangerous to draw comparisons between Vietnam and Iraq. They are manifestly different in many, many ways, including our national interests and the nature of the threat and the extent of the losses that we have suffered.

But it is similar in this way: If we follow the failure of the Congresses in the early 1970s who refused to stand up to a chief executive to demand a change in course, we will have fallen victim to what they did during the Vietnam years. We have at least 15,000 names on the Vietnam Memorial wall as a result of Congress' refusal to be willing to use the appropriation mechanism to bring our troops home.

That is not a failure of will or courage or backbone that we should suffer. We have an obligation to these kids and not-so-kids in Baghdad tonight, and we should know, we should be willing to do so, and we should say we should be willing to do so, so that the President of the United States knows that we are serious in our discussions.

I am hopeful that is not necessary. I am hopeful we can forge a bipartisan agreement with the President to heed the recommendations of this report and the will of the American people from November 7. But we have to be prepared to do our duty here, and I think that is important for us to say early in this discussion, so that we can move forward.

I want to, if I can, say another thing that I think would be important for the President to do. He can do this tomorrow and he hasn't done it. He can have a statement to the people of Iraq that the United States of America does not intend to have permanent military bases in Iraq. This is a statement that the Iraqi people need to hear.

In polls, 75 percent of the Iraqi people believe we are not a positive influence in Iraq. Sixty percent of the Iraqi people in a poll believe it is appropriate to attack Americans in Iraq. Think about this. These are people that the war was started out, at least in its later chapters, to try to give Iraqis a chance at democracy. We have spent $400 billion, 2,000 lives, 20,000 injured, the honor of the Nation to help Iraqis, and 60 percent of them believe it is okay to attack Americans.

This is not a situation where we are capable of helping them militarily. Our presence there is a reason, at least one of the reasons, for violence in that country. And we lost 10 of our best yesterday and 24 in the last 2 days. It is a recognition that we have to come to grips with.

One of the reasons for that antipathy is a conviction, as much as we don't share it, that the Bush administration wants to have permanent bases in Iraq. But because of stubbornness and willfulness and refusal to show any flexibility to reality, this administration has refused to say that. That would be

helpful. That would be a first start, and we hope that that happens.

So we now have an obligation to follow one conclusion of this, and the first phase of this report, if I can in conclusion read, ''Current U.S. policy is not working.'' That is the most powerful statement in the whole report. And we need radical changes, the ''radical changes'' is my language, not the report.

Quoting the report, ''Current U.S. policy is not working as the level of violence in Iraq is rising and the government is not advancing reconciliation. Making no changes in policy would simply delay the day of reckoning at a high cost. Nearly 100 Americans are dying every month. The United States is spending $2 billion a week. Our ability to respond to other international crises is constrained. The majority of the American people are soured on the war. The level of expense is not sustainable over an extended period, especially when progress is not being made. The longer the United States remains in Iraq without progress, the resentment will grow among Iraqis who believe they are subjects of a repressive American occupation.''

We need a change, and we need it now, and we cannot dither or dally or wait or have debates amongst ourselves. We have to take action now. And I hope my colleagues will join me in a willingness to do that.

That will be difficult. While we have troops in the field, it is always difficult to talk about the mission. But I am here tonight, proud of my neighbor's son who is tonight in Baghdad. I am proud of the mission he has done and is doing, and I am caring about he and his 1-year-old son.

I believe the U.S. Congress owes an obligation to him and his own to insist that this President come to grips with the reality of Iraq, send a message that our troops are coming home; that this is something the Iraqis have to deal with quickly because they are going to be on their own. We can no longer keep training wheels forever on Iraq at the expense of our sons and daughters.

That statement, I believe, in the long run will be best, with the least possible damage to all concerned. And I don't offer a panacea. I don't offer a silver wand in Iraq. But I can say that the current situation is not acceptable, and we will change it one way or another, and the sooner the better.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OSBORNE (at the request of Mr. BOEHNER) for December 5 after 2:00 p.m. on account of personal 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 Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. KUHL of New York, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, December 7 and 8.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. CASTLE, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''; to the Committee on Government Reform.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on December 5, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 3699. To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

H.R. 4377. To extend the time required for construction of a hydroelectric project, and for other purposes.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, December 7, 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:

10434. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fender's blue butterfly (Icaricia icarioides federi), Lupinus sulphureus ssp. kincaidii (Kincaid's lupine), and Erigeron decumbens var. decumbens (Willamette daisy) (RIN: 1018-AT91) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10435. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus brauntonii and Pentachaeta lyonii (RIN: 1018-AU51) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10436. A letter from the Chairman, National Indian Gaming Commission, Department of the Interior, transmitting the Department's final rule — Minimum Internal Control Standards (RIN: 3141-AA27) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10437. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures [Docket No. 060322083-6288-03; I.D. 032006C] (RIN: 0648-AU04) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10438. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor Sector [Docket No. 051014263-6028-03; I.D. 110706A] received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10439. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Gulf of Alaska Fishery Resources [Docket No. 060511126-6285-02; I.D. 050306E] (RIN: 0648-AT71) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10440. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendment 18 [Docket No. 060609159-6272-02; I.D. 060606A] (RIN: 0648-AU12) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10441. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological and Ethnological Material from Bolivia [CBP Dec. 06026] (RIN: 1505-AB74) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10442. A letter from the Acting Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's

final rule — Establishment of the Shawnee Hills Viticultural Area (2002R-345P) [T.D.TTB-57; Re: Notice No. 39] (RIN: 1513-AA70) received November 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10443. A letter from the Acting Director, Regulations & Ruling Div., Department of the Treasury, transmitting the Department's final rule — Establishment of the Chehalem Mountains Viticultural Area (2002R-214P) [T.D.TTB-56; Re: Notice No. 18] (RIN: 1513-AA57) received November 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10444. A letter from the Cheif, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Opportunity for Hearing upon Filing of Natice of Federal Tax Lien [TD 9290] (RIN: 1545-BB96) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10445. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-55) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10446. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Changes to Collection Due Process Procedures Relating to Notice and Opportunity for Hearing Prior to Levy [TD 9291] (RIN: 1545-BB97) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10447. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-43) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10448. A letter from the Chief, Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Methods of Determining Paragraph (e)(1) Wages for Puposes of the Section 199(b)(1) Wage Limitation on the Section 199 Deduction (Rev. Proc. 2006-47) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-46) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2006-45) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10451. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — TIPRA Amendments to Section 199 [TD 9293] (RIN: 1545-BF88) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10452. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Transportation Fringes (Rev. Rul. 2006-57) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10453. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2006-60) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10454. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-61) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics Price Indexes for Department Stores — September 2006 (Rev. Rul. 2006-59) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10456. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates — received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10457. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Procedures for Requesting Competent Authority Under Tax Treaties (Rev. Proc. 2006-54) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10458. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Revised Medical Criteria for Evaluating Visual Disorders [Docket No. SSA-2006-0098] (RIN: 0960-AF34) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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:

Mrs. CAPITO: Committee on Rules. House Resolution 1096. Resolution waiving a requirement of clause 6(a) with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, and for other purposes (Rept. 109–720). 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. RADANOVICH (for himself, Mr. POMBO, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. COSTA, and Mr. GEORGE MILLER of California):

H.R. 6377. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Resources.

By Mr. ROGERS of Alabama (for himself, Mr. MEEK of Florida, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Mr. MCCAUL of Texas, Mr. PEARCE, Mr. SOUDER, Ms. JACKSON-LEE of Texas, Mr. JINDAL, and Ms. HARRIS):

H.R. 6378. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to ensure all agencies of the Department of Homeland Security that administer Federal assistance develop and maintain proper internal management controls to prevent and detect waste, fraud, and abuse, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Small Business, 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. FARR (for himself, Mr. CARDOZA, Mr. COSTA, Ms. ZOE LOFGREN of California, Mr. SALAZAR, Mr. RADANOVICH, Mrs. CAPPS, Ms. ESHOO, Mr. FILNER, Mr. GILCHREST, Mr. HONDA, and Mr. NUNES):

H.R. 6379. A bill to provide additional funds for food safety research related to perishable agricultural commodities, to provide emergency financial assistance to producers and first handlers of fresh spinach for losses incurred as a result of the removal of fresh spinach and products containing fresh spinach from the market and other actions undertaken in response to a public health advisory regarding spinach issued by the Food and Drug Administration in September 2006, and for other purposes; to the Committee on Agriculture.

By Ms. CARSON (for herself and Mr. BURTON of Indiana):

H.R. 6380. A bill to amend title XVIII of the Social Security Act to require reporting of quality measures by hospitals in order to reduce medication errors; to the Committee on Ways and Means.

By Ms. MCKINNEY:

H.R. 6381. A bill to repeal Public Law No: 109-366, the Military Commissions Act of 2006, signed into law October 17, 2006; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 6382. A bill to deny Federal assistance to any State or local law enforcement agencies whose officers use excessive force or violence leading to the death of innocent or unarmed citizens, or who fail to establish, enforce and follow transparent and accountable procedures that fully protect the lives and health of citizens during surveillance, interrogation, arrest or imprisonment from torture, excessive physical or psychological abuse and death, and to require a system of transparent legal and public review of such allegations and cases that can result in the sanction, punishment and removal of officers who perpetrate such abuses or their superiors; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself and Mr. PORTER):

H.R. 6383. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Resources.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. BASS, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. DOYLE, Mr. HERGER, Mr. RAHALL, Mr. STEARNS, Mr. STUPAK, Mr. TERRY, and Mr. THOMPSON of California):

H.R. 6384. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 6385. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the

excise tax on certain wooden arrows; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 6386. A bill to establish the Congressional-Executive Commission on the Socialist Republic of Vietnam; to the Committee on International Relations, and in addition to the Committee on Rules, 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. GOHMERT (for himself, Ms. BORDALLO, Mr. CARTER, Mr. WILSON of South Carolina, Ms. KILPATRICK of Michigan, Mr. RUPPERSBERGER, Mrs. MCMORRIS RODGERS, and Mr. ROSS):

H.R. 6387. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT (for himself and Mr. PORTER):

H.R. 6388. A bill to direct the Secretary of Defense to conduct a study on the feasibility of using military identification numbers instead of social security numbers to identify members of the Armed Forces; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 6389. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate income tax overpayments as contributions to the Federal Government on their income tax returns; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 6390. A bill to provide a civil action for a minor injured by exposure to an entertainment product containing material that is harmful to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFERSON:

H.R. 6391. A bill to provide emergency child care in the Gulf Coast Region, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JEFFERSON:

H.R. 6392. A bill to provide for the construction and rehabilitation of child care facilities in areas of the Gulf Coast affected by Hurricanes Katrina and Rita; to the Committee on Financial Services.

By Mr. JEFFERSON:

H.R. 6393. A bill to establish a temporary program under which emergency loans are made to small businesses that are nonprofit child care businesses; to the Committee on Small Business.

By Mr. JEFFERSON:

H.R. 6394. A bill to facilitate the provision of telehealth services, and for other purposes; 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. JEFFERSON:

H.R. 6395. A bill to ensure an adequate supply of public health professionals, and for other purposes; 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. JEFFERSON:

H.R. 6396. A bill to ensure environmental justice in the areas affected by Hurricanes Katrina and Rita; to the Committee on Energy and Commerce, and in addition to the Committee on 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. JEFFERSON:

H.R. 6397. A bill to improve mental health and substance abuse treatment services; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 6398. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to certain individuals affected by an incident of national significance, and for other purposes; 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. JEFFERSON:

H.R. 6399. A bill to provide services to certain volunteers and workers; to the Committee on Transportation and Infrastructure, 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. JEFFERSON:

H.R. 6400. A bill to amend title XVIII of the Social Security Act to provide for access to health benefits under the Medicare Program for certain individuals 21 to 65 years of age, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself and Mr. ABERCROMBIE):

H.R. 6401. A bill to promote the fair production of oil and gas on the Outer Continental Shelf; to the Committee on Resources.

By Mr. MOLLOHAN (for himself and Mr. RAHALL):

H.R. 6402. A bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers; to the Committee on the Judiciary.

By Mr. SCHWARZ of Michigan:

H.R. 6403. A bill to amend the Public Health Service Act to provide for Federal funding of a Bridges of Hope for Transitional Health Insurance Program to provide, through State inter-governmental public health authorities, displaced employees with assistance for health insurance premiums for themselves and their families; to the Committee on Energy and Commerce.

By Mr. WICKER:

H.R. 6404. A bill to remove information on salaries paid to employees of the House of Representatives from the public reports on disbursements of the House, and for other purposes; to the Committee on House Administration.

By Mrs. WILSON of New Mexico:

H.R. 6405. A bill to improve long-term care; 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 Ms. GRANGER (for herself, Ms. SLAUGHTER, and Mr. FRELINGHUYSEN):

H. Con. Res. 499. Concurrent resolution recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies; to the Committee on Armed Services.

By Mr. HOLT (for himself and Mr. GOODLATTE):

H. Con. Res. 500. Concurrent resolution recognizing the 150th anniversary of President Wilson's birth and commending the Woodrow Wilson House, the Boyhood Home of President Woodrow Wilson, the Woodrow Wilson Family Home, Princeton University, and the Woodrow Wilson Presidential Library for leading a national tribute honoring the legacy of President Wilson; to the Committee on Government Reform.

By Mrs. BIGGERT:

H. Res. 1094. A resolution recognizing the 60th Anniversary of Argonne National Laboratory; to the Committee on Science.

By Mr. BOOZMAN (for himself, Ms. ROS-LEHTINEN, Mr. ISSA, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. MEEKS of New York, Mr. PENCE, Mr. SESSIONS, Mr. MCHENRY, Ms. FOXX, Mr. TIAHRT, Mr. SULLIVAN, Mr. TERRY, Mr. CARTER, Mr. LINDER, Mr. PITTS, Mrs. KELLY, Ms. HARMAN, Mr. SNYDER, Mr. ROSS, Mr. WEXLER, Mr. SOUDER, Mr. CRENSHAW, Mr. BROWN of South Carolina, Mr. BOREN, and Mr. CROWLEY):

H. Res. 1095. A resolution commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan; to the Committee on International Relations.

By Ms. BORDALLO (for herself, Ms. HART, Mr. OBERSTAR, Mr. FALEOMAVAEGA, Ms. ESHOO, Mr. DOYLE, Mr. JONES of North Carolina, Mrs. CHRISTENSEN, Mr. MCGOVERN, Ms. KILPATRICK of Michigan, Mr. RYAN of Ohio, and Mr. MCCOTTER):

H. Res. 1097. A resolution honoring the Institute of the Sisters of Mercy on the occasion of its 175th anniversary, and commending its ministry and its efforts in helping individuals, especially women and children, overcome challenges that keep them from living full and dignified lives; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself and Mr. TIERNEY):

H. Res. 1098. A resolution expressing the sense of the House of Representatives to raise the awareness of alopecia areata; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. HAYES and Mr. FOSSELLA.
H.R. 305: Mr. FORTENBERRY.
H.R. 346: Mr. ANDREWS.
H.R. 687: Mr. LATHAM.
H.R. 968: Mr. OLVER.
H.R. 1040: Ms. SEKULA GIBBS.
H.R. 1233: Mr. FATTAH.
H.R. 1264: Mrs. NAPOLITANO.
H.R. 2369: Mr. LAHOOD and Mr. ANDREWS.
H.R. 2567: Mr. NEAL of Massachusetts.
H.R. 2861: Mr. TOWN, and Mr. ROSS.
H.R. 2959: Mr. MCINTYRE.

H.R. 3550: Mr. FATTAH.
H.R. 3559: Mrs. BLACKBURN.
H.R. 4042: Mr. JINDAL.
H.R. 4211: Ms. WASSERMAN SCHULTZ.
H.R. 4238: Ms. SEKULA GIBBS.
H.R. 4360: Mr. MCCOTTER, Mr. MILLER of Florida, and Ms. SEKULA GIBBS.
H.R. 4455: Mr. DAVIS of Illinois.
H.R. 4597: Mr. ALEXANDER, Mr. NUNES, Mr. REHBERG, Mr. SCOTT of Georgia, Mr. GILCHREST, Mr. GOHMERT, Mr. BERRY, Mr. CUELLAR, Mr. DELAHUNT, Mr. MCCAUL of Texas, Mrs. BIGGERT, Mr. DENT, Mr. ROYCE, and Mr. CULBERSON.
H.R. 4727: Mr. BACA.
H.R. 4751: Mr. BRADY of Texas.
H.R. 4769: Mr. MCCOTTER.
H.R. 4904: Ms. MOORE of Wisconsin.
H.R. 4924: Mr. WAMP, Mr. NORWOOD, Mrs. MUSGRAVE, Mr. DOYLE, Mrs. MALONEY, Mr. KUHL of New York, Mr. ROYCE, Mr. BACA, Ms. BEAN, Mr. BOREN, Mr. BOYD, Mr. CRAMER, Mr. DAVIS of Tennessee, Ms. HARMAN, Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. LARSON of Connecticut, Mr. LEWIS of Kentucky, and Mr. CASE.
H.R. 5131: Ms. MOORE of Wisconsin.
H.R. 5134: Mr. CONYERS.
H.R. 5396: Mr. RAHALL.
H.R. 5513: Mr. LARSON of Connecticut, Mr. ENGEL, Mr. PITTS, Mr. LEWIS of Georgia, Mr. MORAN of Kansas, Ms. VELÁZQUEZ, Mr. MARSHALL, Mr. MEEHAN, and Mr. DAVIS of Illinois.
H.R. 5642: Mr. WEINER, Mrs. JONES of Ohio, and Mr. MCNULTY.
H.R. 5660: Mr. BONNER.
H.R. 5746: Mr. KUCINICH, Mr. LANTOS, Mr. RAHALL, Mr. PLATTS, and Ms. BALDWIN.
H.R. 5791: Mr. STUPAK.
H.R. 5864: Mr. MCDERMOTT and Mr. BISHOP of Georgia.
H.R. 5866: Mrs. CUBIN.
H.R. 5894: Ms. SCHAKOWSKY.
H.R. 5896: Mr. RENZI.
H.R. 5920: Mr. MARSHALL.
H.R. 6044: Mr. RENZI.
H.R. 6046: Mr. MEEHAN and Ms. NORTON.
H.R. 6093: Mr. CALVERT.
H.R. 6216: Mr. SKELTON, Mr. DAVIS of Illinois, and Mr. KIND.
H.R. 6218: Mrs. TAUSCHER, Mr. LANTOS, and Ms. ESHOO.
H.R. 6221: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 6343: Mr. FLAKE and Mr. ROSS.
H.R. 6344: Mr. TOM DAVIS of Virginia.
H.R. 6353: Mr. JINDAL, Mr. MARSHALL, Mr. NEUGEBAUER, and Mr. CONAWAY.
H.R. 6356: Mr. RAHALL, Mr. LAHOOD, and Mr. SHIMKUS.
H.R. 6358: Mr. DAVIS of Illinois, and Mr. ETHERIDGE.
H. Con. Res. 106: Mr. PEARCE.
H. Con. Res. 346: Mr. BERMAN and Ms. FOXX.
H. Con. Res. 410: Mr. MEEHAN.
H. Con. Res. 453: Mr. WYNN.
H. Con. Res. 482: Ms. BALDWIN.
H. Res. 518: Mr. DAVIS of Kentucky and Mr. LEWIS of California.
H. Res. 790: Mr. GEORGE MILLER of California.
H. Res. 1081: Mr. SERRANO, Mr. MEEKS of New York, Mr. FORTUÑO, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. PAYNE, Mrs. MALONEY, Mr. SMITH of Washington, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. HOLT, Mr. DAVIS of Illinois, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. CLAY, Mr. SHAYS, Mr. GRIJALVA, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROHRABACHER, Mrs. TAUSCHER, Mr. OBERSTAR, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mr. BECERRA, Ms. BEAN, Mr. FARR, Mr. PLATTS, Ms. DELAURO, Mr. HOBSON, Mr. HINCHEY, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. MICHAUD, Mr. GUTIERREZ, Mr. OLVER, Mr. WEXLER, Mr. BOUSTANY, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. KIND, Mr. TANCREDO, Mr. ISSA, Ms. WOOLSEY, Mrs. NAPOLITANO, and Ms. CORRINE BROWN of Florida.
H. Res. 1086: Ms. BORDALLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY, Mrs. MALONEY, Mr. LARSEN of Washington, Mrs. CAPPS, Mr. NADLER, Mr. SCOTT of Virginia, Mr. SCHIFF, Ms. MATSUI, Ms. KILPATRICK of Michigan, Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. SHERMAN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. WATT, Ms. WATSON, Mr. SHAYS, Mr. GRIJALVA, Mr. FILNER, Mr. FORTUÑO, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Ms. LEE, Mr. BROWN of Ohio, Mr. MCGOVERN, Ms. DELAURO, Mr. FARR, Mr. CLEAVER, Mr. OBERSTAR, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. MOORE of Wisconsin, Ms. SOLIS, Mrs. JONES of Ohio, Wisconsin, Ms. SOLIS, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. RUPPERSBERGER, Mr. MOORE of Kansas, Mr. BURTON of Indiana, Mr. MCCAUL of Texas, Mr. GENE GREEN of Texas, Mr. CONYERS, Mr. BECERRA, Ms. CARSON, Mr. GONZALEZ, Mr. POE, Mr. CONAWAY, and Mr. AL GREEN of Texas.
H. Res. 1091: Mr. LANTOS, Mr. BROWN of Ohio, Mr. VAN HOLLEN, and Mr. WEINER.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, DECEMBER 6, 2006 No. 133—Part II

Senate

STOP UNDERAGE DRINKING ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 864, which we received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 864) to provide for programs and activities with respect to the prevention of underage drinking.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the Enzi amendment at the desk be agreed to, that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5219) was agreed to.

(The amendment is printed in today's RECORD under ''Text of amendments.'')

NOTICE

The Government Printing Office will publish corrections to the *Congressional Record* as a pilot program that has been authorized by the U.S. Senate and House of Representatives. Corrections to the online *Congressional Record* will appear on the page on which the error occurred. The corrections will also be printed after the History of Bills and Resolutions section of the *Congressional Record Index* for print-only viewers of the *Congressional Record*.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

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

The bill (H.R. 864), as amended, was read the third time and passed.

UNANIMOUS-CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged and the Senate proceed to the immediate en bloc consideration of the following postal naming bills:

S. 4050, H.R. 1472, H.R. 4246, H.R. 4720, H.R 5108, H.R. 5736, H.R. 5857, H.R. 5923, H.R. 5989, H.R. 5990, H.R. 6078, H.R. 6102, H.R. 6151.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

SERGEANT FIRST CLASS ROBERT LEE ''BOBBY'' HOLLAR, JR. POST OFFICE BUILDING

The bill (S. 4050) to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4050

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

SECTION 1. SERGEANT FIRST CLASS ROBERT LEE ''BOBBY'' HOLLAR, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, shall be known and designated as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building''.

TITO PUENTE POST OFFICE BUILDING

A bill (H.R. 1472) to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the ''Tito Puente Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

DR. ROBERT E. PRICE POST OFFICE BUILDING

A bill (H.R. 4246) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

BEVERLY J. WILSON POST OFFICE BUILDING

A bill (H.R. 4720) to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the ''Beverly J. Wilson Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

LANCE CORPORAL ROBERT A. MARTINEZ POST OFFICE BUILDING

A bill (H.R. 5108) to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the ''Lance Corporal Robert A. Martinez Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

VINCENT J. WHIBBS, SR. POST OFFICE BUILDING

A bill (H.R. 5736) to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the ''Vincent J. Whibbs, Sr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

MORRIS K. ''MO'' UDALL POST OFFICE BUILDING

The bill (H.R. 5857) to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the ''Morris K. 'Mo' Udall Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

DR. LEONARD PRICE STAVISKY POST OFFICE BUILDING

The bill (H.R. 5923) to designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the ''Dr. Leonard Price Stavisky Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JOHN J. SINDE POST OFFICE BUILDING

The bill (H.R. 5989) to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the ''John J. Sinde Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

WALLACE W. SYKES POST OFFICE BUILDING

The bill (H.R. 5990) to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the ''Wallace W. Sykes Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

CHUCK FORTENBERRY POST OFFICE BUILDING

The bill (H.R. 6078) to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

CAPTAIN CHRISTOPHER PETTY POST OFFICE BUILDING

The bill (H.R. 6102) to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the ''Captain Christopher Petty Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

HAMILTON H. JUDSON POST OFFICE BUILDING

The bill (H.R. 6151) to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the ''Hamilton H. Judson Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

MEASURE DISCHARGED AND PLACED ON THE CALENDAR—S. 3990

Mr. FRIST. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 3990 and the bill be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIETARY SUPPLEMENT AND NON-PRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 586, S. 3546.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3546) to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dietary Supplement and Nonprescription Drug Consumer Protection Act''.

SEC. 2. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''Subchapter H—Serious Adverse Event Reports

''SEC. 760. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

''(a) DEFINITIONS.—In this section:

''(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a nonprescription drug that is adverse, including—

''(A) an event occurring from an overdose of the drug, whether accidental or intentional;

''(B) an event occurring from abuse of the drug;

''(C) an event occurring from withdrawal from the drug; and

''(D) any failure of expected pharmacological action of the drug.

''(2) NONPRESCRIPTION DRUG.—The term 'nonprescription drug' means a drug that is—

''(A) not subject to section 503(b); and

''(B) not subject to approval in an application submitted under section 505.

''(3) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

''(A) results in—

''(i) death;

''(ii) a life-threatening experience;

''(iii) inpatient hospitalization;

''(iv) a persistent or significant disability or incapacity; or

''(v) a congenital anomaly or birth defect; or

''(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

''(4) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

''(b) REPORTING REQUIREMENT.—The manufacturer, packer, or distributor whose name (pursuant to section 502(b)(1)) appears on the label of a nonprescription drug marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such drug when used in the United States, accompanied by a copy of the label on or within the retail package of such drug.

''(c) SUBMISSION OF REPORTS.—

''(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 502(x).

''(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

''(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

''(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

''(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for nonprescription drugs, and may be accompanied by additional information.

''(e) MAINTENANCE AND INSPECTION OF RECORDS.—

''(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

''(2) RECORDS INSPECTION.—

''(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section, during an inspection pursuant to section 704.

''(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services who has—

''(i) appropriate credentials, as determined by the Secretary; and

''(ii) been duly designated by the Secretary to have access to the records required under this section.

''(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

''(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

''(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

''(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the nonprescription drug involved caused or contributed to the adverse event.

''(h) PREEMPTION.—

''(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for nonprescription drugs, that is different from, in addition to, or otherwise not identical to, this section.

''(2) EFFECT OF SECTION.—

''(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

''(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

''(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

''(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

''(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(b) MODIFICATIONS.—The Secretary of Health and Human Services may modify requirements under the amendments made by this section in accordance with section 553 of title 5, United States Code, to maintain consistency with international harmonization efforts over time.

(c) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking '', or 704(a);'' and inserting '', 704(a), or 760;''; and

(2) striking '', or 564'' and inserting '', 564, or 760''.

(d) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(x) If it is a nonprescription drug (as defined in section 760) that is marketed in the United States, unless the label of such drug includes an address or phone number through which the responsible person (as described in section 760) may receive a report of a serious adverse event (as defined in section 760) with such drug.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 502(x) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any nonprescription drug (as defined in such section 502(x)) labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report described under the amendments made by this Act.

SEC. 3. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''SEC. 761. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

''(a) DEFINITIONS.—In this section:

''(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a dietary supplement that is adverse.

''(2) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

''(A) results in—

''(i) death;

''(ii) a life-threatening experience;

''(iii) inpatient hospitalization;

''(iv) a persistent or significant disability or incapacity; or

''(v) a congenital anomaly or birth defect; or

''(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

''(3) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

''(b) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The manufacturer, packer, or distributor of a dietary supplement whose name (pursuant to section 403(e)(1)) appears on the label of a dietary supplement marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such dietary supplement when used in the United States, accompanied by a copy of the label on or within the retail packaging of such dietary supplement.

''(2) RETAILER.—A retailer whose name appears on the label described in paragraph (1) as a distributor may, by agreement, authorize the manufacturer or packer of the dietary supplement to submit the required reports for such dietary supplements to the Secretary so long as the retailer directs to the manufacturer or packer all adverse events associated with such dietary supplement that are reported to the retailer through the address or telephone number described in section 403(y).

''(c) SUBMISSION OF REPORTS.—

''(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 403(y).

''(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

''(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

''(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

''(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for dietary supplements, and may be accompanied by additional information.

''(e) MAINTENANCE AND INSPECTION OF RECORDS.—

''(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

''(2) RECORDS INSPECTION.—

''(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

''(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services, who has—

''(i) appropriate credentials, as determined by the Secretary; and

''(ii) been duly designated by the Secretary to have access to the records required under this section.

''(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

''(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

''(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

''(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the dietary supplement involved caused or contributed to the adverse event.

''(h) PREEMPTION.—

''(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for dietary supplements, that is different from, in addition to, or otherwise not identical to, this section.

''(2) EFFECT OF SECTION.—

''(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

''(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

''(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

''(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

''(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(b) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking '', or 760;'' and inserting '', 760, or 761;''; and

(2) striking '', or 760'' and inserting '', 760, or 761''.

(c) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(y) If it is a dietary supplement that is marketed in the United States, unless the label of such dietary supplement includes an address or phone number through which the responsible person (as described in section 761) may receive a report of a serious adverse event with such dietary supplement.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 403(y) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any dietary supplement labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report as described under the amendments made by this Act.

SEC. 4. PROHIBITION OF FALSIFICATION OF REPORTS.

(a) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(ii) The falsification of a report of a serious adverse event submitted to a responsible person (as defined under section 760 or 761) or the falsification of a serious adverse event report (as defined under section 760 or 761) submitted to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 5. IMPORTATION OF CERTAIN NONPRESCRIPTION DRUGS AND DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(1) in subsection (a), by inserting after the third sentence the following: ''If such article is subject to a requirement under section 760 or 761 and if the Secretary has credible evidence or information indicating that the responsible person (as defined in such section 760 or 761) has not complied with a requirement of such section 760 or 761 with respect to any such article, or has not allowed access to records described in such section 760 or 761, then such article shall be refused admission, except as provided in subsection (b) of this section.''; and

(2) in the second sentence of subsection (b)—

(A) by inserting ''(1)'' before ''an article included'';

(B) by inserting before ''final determination'' the following: ''or (2) with respect to an article included within the provision of the fourth sentence of subsection (a), the responsible person (as defined in section 760 or 761) can take action that would assure that the responsible person is in compliance with section 760 or 761, as the case may be,''; and

(C) by inserting '', or, with respect to clause (2), the responsible person,'' before ''to perform''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

Mr. HATCH. Mr. President, the Dietary Supplement and Nonprescription Drug Consumer Protection Act represents a too-rare-but-productive alliance between Democrats and Republicans and between consumer groups and FDA-regulated products manufacturers. This is a significant consumer protection measure. On behalf of my cosponsors, Senators DURBIN, HARKIN, ENZI, KENNEDY, and CORNYN, I want to express our enthusiasm that the bill will be approved by the Senate tonight.

Senator DURBIN, Senator HARKIN, and I have been working on this legislation for more than 2 years. Our effort has been enhanced by the expertise of Chairman ENZI and Senator KENNEDY. More recently, we were pleased that Senator CORNYN joined our ranks. I must also pay great tribute to our lead House sponsor, Representative CHRIS CANNON.

We have consulted broadly with all who have an interest in this issue—dietary supplement and nonprescription drug manufacturers, consumer and public health groups, retailers, wholesalers, and, of course, their lawyers! .

We have had meeting after meeting with the Food and Drug Administration.

Wherever possible, we have incorporated provisions to address their concerns.

The result—some 24 months and 21 drafts later—is the bill we consider tonight.

Some of my colleagues may ask, ''Why is this bill necessary?'' Let me answer that question.

Over half our population regularly uses dietary supplements. In fact, one government survey in 2004 indicated that nearly 60 percent of Americans regularly use dietary supplements to maintain or improve their healthy lifestyles.

Millions more use nonprescription or over-the-counter drugs, such as aspirin or cold tablets.

Although the FDA has a voluntary system to receive reports of problems with dietary supplements, and a mandatory system that covers some OTC drugs, there is no requirement for mandatory reporting for all of these products, as there is for prescription drugs and medical devices.

I happen to believe supplements are vastly more safe than prescription drugs. Indeed, the law which sets out the regulatory framework for supplements—the Dietary Supplement Health and Education Act, DSHEA, which Senator HARKIN and I authored with then-Representative Bill Richardson, explicitly treats most supplement products as foods. So, I in no way am suggesting that supplement products should be treated the same as prescription medications.

When we enacted DSHEA, we separated supplements into two categories—those that were on the market in the United States at the time of enactment, and those which would be marketed in the future—new dietary ingredients''. The presumption of DSHEA, which by and large has worked welt, is that products already on the market were being used safely. Some of these products, in fact, have been used safely for decades, if not millennia.

Those ''grandfathered'' products are not subject to any kind of premarket clearance by the FDA.

And for good reason.

The cost and time alone required to see a product through FDA approval would sound the death knell for this industry. Most supplement products cannot be patented, and there is no incentive for a manufacturer to put its product through this costly and onerous process when any other manufacturer could benefit equally from the fruits of the research and investment.

Finally, we also authorized the FDA to establish good manufacturing practice standards, GMPs, for supplements. Unfortunately, some 12 years later, those GMPs are still in the development stage, even though they were first finalized by the Clinton administration.

Senator HARKIN and I have spent several years trying to free them up, but that is a story for another time.

So, in essence, grandfathered products are assumed to be safe. But, in case some may not be, we inserted in the law a strong safety provision and we also added an ''imminent hazard'' authority so that FDA can immediately remove from marketing a product it suspects to be unsafe, no questions asked.

In 1994, we had no way of knowing what products would be marketed in the future. But to allay any concerns about the safety of new products, we required all manufacturers to submit information about new ingredients to the FDA before they are marketed. This NDI provision has by and large has worked well. It does allow the FDA premarket review for new products.

The reason I mention this is to explain the regulatory framework we set up in 1994 to help assure supplements are manufactured and marketed safely. We provided the FDA with an arsenal of tools to enforce the law. Some they have used, others not.

Since that time, the industry has grown. By some estimates, it is a $20 billion industry today.

Critics of the industry have decried this growth as a negative development, and they have repeatedly said that the industry is ''unregulated.'' Every time I read that in the paper, or see it on TV, I cringe. And I know Senator HARKIN does as well. For it is simply wrong to suggest the industry is unregulated.

Indeed, under DSHEA, we set out a legal definition of what could be marketed as a dietary supplement. We set out a safety standard that products must have to meet. We allowed the FDA to develop good manufacturing process standards for supplements, and we have repeatedly asked the agency to issue those standards so they can be applied to products as they are being manufactured. We clarified what types of claims could be made about the products and what could not. We said these statements must be truthful and not misleading.

All of these requirements are set out in the law and are to be administered by the regulatory agency, the FDA.

And while the great, great majority of supplement products are used safely, there have been problems with some products. Some of these problems relate to manufacturing. Some relate to labeling.

Critics of supplements attribute any problem which might crop up to the fact that the industry is ''unregulated.''

As I have proven, the industry is indeed regulated. It is just not regulated in the same fashion as drugs or devices. And it is worth highlighting that this is an industry largely comprised of men and women of good will, who want to provide the public with health enhancing products.

Let me hasten to add that we all recognize there are bad actors in the supplement industry, those who break the law and mislead consumers. They should be subject of swift and sure punishment by the FDA and the Federal Trade Commission, FTC. Their products should be removed from the marketplace and the full weight of the law should be brought down on these bad actors.

It is no secret that the FDA is a woefully underfunded agency, which will be the first to admit that its oversight of the dietary supplement industry is hampered by a lack of resources. For several years, Senator HARKIN and I have worked to rectify that short-coming, and we are gratified that our Utah colleague, Senator BENNETT, chairman of the Agriculture Appropriations Subcommittee, has joined hands with us to infuse some badly needed resources into the FDA.

For those who are new to this body, let me mention that in 1994, the Senate agreed not once, but twice, to approve DSHEA by unanimous consent. The House also passed this bill by UC. It was not controversial.

Members recognized then, as they should now, that supplements are largely safe. But just to make doubly sure there was adequate regulation, we provided the FDA with an arsenal of tools to take action against problematic products.

Then comes ephedra.

I do not think it is a constructive exercise to rehash the history of ephedra. There were mistakes and problems all around in how this product's safety was evaluated and addressed.

But something did stand out: one company had literally hundreds, if not thousands, of reports about products with this product, none of which were revealed to Federal authorities.

There is no question in my mind that the too-long safety evaluation of ephedra would have been shortened considerably had we known earlier about these reports.

Two years ago, I began discussing with those who are interested in dietary supplement regulation whether it would be wise to implement a system of mandatory adverse event reporting, AER, for those products.

While I am reluctant to argue for greater government regulation, in this case it seemed to me a good case could be made that an AER system for supplements could complement the work we achieved with DSHEA and improve the government's ability to address the relatively few problems which arose.

Senator DURBIN and Senator HARKIN were also having similar thoughts.

We joined forces and after much study, discussion and negotiation, produced S. 3546.

It may be surprising to many of our colleagues that Senators HATCH, DURBIN, HARKIN, ENZI and KENNEDY stand together on this legislation—we come from very different perspectives on dietary supplement regulation.

And while we are each very passionate about our views, we are united in a common goal: improving the public health.

The premise for this bill is simple: mandating a system to provide the

government with information about serious adverse events associated with the use of two types of FDA-regulated products—dietary supplements and over-the-counter drugs—provides Federal authorities with a better tool to respond to any problems which might occur. This is an important public health initiative, which at the same time safeguards access to dietary supplements and over-the-counter drugs.

There is currently a voluntary reporting system for supplements and some OTC drugs our bill would replace that with a mandatory system.

Senator HARKIN and I have a longstanding interest in regulation of these products; stemming back to our work on DSHEA.

Senator DURBIN, as the former chair of the House Agriculture Appropriations Subcommittee, is one of the most knowledgeable senators in this body when it comes to FDA matters.

Our collaboration on this legislation, along with the distinguished chairman and ranking minority member of the committee of jurisdiction, the Health, Education, Labor and Pensions Committee, both of whom were integral to this process, has produced a bill which strikes the right balance between necessary regulation and over-regulation.

This is how the new system will work:

Manufacturers, packers or distributors of OTC drugs or dietary supplements marketed in the United States must provide to the FDA within 15 business days any reports of a serious adverse event associated with their products. Accompanying that report must be a copy of the label on or within the retail packaging of the supplement.

The definition of serious event is proscribed within the legislation. It is either an event that results in a death, life-threatening experience, inpatient hospitalization, persistent or significant disability or incapacity, or congenital anomaly or birth defect... or it is an event that requires based on reasonable medical judgment a medical or surgical intervention to prevent one of the outcomes I have just listed.

The bill requires that those reporting must, for one year, provide any new medical information related to the serious adverse event report. Again, that information must be submitted within 15 days.

In addition, manufacturers, packers and distributors must keep for 6 years records of any adverse event associated with the product, even though there is no reporting requirement unless the event meets the definition of serious.

For over-the-counter drugs, the definition of ''adverse event'' is a health-related event associated with the use of a nonprescription drug that is adverse, including: an event occurring from an overdose, whether accidental or intentional; an event occurring from abuse of the drug, or withdrawal from the drug; or any failure of pharmacological action.

For dietary supplements, an ''adverse event'' means any health-related event associated with the use of a dietary supplement that is adverse.

The reports will be submitted on the current MedWatch form, unless the Secretary of Health and Human Services chooses to modify that form at some point.

The bill makes clear that State health officials may have access to the adverse event reports, but that the Federal reporting system would supersede any state reporting laws.

As we met to develop this legislation, one thing we struggled with was the need to encourage responsible reporting in a way that manufacturers could implement. Some manufacturers indicated to us, for example, that they were not medical experts and could not determine in every case if a reporter's problem met the definition of ''serious'' contained in the bill.

To address this, we allow manufacturers to contract with third parties to handle the collection of reports. The manufacturers, of course, would still be ultimately responsible for reporting.

Another concern was making certain we appropriately defined the role of retailers, who are selling a range of products, some supplements, some OTCs, some not. We determined that retailers would not be considered reporting parties. If, however, a retailer contracts with manufacturers to distribute ''private label'' products, they may authorize the manufacturer or packer to submit reports, as long as the retailer directors to the manufacturer all reports it receives.

We also wanted to allow the FDA the flexibility to manage this program. At its request, we made the program self-implementing. We also included a provision to allow the Secretary, after notice and comment from interested parties, to establish an exemption to the reporting requirements if there would be no adverse effect on public health.

Finally, there are provisions in the bill to impose penalties for not reporting, not providing on the product label an address or phone number for reporting, and for providing a false report.

The law will go into effect one year after the date of enactment.

Before I close, I want to address some of the concerns that representatives of the dietary supplement industry have voiced with this legislation.

First, some have suggested there is no need for this legislation from a public policy or a consumer safety perspective. I disagree.

Many have unfairly criticized the industry over media reports that supplements are unsafe because there is no pre-market approval. While I can never support any system that requires pre-market approval for supplements, I have become convinced that having a system in place to identify problems quickly can only enhance the authorities we gave the FDA with DSHEA.

It is also good policy. As the industry matures, we need to separate out the good actors from the bad. This is one way to show that this industry is a respectable, mainstream industry. Other major industries, e.g. pharmaceuticals, devices, are subject to mandatory AER reporting. Supplements are only handled through the voluntary reporting system.

And, I disagree with you those who avow there is no consumer safety benefit. Let's take an easy case—where there is a bad batch of a product. Enabling the FDA to know quickly there is a problem can help industry and the public.

Other critics note that the FDA fails to pursue egregious violations of DSHEA. They question why this program will help. As I discussed earlier, Senator Harkin and I have been working to increase FDA's funding for responsible enforcement of DSHEA. I have also discussed this with the Commissioner-nominee, Dr. Andrew von Eschenbach, whom I expect we will confirm tomorrow.

I listened carefully to one of my constituents who opposes this effort. He suggested that the FDA's voluntary system, the CAERS system, should be able to handle any reports of problems. Public health experts will agree that a voluntary system is not as good a sentinel as a mandatory system. In addition, those who report under the voluntary system are more likely to be physicians. Encouraging consumers to report to manufacturers through a phone number or address on the product's label will ensure a more thorough reporting system.

Yet another concern I have heard is that this bill has a significant economic impact that has not been studied appropriately. One estimate I have heard is that it could cost tens of millions of dollars a year to industry and consumers.

I have to say that these estimates do not seem to be supported by other industry representatives who already are instituting reporting systems of their own. During the drafting of this bill, we worked very hard to keep requirements to the minimum that would be necessary for a complete and full reporting of serious adverse events.

In addition, I have heard a suggestions that a better alternative to this bill would be a 1–800 number that consumers can use to contact FDA directly to report complaints. I discussed this idea with my colleagues and the FDA and found little support for this idea. What this could do is shift onto FDA the majority of reports about product problems. In other words, FDA fears that consumers would start phoning the agency, rather than the manufacturer, to report complaints for things like broken bottles or tablets, or to answer questions about usage. It is easy to see how this could end up relieving manufacturers of some of their consumer-related responsibilities and shift that onto the FDA.

Let me hasten to add that I understand the motivation behind these concerns. I will keep a close watch on this

new program as it is implemented, and pledge to reexamine it should problems of implementation arise.

In closing, I want to thank my colleagues for the spirit of collaboration which led to development of this legislation. In particular, I want to thank Senator DURBIN for his leadership on this issue. While we may not have always agreed on every provision, we did forge a bill on which we can agree. His top-notch staffer, now a distinguished professor, Krista Donahue, worked with us every step of the way.

Senator HARKIN is a steadfast supporter of the dietary supplement industry, and his guidance undoubtedly made this bill a better product. We benefitted greatly from the counsel of his legislative director, Pam Smith, and before her, Peter Reinecke, his former chief of staff. Peter was instrumental in drafting DSHEA as well.

Senator ENZI and Senator KENNEDY, both long-time experts in food and drug law, have both been most generous in their time and in moving the process forward. Chairman ENZI's FDA expert, Amy Muhlberg, helped guide us through this process and was key in our success. Senator KENNEDY's staffer, David Dorsey, once a top FDA, lawyer, was instrumental in the drafting and made countless invaluable suggestions.

I will take this opportunity to thank my own staff—Patti DeLoatche, who always stood for common sense and reason during heated arguments, the elusive Bruce Artim, now a top staffer at Eli Lilley, and of course, Patricia Knight, who helped draft DSHEA with me as well.

Finally, we couldn't have done it without Liz King and Stacey Kern-Scheerer in Legislative Counsel, who patiently produced the 21 drafts leading to the bill today.

I must also note the groups that also support the bill—the Consumer's Union, the Center for Science in the Public Interest, the Consumer Healthcare Products Association, the Natural Products Association, the Council for Responsible Nutrition, the American Herbal Products Association, and finally and most importantly, the Utah Natural Products Association.

That these groups, not often united—at least on this subject—can rally around our bill today is a testament to good policy, good politics, and a surviving bipartisan spirit.

It is my hope the Senate will give swift approval to this bipartisan measure and that the House will shortly thereafter do the same.

Mr. DURBIN. Mr. President, today, the Senate adopted a bipartisan bill that provides the Food and Drug Administration with the tools it needs to help monitor the safety of dietary supplements.

Dietary supplements are safely consumed by millions of Americans every day. I myself take a multivitamin every morning. The vast majority of these supplements do not result in harm to the consumer.

Unfortunately, this is not the case for all supplements. Some cause dangerous health problems: increased blood pressure, heart attack, stroke, seizures and liver failure. Ephedra is the most well-known among these.

Under the Dietary Supplement Heath and Education Act, DSHEA, which passed in 1994, supplement manufacturers are not required to prove their products are safe or effective before they are marketed: supplements are assumed safe until proven unsafe.

The bill we passed today will help the FDA identify products that may be causing harm to consumers.

In 2000, the FDA contracted with the Institute of Medicine at the National Academies of Science to develop a scientific framework for the evaluation of dietary supplements under DSHEA.

IOM's proposals flowed from their first and essential recommendation to Congress: Make adverse event reporting mandatory. They asserted that ''adverse event reports have considerable strength as potential warning signals of problems requiring attention, making monitoring by the FDA worthwhile.''

Unfortunately, under current law, reporting is voluntary and it is not working. The Office of the Inspector General at the Department of Health and Human Services, HHS, estimated in 2001 that less than 1 percent of all adverse events associated with dietary supplements are reported to the FDA.

My own experience reinforces the need for a mandatory system of reporting. Metabolife told the FDA in February of 1999 that, ''Metabolife has never been made aware of any adverse health events by consumers of its products. Metabolife has never received a notice from a consumer that any serious adverse health event has occurred because of ingestion of Metabolife 356.''

The Justice Department began investigating the truthfulness of that statement and found that Metabolife was holding 16,500 adverse event reports, including almost 2,000 significant cardiac, neurological and psychiatric reports.

The Dietary Supplement and Nonprescription Drug Consumer Protection Act will prevent this scenario from ever happening again. Manufacturers of over-the-counter drugs and dietary supplements will be required to send these reports to the FDA.

I would like to thank Senators HATCH, HARKIN, ENZI and KENNEDY, who have worked with me for the last 3 years on this important issue.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3546), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROVIDING FOR CERTAIN LANDS TO BE HELD IN TRUST FOR THE UTU UTU GWAITU PAIUTE TRIBE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 622, H.R. 854.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 854) to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 854) was read the third time and passed.

WATER RESOURCES RESEARCH ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 641, H.R. 4588.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4588) to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5213) was agreed to, as follows:

AMENDMENT NO. 5213

(Purpose: To modify provisions relating to scope of research, other activities, and cooperation and coordination)

On page 2, strike line 6 and insert the following:

''(B) the exploration of new ideas that—

''(i) address water problems; or

''(ii) expand understanding of water and water-related phenomena;

On page 3, line 24, strike ''and''.

On page 4, strike lines 1 and 2 and insert the following:

''(C) advances in water infrastructure and water quality improvements; and

''(D) methods for identifying, and determining the effectiveness of, treatment technologies and efficiencies.''.

On page 4, line 5, strike ''5'' and insert ''7.5''.

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

The bill (H.R. 4588), as amended, was read the third time and passed.

CLARIFYING CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4092, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4092) to clarify certain land use in Jefferson County, Colorado.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4092) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4092

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

SECTION 1. CLARIFICATION OF CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO.

Notwithstanding any applicable State or local land use or condemnation laws or regulations, and subject to all applicable Federal laws and regulations, any person that holds an approved Federal Communications Commission permit to construct or install either a digital television broadcast station antenna or tower, or both, located on Lookout Mountain in Jefferson County in the State of Colorado, may, at such location, construct, install, use, modify, replace, repair, or consolidate such antenna or tower, or both, and all accompanying facilities and services associated with such digital television broadcasts, if such antenna or tower is of the same height or lower than the tallest existing analog broadcast antenna or tower at such location.

AMENDING THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4093, introduced earlier today by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4093) to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, today I introduced along with several colleagues legislation that will extend the current waiver of the 15-year term limit on USDA guaranteed loans which will expire on December 31, 2006. Starting January 1, 2007, many producers nationwide will become ineligible for Farm Service Agency, FSA, guaranteed loans. These loan guarantees enable producers to obtain credit to purchase farmland, livestock, feed, seed, farm equipment, and fuel essential to their farming operations. Without the Government guarantee many farmers will be unable to secure operating credit and will be forced out of their livelihood.

The FSA guarantee loan allows lenders to make agricultural credit available to farmers who may not meet the lenders' normal underwriting criteria. Borrowers apply for a guaranteed loan through an agricultural lender who then secures a guarantee from FSA. The guarantee covers up to 95 percent of the loss to the lender of principal and interest on a loan in case of default. Admirably, default rates on these loans are very low at 1.4 percent.

While the 15-year limit on eligibility is intended to graduate producers to commercial credit, we have found that in many cases producers simply are unable to meet lenders' standards without the guarantee. Term limits on guaranteed loans do not adequately take into consideration economic and weather conditions. In recent years, many of America's producers have suffered through high energy costs, droughts and hurricanes. Without this legislation, producers who have suffered through bad years due to these weather and economic conditions will no longer be eligible for loan guarantees they need to continue their operations.

Our bill will extend the term limit waiver until September 30, 2007. This step will help farmers and ranchers nationwide and allow Congress to address term limits on FSA guaranteed loans in the coming farm bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4093) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4093

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

SECTION 1. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking ''December 31, 2006'' and inserting ''September 30, 2007''.

NATIONAL SECURITY WORKING GROUP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 625 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 625) extending the authority for the Senate National Security Working Group.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 625) was agreed to, as follows:

S. RES. 625

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), and as further amended by Senate Resolution 480 of the One Hundred Eighth Congress, 2d session (agreed to November 20, 2004), is further amended in section 4 by striking ''2006'' and inserting ''2008''.

DAM SAFETY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 511, S. 2735.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2735) to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dam Safety Act of 2006''.

SEC. 2. NATIONAL DAM INVENTORY.

Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

''SEC. 6. NATIONAL DAM INVENTORY.

''(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall maintain and update information on the inventory of dams in the United States.

''(b) REQUIREMENT.—The inventory of dams described in subsection (a) shall include a summary of the results of any inspection completed by either a Federal agency or a State dam safety agency.''.

SEC. 3. NATIONAL DAM SAFETY PROGRAM.

(a) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking ''and target dates to'' and inserting ''performance measures, and target dates toward effectively administering this Act in order to''.

(b) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''substantially'';

(2) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(3) by inserting after clause (iii) the following:

''(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;''; and

(4) in clause (vii) (as redesignated by paragraph (2)), by inserting ''install and monitor instrumentation,'' after ''remedial work,''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking ''$6,000,000 for each of fiscal years 2003 through 2006'' and inserting ''$8,000,000 for each of fiscal years 2007 through 2011'';

(2) in subsection (b), by striking ''$500,000 for each fiscal year'' and inserting ''$1,000,000 for each of fiscal years 2007 through 2011'';

(3) in subsection (c), by striking ''$1,500,000 for each of fiscal years 2003 through 2006'' and inserting ''$2,000,000 for each of fiscal years 2007 through 2011'';

(4) in subsection (d), by striking ''$500,000 for each of fiscal years 2003 through 2006'' and inserting ''$700,000 for each of fiscal years 2007 through 2011''; and

(5) in subsection (e), by striking ''$600,000 for each of fiscal years 2003 through 2006'' and inserting ''$1,000,000 for each of fiscal years 2007 through 2011''.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third timed and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5214) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DAM SAFETY.

(a) SHORT TITLE.—This section may be cited as the ''Dam Safety Act of 2006''.

(b) NATIONAL DAM INVENTORY.—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

''SEC. 6. NATIONAL DAM INVENTORY.

''The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.''.

(c) NATIONAL DAM SAFETY PROGRAM.—

(1) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking ''and target dates to'' and inserting ''performance measures, and target dates toward effectively administering this Act in order to''.

(2) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''substantially'';

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

''(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;''; and

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting ''install and monitor instrumentation,'' after ''remedial work,''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking ''$6,000,000 for each of fiscal years 2003 through 2006'' and inserting ''$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal year 2011'';

(2) in subsection (b), by striking ''$500,000 for each fiscal year'' and inserting ''$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011'';

(3) in subsection (c), by striking ''$1,500,000 for each of fiscal years 2003 through 2006'' and inserting ''$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal year 2010, and $2,000,000 for fiscal year 2011'';

(4) in subsection (d), by striking ''$500,000 for each of fiscal years 2003 through 2006'' and inserting ''$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011''; and

(5) in subsection (e), by striking ''$600,000 for each of fiscal years 2003 through 2006'' and inserting ''$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2735), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

POOL AND SPA SAFETY ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 654, S. 3718.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3718) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pool and Spa Safety Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Federal swimming pool and spa drain cover standard.
Sec. 4. State swimming pool safety grant program.
Sec. 5. Minimum State law requirements.
Sec. 6. Education program.
Sec. 7. Definitions.
Sec. 8. CPSC report.

SEC. 2. FINDINGS.

The Congress finds that—

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa;

(3) in 2003, 782 children ages 14 and under died as a result of unintentional drowning;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating the same.

SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $10,000,000 to carry out this section, such sums to remain available until expended.

SEC. 5. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 3; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 4 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 4 of this Act.

(3) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled ''Safety Barrier Guidelines for Home Pools'', the Commission's publication entitled ''Guidelines for Entrapment Hazards: Making Pools and Spas Safer'', and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 6. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 7. DEFINITIONS.

In this Act:

(1) ASME/ANSI STANDARD.—The term ''ASME/ANSI standard'' means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) ASTM STANDARD.—The term ''ASTM standard'' means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(3) BARRIER.—The term ''barrier'' includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(4) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(5) MAIN DRAIN.—The term ''main drain'' means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(6) SAFETY VACUUM RELEASE SYSTEM.—The term ''safety vacuum release system'' means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(7) UNBLOCKABLE DRAIN.—The term ''unblockable drain'' means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(8) SWIMMING POOL; SPA.—The term ''swimming pool'' or ''spa'' means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

SEC. 8. CPSC REPORT.

Within 1 year after the close of each fiscal year for which grants are made under section 4, the Commission shall submit a report to the Congress evaluating the effectiveness of the grant program authorized by that section.

Mr. FRIST. I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3718), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

IRAQ RECONSTRUCTION ACCOUNTABILITY ACT OF 2006

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 666, S. 4046.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4046) to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4046) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 4046

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 ''Iraq Reconstruction Accountability Act of 2006''.

SEC. 2. MODIFICATION OF THE TERMINATION DATE FOR THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238;

5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), is amended to read as follows:

''(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

''(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

''(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

HONORING THE LIFE AND WORK OF WILLIAM WILBERFORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the consideration of S. Res. 613.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 613) honoring the life and work of William Wilberforce and commemorating the 200th anniversary of the abolition of the slave trade in Great Britain.

There being no objection, the Senate proceeded to the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 613) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 613

Whereas William Wilberforce, born August 25, 1759, used his position as a Member of Parliament in the House of Commons to stop the slave trade in Great Britain, proclaiming, ''I [will] never rest until I have effected [slavery's] abolition.'';

Whereas William Wilberforce displayed remarkable perserverance in answering the call of social justice and fought the slave trade in Great Britain and slavery itself for 46 years, despite the national and personal financial interests aligned against him, the public criticism and slander he endured, and the stress and pain placed on his family;

Whereas William Wilberforce rested his political career on the ideals of stewardship, respect for the rights of others, advancing the views of others, and promoting the happiness of others, and proclaimed, ''Let every one . . . regulate his conduct by the golden rule . . . and the path of duty will be clear before him.'';

Whereas William Wilberforce defended the rights of slaves who had no voice in the legislature of Great Britain and committed himself to sweeping social reform in his country;

Whereas William Wilberforce joined with Sir Thomas Fowell Buxton, Thomas Clarkson, Olaudah Equiano, Harriet Martineau, Hannah More, and other great abolitionists in Great Britain;

Whereas William Wilberforce inspired abolitionists in the United States, including William Lloyd Garrison, John Greenleaf Whittier, Ralph Waldo Emerson, Henry David Thoreau, and Harriet Beecher Stowe;

Whereas William Wilberforce also influenced John Quincy Adams, James Monroe, John Jay, Abraham Lincoln, and Benjamin Franklin, along with many leaders in the African-American community, among them William Wells Brown, Paul Cuffe, and Benjamin Hughes;

Whereas Frederick Douglass said, ''it was the faithful, persistent and enduring enthusiasm of . . . William Wilberforce . . . and [his] noble co-workers, that finally thawed the British heart into sympathy for the slave, and moved the strong arm of the government in mercy to put an end to his bondage.''; and

Whereas March 25, 2007 marks the 200th anniversary of the abolition of the slave trade in Great Britain: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and work of William Wilberforce; and

(2) commemorates the 200th anniversary of the abolition of the slave trade in Great Britain and its impact on similar efforts in the United States.

SUPPORTING THE STATE OF NEW YORK TO DEVELOP THE NATIONAL PURPLE HEART HALL OF HONOR

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H. Con. Res 419 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res 419) recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 419) was agreed to.

The preamble was agreed to.

RECOGNIZING THE ACCOMPLISHMENT OF THE AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate proceed to the immediate consideration of H. Con. Res 430.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 430) recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the concurrent resolution be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5215) was agreed to, as follows:

AMENDMENT NO. 5215

On page 3, in the third whereas clause, strike ''during the hostilities'' and insert ''following the massacre''

The concurrent resolution (H. Con. Res. 430) was agreed to.

The preamble, as amended, was agreed to.

AMENDING THE WOOL PRODUCTS LABELING ACT OF 1939

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 4583 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4583) to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The bill (H.R. 4583) was ordered to a third reading, was read the third time, and passed.

ESTABLISHING AN INTERAGENCY AEROSPACE REVITALIZATION TASK FORCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 758 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 758) to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 758) was ordered to a third reading, was read the third time, and passed.

NURSING RELIEF FOR DISADVANTAGED AREAS REAUTHORIZATION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1285 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1285) to extend for 3 years changes to requirements for admission of non-immigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be a read a third time and passed, the motion to reconsider be laid upon the table, without intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1285) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR COMPENSATORY TIME OFF FOR TRAVEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1876 and H.R. 4057, and that the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to, that the bills, as amended, if amended, be passed, the motions to reconsider be laid upon the table, and that any statements relating to the measures be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5216) was agreed to, as follows:

(Purpose: To revise the description of a certain citation)

In section 1, strike subsection (a) and insert the following:

(a) IN GENERAL.—Attorneys employed by the Department of Justice (including assistant United States attorneys) shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, without regard to any provision of section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106–113 and reenacted by section 111 of the Department of Justice Appropriations Act, 2001 (as enacted into law by appendix B of Public Law 106–553)).

The bill (S. 1876) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The bill (H.R. 4057) was ordered to a third reading, was read the third time, and passed.

SECURE ACCESS TO JUSTICE AND COURT PROTECTION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1751 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1751) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, it has been a difficult struggle to pass a measure to improve court security. It should not have been. This bill should have been enacted months ago with bipartisan support. I thank the Democratic leader, Senator REID, the Senate Judiciary chairman, Senator SPECTER, and the assistant Democratic leader, Senator DURBIN, for their leadership and hard work in finally passing the Court Security improvement Act of 2006, to increase protections for the dedicated women and men throughout the Judiciary in this country.

I hope the House of Representatives will take up and pass this measure. By so doing, they can bring to fruition before the end of this Congress our efforts to provide increased security, an effort that gained new urgency after the tragedy that befell Judge Joan Lefkow of Chicago. She is the Federal judge whose mother and husband were murdered in their home. As we heard in her courageous testimony in May 2005 before the Judiciary Committee, this tragedy provided a terrible reminder not only of the vulnerable position of our judges and their families, but of the critical importance of protecting judges both where they work and where they and their families live. The shooting last summer of a State judge in Nevada provided another terrible reminder of the vulnerable position of our Nation's State and Federal judges. We cannot tolerate or excuse or justify violence or the threat of violence against judges.

It is most unfortunate that some in this country have chosen to use dangerous and irresponsible rhetoric when talking about judges, comparing judges to terrorists and threatening judges with punishment for decisions they do not like. This rhetoric can only foster unacceptable violence against judges and it must stop, for the sake of our judges and the independence of the judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. Let no one say things that might bring about further threats against our judges. We ought to be protecting them physically and institutionally. Easy rhetorical pot shots put judges in real danger.

The bill that passes today is a consensus, bipartisan bill. I hope it is a model for what we can achieve with bipartisan cooperation in the 110th Congress. Its core provisions, which previously passed the Senate in June as part of the managers' package of the John Warner National Defense Authorization Act for Fiscal Year 2007, S. 2766, come from S. 1968, the streamlined Court Security Improvement Act of 2005, CSIA, which Chairman SPECTER and I introduced last November.

The bill responds to requests by the Federal judiciary for a greater voice in working with the United States Marshals Service to determine their security needs. It enacts new criminal penalties for the misuse of restricted personal information to harm or threaten to harm Federal judges, their families or other individuals performing official duties. It enacts criminal penalties for threatening Federal judges and Federal law enforcement officials by the malicious filing of false liens, and provides increased protections for witnesses. The bill also contains provisions making available to states new resources to improve security for State and local court systems as well as providing additional protections for law enforcement officers. In particular, I thank Chairman SPECTER for agreeing to include in the bill an extension of life insurance benefits to bankruptcy, magistrate and territorial judges.

Finally, the bill contains provisions that have passed the Senate several

times extending and expanding to family members the authority of the Judicial Conference to redact certain information from a Federal judge's mandatory financial disclosure. This expired redaction authority was used in circumstances in which the release of the information could endanger the filer or the filer's family. I hope that the House of Representatives finally takes up and passes this much needed extension and expansion of redaction authority.

We owe it to our judges to better protect them and their families from violence and to ensure they have the peace of mind necessary to do their vital and difficult jobs.

Mr. FRIST. Mr. President, I ask unanimous consent that the Specter substitute amendment that is at the desk be agreed to; that the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5217) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time. The bill (H.R. 1751), as amended, was read the third time and passed.

ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 4766 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4766) to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4766) was ordered to a third reading, was read the third time, and passed.

CALL HOME ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 2653 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 2653) to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the Stevens amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5218) was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ____. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109–171 (47 U.S.C. 309 note), the Assistant Secretary for Communications and Information of the Department of Commerce, in consultation with the Secretary of the Department of Homeland Security, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2007 subject to the receipt of qualified applications as determined by the Assistant Secretary.

The bill (S. 2653) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 4075 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4075) to amend the Marine Mammal Protection Act of 1972, to provide for better understanding and protection of marine mammals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5220) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 5221) was agreed to as follows:

Amend the title so as to read ''An Act to amend the Marine Mammal Protection Act of 1972 in order to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.''.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4075), as amended, was read the third time and passed.

EXTENDING AUTHORITY TO THE SECRETARY OF THE ARMY

Mr. FRIST. Mr. President, I ask unanimous consent for the immediate consideration of H.R. 6316 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6316) to extend through December 31, 2008 the authority of the Secretary of the Army to accept and extend funds contributed by non-Federal public entities to expedite the processing of permits.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6316) was ordered to a third reading, was read the third time, and passed.

CREATING OPPORTUNITIES FOR MINOR LEAGUE PROFESSIONALS, ENTERTAINERS, AND TEAMS THROUGH LEGAL ENTRY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3821 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3821) to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that a Collins amendment at the desk be agreed to; the bill, as amended, be read the third time and passed, a motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5223) was agreed to as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as either the ''Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006'' or the ''COMPETE Act of 2006''.

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

''(II) is a professional athlete, as defined in section 204(i)(2);

''(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

''(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

''(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

''(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

''(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

''(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

''(I) as such an athlete with respect to a specific athletic competition; or

''(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.''.

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

''(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

''(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

''(iii) The laws specified in this clause are the following:

''(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

''(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

''(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).''.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

''(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).''.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

''(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.''.

The bill (S. 3821) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

ADMONISHING THE STATEMENTS MADE BY PRESIDENT HUGO CHAVEZ AT THE UNITED NATIONS GENERAL ASSEMBLY

EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PROMOTE THE ADOPTION OF A RESOLUTION PROTECTING LIVING RESOURCES OF THE HIGH SEAS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate proceed to the immediate consideration of S. Res. 607 and S. Res. 610 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 607) admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez.

A resolution (S. Res. 610) expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 607

Whereas President Chavez referred to the President of the United States as ''the devil'', and referred to the President as ''the spokesman of imperialism'' for the efforts of the United States to aid the citizens of Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government;

Whereas President Chavez made unsubstantiated claims that the United States had set in motion a coup in Venezuela on April 11, 2002, and continues to support coup attempts in Venezuela and elsewhere;

Whereas, to consolidate his powers, President Chavez—

(1) continues to weaken the separation of powers and democratic institutions of the Government of Venezuela;

(2) survived a recall vote in August 2004 through questionably undemocratic actions;

(3) decreed that all private property deemed ''not in productive use'' will be confiscated by the Government of Venezuela and redistributed to third parties;

(4) enacted a media responsibility law that—

(A) placed restrictions on broadcast media coverage; and

(B) imposed severe penalties for violators of that law;

(5) used other legal methods to silence media outlets that criticized his government; and

(6) changed the penal code of Venezuela—

(A) to restrict the rights of freedom of expression and freedom of association once enjoyed by the citizens of Venezuela; and

(B) to increase jail terms for those convicted of criticizing the government of that country;

Whereas, in an effort to destabilize the democratic governments of other countries in that region, President Chavez continues to support anti-democratic forces in Colombia, Ecuador, Peru, and Nicaragua, as well as radical and extremist parties in those countries;

Whereas President Chavez has repeatedly stated his desire to unite Latin America to serve as a buffer against the people and interests of the United States;

Whereas President Chavez has aligned himself with countries that are classified by the Department of State as state sponsors of terrorism; and

Whereas President Chavez has developed a close relationship with the totalitarian regime in Cuba, led by Fidel Castro, and has also associated himself with other authoritarian leaders, including Kim Jong Il of North Korea and Mahmoud Ahmadinejad in Iran: Now, therefore, be it

Resolved, That the Senate condemns—

(1) the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006; and

(2) the undemocratic actions of President Chavez.

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 610

Whereas it is of paramount importance to the United States and all nations to ensure the protection, conservation, and sustainable management of high seas living marine resources;

Whereas fisheries of the high seas annually generate hundreds of millions of dollars in economic activity and support thousands of

jobs in the United States and its territories as well as nations throughout the world;

Whereas the high seas constitute a globally significant reservoir of marine biodiversity, and compounds derived from organisms found on the high seas show promise for the treatment of deadly diseases such as cancer and asthma;

Whereas the United Nations Food and Agriculture Organization reports that a growing number of high seas fish stocks important to the United States and the world are overfished or depleted;

Whereas the United Nations has called for urgent action to address the impact of high seas fishing practices that have adverse impacts on vulnerable marine species and habitats;

Whereas destructive, illegal, unreported, and unregulated fishing by vessels flying non-United States flags threatens high seas fisheries and the habitats that support them;

Whereas nations whose fleets conduct destructive, illegal, unreported, and unregulated high seas fishing enjoy an unfair competitive advantage over United States fishermen, who must comply with the rigorous conservation and management requirements of the Magnuson Stevens Fishery Conservation and Management Act and other laws in order to conserve exhaustible natural resources; and

Whereas international cooperation is necessary to address destructive, illegal, unreported, and unregulated fishing which harms the sustainability of high seas living marine resources and the United States fishing industry: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should continue to demonstrate international leadership and responsibility regarding the conservation and sustainable use of high seas living marine resources by vigorously promoting the adoption of a resolution at this year's 61st session of the United Nations General Assembly calling on all nations to protect vulnerable marine habitats by prohibiting their vessels from engaging in destructive fishing activity in areas of the high seas where there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement, until such time as conservation and management measures consistent with the Magnuson-Stevens Act, the United Nations Fish Stocks Agreement, and other relevant instruments are adopted and implemented to regulate such vessels and fisheries; and

(2) the United States calls upon the member nations of the United Nations to adopt a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 668, S. 2322.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2322) to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

There being no objection, the Senate proceed to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2322

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 ''Consumer Assurance of Radiologic Excellence Act of 2006''.

[SEC. 2. PURPOSE.

[The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.

[SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

[Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

[''Subpart 4—Medical Imaging and Radiation Therapy

[''SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

[''(a) ESTABLISHMENT OF STANDARDS.—

[''(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

[''(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

[''(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

[''(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

[''(c) REQUIREMENTS.—

[''(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

[''(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—

[''(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

[''(B) may vary in form for each of the covered disciplines; and

[''(C) may exempt individual providers from meeting certain standards based on their scope of practice.

[''(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

[''(d) APPROVED BODIES.—

[''(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

[''(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

[''(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

[''(A) be a nonprofit organization;

[''(B) comply with the standards described in paragraph (2);

[''(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

[''(D) provide such other information as the Secretary may require.

[''(4) WITHDRAWAL OF APPROVAL.—

[''(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

[''(B) EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

[''(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section.

[''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section.

[''(g) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy

and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

[''(h) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

[''(i) ALTERNATIVE STANDARDS FOR RURAL AND UNDERSERVED AREAS.—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a 'rural area' or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

[''(j) APPLICABLE TIMELINES.—

[''(1) GENERAL IMPLEMENTATION REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

[''(2) MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

[''(3) REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

[''(k) DEFINITIONS.—In this section:

[''(1) APPROVED BODY.—The term 'approved body' means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or verifying patient dose for medical imaging or radiation therapy.

[''(2) MEDICAL IMAGING.—The term 'medical imaging' means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radiopharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

[''(3) PERFORM.—The term 'perform', with respect to medical imaging or radiation therapy, means—

[''(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

[''(B) the act of positioning a patient to receive such an exposure.

[''(4) PLAN.—The term 'plan', with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

[''(5) RADIATION THERAPY.—The term 'radiation therapy' means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.''.

[SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

[(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Consumer Assurance of Radiologic Excellence Act of 2006''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the quality and value of healthcare by increasing the safety and accuracy of medical imaging examinations and radiation therapy treatments, thereby reducing duplication of services and decreasing costs.

SEC. 3. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following:

''Subpart 4—Medical Imaging and Radiation Therapy

''SEC. 355. QUALITY OF MEDICAL IMAGING AND RADIATION THERAPY.

''(a) ESTABLISHMENT OF STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with recognized experts in the technical provision of medical imaging and radiation therapy services, shall establish standards to ensure the safety and accuracy of medical imaging studies and radiation therapy treatments. Such standards shall pertain to the personnel who perform, plan, evaluate, or verify patient dose for medical imaging studies and radiation therapy procedures and not to the equipment used.

''(2) EXPERTS.—The Secretary shall select expert advisers under paragraph (1) to reflect a broad and balanced input from all sectors of the health care community that are involved in the provision of such services to avoid undue influence from any single sector of practice on the content of such standards.

''(3) LIMITATION.—The Secretary shall not take any action under this subsection that would require licensure by a State of those who provide the technical services referred to in this subsection.

''(b) EXEMPTIONS.—The standards established under subsection (a) shall not apply to physicians (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))), nurse practitioners and physician assistants (as defined in section 1861(aa)(5) of the Social Security Act (42 U.S.C. 1395x(aa)(5))).

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—Under the standards established under subsection (a), the Secretary shall ensure that individuals, prior to performing or planning medical imaging and radiation therapy services, demonstrate compliance with the standards established under subsection (a) through successful completion of certification by a professional organization, licensure, completion of an examination, pertinent coursework or degree program, verified pertinent experience, or through other ways determined appropriate by the Secretary, or through some combination thereof.

''(2) MISCELLANEOUS PROVISIONS.—The standards established under subsection (a)—

''(A) may vary from discipline to discipline, reflecting the unique and specialized nature of the technical services provided, and shall represent expert consensus as to what constitutes excellence in practice and be appropriate to the particular scope of care involved;

''(B) may vary in form for each of the covered disciplines; and

''(C) may exempt individual providers from meeting certain standards based on their scope of practice.

''(3) RECOGNITION OF INDIVIDUALS WITH EXTENSIVE PRACTICAL EXPERIENCE.—For purposes of this section, the Secretary shall, through regulation, provide a method for the recognition of individuals whose training or experience are determined to be equal to, or in excess of, those of a graduate of an accredited educational program in that specialty, or of an individual who is regularly eligible to take the licensure or certification examination for that discipline.

''(d) APPROVED BODIES.—

''(1) IN GENERAL.—Not later than the date described in subsection (j)(2), the Secretary shall begin to certify qualified entities as approved bodies with respect to the accreditation of the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a), if such organizations or agencies meet the standards established by the Secretary under paragraph (2) and provide the assurances required under paragraph (3).

''(2) STANDARDS.—The Secretary shall establish minimum standards for the certification of approved bodies under paragraph (1) (including standards for recordkeeping, the approval of curricula and instructors, the charging of reasonable fees for certification or for undertaking examinations, and standards to minimize the possibility of conflicts of interest), and other additional standards as the Secretary may require.

''(3) ASSURANCES.—To be certified as an approved body under paragraph (1), an organization or agency shall provide the Secretary satisfactory assurances that the body will—

''(A) be a nonprofit organization;

''(B) comply with the standards described in paragraph (2);

''(C) notify the Secretary in a timely manner if the body fails to comply with the standards described in paragraph (2); and

''(D) provide such other information as the Secretary may require.

''(4) WITHDRAWAL OF APPROVAL.—

''(A) IN GENERAL.—The Secretary may withdraw the certification of an approved body if the Secretary determines the body does not meet the standards under paragraph (2).

''(B) EFFECT OF WITHDRAWAL.—The withdrawal of the certification of an approved body under subparagraph (A) shall have no effect on the certification status of any individual or person that was certified by that approved body prior to the date of such withdrawal.

''(e) EXISTING STATE STANDARDS.—Standards established by a State for the licensure or certification of personnel, accreditation of educational programs, or administration of examinations shall be deemed to be in compliance with the standards of this section unless the Secretary determines that such State standards do not meet the minimum standards prescribed by the Secretary or are inconsistent with the purposes of this section. The Secretary shall establish a process by which a State may respond to or appeal a determination made by the Secretary under the preceding sentence.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State or other approved body from requiring compliance with a higher standard of education and training than that specified by this section. Notwithstanding any other provision of this section, individuals who provide medical imaging services relating to mammograms shall continue to meet the standards applicable under the Mammography Quality Standards Act of 1992.

''(g) EVALUATION AND REPORT.—The Secretary shall periodically evaluate the performance of each approved body under subsection (d) at an interval determined appropriate by the Secretary. The results of such evaluations shall be included as part of the report submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives in accordance with 354(e)(6)(B).

''(h) DELIVERY OF AND PAYMENT FOR SERVICES.—Not later than the date described in subsection (j)(3), the Secretary shall promulgate regulations to ensure that all programs under the authority of the Secretary that involve the performance of or payment for medical imaging or radiation therapy, are performed in accordance with the standards established under this section.

''(i) ALTERNATIVE STANDARDS FOR RURAL AND UNDERSERVED AREAS.—

''(1) IN GENERAL.—The Secretary shall determine whether the standards established under subsection (a) must be met in their entirety for medical imaging or radiation therapy that is performed in a geographic area that is determined by the Medicare Geographic Classification Review Board to be a 'rural area' or that is designated as a health professional shortage area. If the Secretary determines that alternative standards for such rural areas or health professional shortage areas are appropriate to assure access to quality medical imaging, the Secretary is authorized to develop such alternative standards.

''(2) STATE DISCRETION.—The chief executive officer of a State may submit to the Secretary a statement declaring that an alternative standard developed under paragraph (1) is inappropriate for application to such State, and such alternative standard shall not apply in such submitting State. The chief executive officer of a State may rescind a statement described in this paragraph following the provision of appropriate notice to the Secretary.

''(j) APPLICABLE TIMELINES.—

''(1) GENERAL IMPLEMENTATION REGULATIONS.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate such regulations as may be necessary to implement all standards in this section except those provided for in subsection (d)(2).

''(2) MINIMUM STANDARDS FOR CERTIFICATION OF APPROVED BODIES.—Not later than 24 months after the date of enactment of this section, the Secretary shall establish the standards regarding approved bodies referred to in subsection (d)(2) and begin certifying approved bodies under such subsection.

''(3) REGULATIONS FOR DELIVERY OF OR PAYMENT FOR SERVICES.—Not later than 36 months after the date of enactment of this section, the Secretary shall promulgate the regulations described in subsection (h). The Secretary may withhold the provision of Federal assistance as provided for in subsection (h) beginning on the date that is 48 months after the date of enactment of this section.

''(k) DEFINITIONS.—In this section:

''(1) APPROVED BODY.—The term 'approved body' means an entity that has been certified by the Secretary under subsection (d)(1) to accredit the various mechanisms by which an individual can demonstrate compliance with the standards promulgated under subsection (a) with respect to performing, planning, evaluating, or verifying patient dose for medical imaging or radiation therapy.

''(2) MEDICAL IMAGING.—The term 'medical imaging' means any procedure used to visualize tissues, organs, or physiologic processes in humans for the purpose of diagnosing illness or following the progression of disease. Images may be produced utilizing ionizing radiation, radiopharmaceuticals, magnetic resonance, or ultrasound and image production may include the use of contrast media or computer processing. For purposes of this section, such term does not include routine dental diagnostic procedures.

''(3) PERFORM.—The term 'perform', with respect to medical imaging or radiation therapy, means—

''(A) the act of directly exposing a patient to radiation via ionizing or radio frequency radiation, to ultrasound, or to a magnetic field for purposes of medical imaging or for purposes of radiation therapy; and

''(B) the act of positioning a patient to receive such an exposure.

''(4) PLAN.—The term 'plan', with respect to medical imaging or radiation therapy, means the act of preparing for the performance of such a procedure to a patient by evaluating site-specific information, based on measurement and verification of radiation dose distribution, computer analysis, or direct measurement of dose, in order to customize the procedure for the patient.

''(5) RADIATION THERAPY.—The term 'radiation therapy' means any procedure or article intended for use in the cure, mitigation, treatment, or prevention of disease in humans that achieves its intended purpose through the emission of radiation.

''(l) SUNSET.—This section shall have no force or effect after September 30, 2016.''.

SEC. 4. REPORT ON THE EFFECTS OF THIS ACT.

(a) Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the effects of this Act. Such report shall include the types and numbers of providers for whom standards have been developed, the impact of such standards on diagnostic accuracy and patient safety, and the availability and cost of services. Entities reimbursed for technical services through programs operating under the authority of the Secretary of Health and Human Services shall be required to contribute data to such report.

Mr. FRIST. I ask unanimous consent the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2322) was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM ACT OF 2006

Mr. FRIST. I ask unanimous consent the Committee on Commerce be discharged from further consideration of H.R. 5136 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5136) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZING THE EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. FRIST. I ask unanimous consent the Chair now lay before the Senate the House measure to accompany S. 3938.

The Chair laid before the Senate the following message from the House of Representatives:

S. 3938

Resolved, That the bill from the Senate (S. 3938) entitled ''An Act to reauthorize the Export-Import Bank of the United States.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Export-Import Bank Reauthorization Act of 2006''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Extension of authority.
Sec. 3. Sub-Saharan Africa Advisory Committee.
Sec. 4. Extension of authority to provide financing for the export of non-lethal defense articles or services the primary end use of which will be for civilian purposes.
Sec. 5. Designation of sensitive commercial sectors and products.
Sec. 6. Increasing exports by small business.
Sec. 7. Anti-circumvention.
Sec. 8. Transparency.
Sec. 9. Aggregate loan, guarantee, and insurance authority.
Sec. 10. Tied aid credit program.
Sec. 11. Prohibition on assistance to develop or promote certain railway connections and railway-related connections.
Sec. 12. Process for notifying applicants of application status; implementation of Ex-Im Online.
Sec. 13. Competitiveness initiatives.
Sec. 14. Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women.
Sec. 15. Governance.
Sec. 16. Sense of Congress regarding multi-buyer insurance and capital guarantee programs.
Sec. 17. Sense of Congress regarding office of renewable energy promotion.
Sec. 18. Environmental matters.
Sec. 19. Government Accountability Office study of bank performance standards for assistance to small businesses, especially those owned by social and economically disadvantaged individuals and those owned by women.

Sec. 20. Reports.
Sec. 21. Study of how Export-Import Bank could assist United States exporters to meet import needs of new or impoverished democracies; report.

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2006'' and inserting ''2011''.

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''2006'' and inserting ''2011''.

(b) IMPROVED LIAISON WITH AFRICAN REGIONAL FINANCIAL INSTITUTIONS.—

(1) MASTER GUARANTEE AGREEMENTS.—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall seek to ensure that there is in effect a contract between each approved lender in Africa and the Bank, which sets forth the Bank's guarantee undertakings and related obligations between the Bank and each lender.

(2) REPORT ON WORKING RELATIONSHIPS WITH THE AFRICAN DEVELOPMENT BANK, THE AFRICAN EXPORT-IMPORT BANK, AND OTHER INSTITUTIONS.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is amended by adding at the end the following:

''(C) The Bank shall include in the annual report to the Congress submitted under section 8(a) a separate section that contains a report on the efforts of the Bank to—

''(i) improve its working relationships with the African Development Bank, the African Export-Import Bank, and other institutions in the region that are relevant to the purposes of subparagraph (A) of this paragraph; and

''(ii) coordinate closely with the United States Foreign Service and Foreign Commercial Service, and with the overall strategy of the United States Government for economic engagement with Africa pursuant to the African Growth and Opportunity Act.''.

(c) INCREASING THE NUMBER OF QUALIFIED AFRICAN ENTITIES.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)), as amended by subsection (b), is amended by adding at the end the following:

''(D) Consistent with the requirement that the Bank obtain a reasonable assurance of repayment in connection with each transaction the Bank supports, the Bank shall, in consultation with the entities described in subparagraph (C), seek to qualify a greater number of appropriate African entities for participation in programs of the Bank.''.

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking ''2001'' and inserting ''2011''.

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

''(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Bank shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.''.

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(f) SMALL BUSINESS DIVISION.—

''(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

''(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns (as defined in section 3(a) of the Small Business Act);

''(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

''(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

''(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

''(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

''(A) have substantial recent experience in financing exports by small business concerns; and

''(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

''(g) SMALL BUSINESS SPECIALISTS.—

''(1) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns (as defined in section 3(a) of the Small Business Act).

''(2) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

''(3) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board. It is the sense of Congress that the policies and procedures should not prohibit, where appropriate, small business specialists from approving applications for working capital loans and guarantees, and for insurance, in support of exports which have a value of less than $10,000,000.

''(4) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

''(5) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under paragraph (1), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (h)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the officer appointed to manage the Small Business Division pursuant to subsection (f)(2).

''(6) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the officer appointed to manage the Small Business Division pursuant to subsection (f)(2) not later than 2 business days before a final decision.

''(7) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

''(h) SMALL BUSINESS COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

''(2) PURPOSE AND DUTIES.—

''(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns (as defined in section 3(a) of the Small Business Act), including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

''(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

''(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

''(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

''(I) the performance of each operating division of the Bank in serving small business concerns;

''(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

''(III) the adequacy of the staffing and resources of the Small Business Division.

''(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under subsection (g)(1).

''(iv) Coordinating the provision of services with other United States Government departments and agencies to small business concerns.

''(3) COMPOSITION.—

''(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the officer appointed to manage the Small Business Division pursuant to subsection (f)(2). The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

''(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

''(i) the senior managing officers responsible for underwriting and processing transactions; and

''(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

''(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.''.

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting ''or other financing institutions or entities'' after ''consortia''.

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 5 of this Act, is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

''In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce a commodity in addition to, or other than, the commodity specified in the application and whether the production of the additional commodity may cause substantial injury to United States producers of the same, or a similar or competing, commodity.'';

(2) in paragraph (2), by adding at the end the following:

''(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of an order or determination referred to in subparagraph (A).''; and

(3) by adding at the end the following:

''(6) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.''.

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sections 5 and 7 of this Act, is amended by adding at the end the following:

''(7) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

''(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

''(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the views of the public and interested parties.

''(B) NOTICE AND COMMENT REQUIREMENTS.—

''(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the economic effects from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

''(I) the country to which the goods involved in the transaction will be shipped;

''(II) the type of goods being exported;

''(III) the amount of the loan or guarantee involved;

''(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

''(V) the amount of increased production that will result from the transaction;

''(VI) the potential sales market for the resulting goods; and

''(VII) the value of the transaction.

''(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

''(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

''(II) MATERIAL CHANGE DEFINED.—As used in subclause (I), the term 'material change', with respect to an application, includes—

''(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

''(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

''(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

''(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

''(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

''(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting ''of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)'' after ''comment period''.

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

''(E) during fiscal year 2006, and each fiscal year thereafter through fiscal year 2011,''.

SEC. 10. TIED AID CREDIT PROGRAM.

(a) IN GENERAL.—Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)(5)(B)(ii)) is amended to read as follows:

''(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

''(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

''(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

''(III) The Secretary may request a single postponement of the consideration by the Board of Directors of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

''(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

''(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.''.

(b) CLARIFICATION OF USE OF TIED AID CREDIT FUND TO MATCH.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is amended—

(1) in subsection (a), in paragraph (6)—

(A) in the matter preceding subparagraph (A), by inserting '', including those that are not a party to the Arrangement,'' after ''countries'';

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

(C) by inserting after subparagraph (B) the following:

''(C) promoting compliance with Arrangement rules among foreign export credit agencies that are not a party to the Arrangement;''; and

(2) in subsection (b), in paragraph (5)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking ''and'' and by inserting '', and to seek compliance by those

countries that are not a party to the Arrangement'' before the period; and

(ii) in subclause (III), by adding at the end the following: ''In cases where information about a specific offer of foreign tied aid (or untied aid used to promote exports as if it were tied aid) is not available in a timely manner, or is unavailable because the foreign export credit agency involved is not subject to the reporting requirements under the Arrangement, then the Bank may decide to use the Tied Aid Credit Fund based on credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.''.

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

''(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.''.

SEC. 12. PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS; IMPLEMENTATION OF EX-IM ONLINE.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

''(g) PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS.—The Bank shall establish and adhere to a clearly defined process for—

''(1) acknowledging receipt of applications;

''(2) informing applicants that their applications are complete or, if incomplete or containing a minor defect, of the additional material or changes that, if supplied or made, would make the application eligible for consideration; and

''(3) keeping applicants informed of the status of their applications, including a clear and timely notification of approval or disapproval, and, in the case of disapproval, the reason for disapproval, as appropriate.

''(h) RESPONSE TO APPLICATION FOR FINANCING; IMPLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING PROCESS.—

''(1) RESPONSE TO APPLICATIONS.—Within 5 days after the Bank receives an application for financing, the Bank shall notify the applicant that the application has been received, and shall include in the notice—

''(A) a request for such additional information as may be necessary to make the application complete;

''(B) the name of a Bank employee who may be contacted with questions relating to the application; and

''(C) a unique identification number which may be used to review the status of the application at a website established by the Bank.

''(2) WEBSITE.—Not later than September 1, 2007, the Bank shall exercise the authority granted by subparagraphs (E)(x) and (J) of subsection (b)(1) to establish, and thereafter to maintain, a website through which—

''(A) Bank products may be applied for; and

''(B) information may be obtained with respect to—

''(i) the status of any such application;

''(ii) the Small Business Division of the Bank; and

''(iii) incentives, preferences, targets, and goals relating to small business concerns (as defined in Section 3(a) of the Small Business Act), including small business concerns exporting to Africa.''.

SEC. 13. COMPETITIVENESS INITIATIVES.

(a) EXPANSION OF SCOPE OF ANNUAL COMPETITIVENESS REPORT.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by inserting after section 8 the following:

''SEC. 8A. ANNUAL COMPETITIVENESS REPORT.

''(a) IN GENERAL.—Not later than June 30 of each year, the Bank shall submit to the appropriate congressional committees a report that includes the following:

''(1) ACTIONS OF BANK IN PROVIDING FINANCING ON A COMPETITIVE BASIS, AND TO MINIMIZE COMPETITION IN GOVERNMENT-SUPPORTED EXPORT FINANCING.—A description of the actions of the Bank in complying with the second and third sentences of section 2(b)(1)(A). In this part of the report, the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined pursuant to section 10(h)(7))) and, to the extent such information is available to the Bank, indicate in specific terms the ways in which the Bank's rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each such government and government-related agency. In this part of the report, the Bank shall include a survey of a representative number of United States exporters and United States commercial lending institutions which provide export credit on the experience of the exporters and institutions in meeting financial competition from other countries whose exporters compete with United States exporters.

''(2) ROLE OF BANK IN IMPLEMENTING STRATEGIC PLAN PREPARED BY THE TRADE PROMOTION COORDINATING COMMITTEE.—A description of the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.

''(3) TIED AID CREDIT PROGRAM AND FUND.—The report required by section 10(g).

''(4) PURPOSE OF ALL BANK TRANSACTIONS.—A description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.

''(5) EFFORTS OF BANK TO PROMOTE EXPORT OF GOODS AND SERVICES RELATED TO RENEWABLE ENERGY SOURCES.—A description of the activities of the Bank with respect to financing renewable energy projects undertaken under section 2(b)(1)(K), and an analysis comparing the level of credit extended by the Bank for renewable energy projects with the level of credit so extended for the preceding fiscal year.

''(6) SIZE OF BANK PROGRAM ACCOUNT.—A separate section which—

''(A) compares, to the extent practicable, the size of the Bank program account with the size of the program accounts of the other major export-financing facilities referred to in paragraph (1); and

''(B) makes recommendations, if appropriate, with respect to the relative size of the Bank program account, based on factors including whether the size differences are in the best interests of the United States taxpayer.

''(7) CO-FINANCING PROGRAMS OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES.—A description of the co-financing programs of the Bank and of the other major export-financing facilities referred to in paragraph (1), which includes a list of countries with which the United States has in effect a memorandum of understanding relating to export credit agency co-financing and, if such a memorandum is not in effect with any country with a major export credit-financing facility, an explanation of why such a memorandum is not in effect.

''(8) SERVICES SUPPORTED BY THE BANK AND BY OTHER EXPORT CREDIT AGENCIES.—A separate section which describes the participation of the Bank in providing funding, guarantees, or insurance for services, which shall include appropriate information on the involvement of the other major export-financing facilities referred to in paragraph (1) in providing such support for services, and an explanation of any differences among the facilities in providing the support.

''(9) EXPORT FINANCE CASES NOT IN COMPLIANCE WITH THE ARRANGEMENT.—Detailed information on cases reported to the Bank of export financing that appear not to comply with the Arrangement (as defined in section 10(h)(3)) or that appear to exploit loopholes in the Arrangement for the purpose of obtaining a commercial competitive advantage. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

''(10) FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—A description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that are not members of the Arrangement (as defined in section 10(h)(3)), appear not to comply with the Arrangement and appear to be inconsistent with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)), and a description of the actions taken by the United States Government to address the activities. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees, the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

''(b) INCLUSION OF ADDITIONAL COMMENTS.—The report required by subsection (a) shall include such additional comments as any member of the Board of Directors may submit to the Board for inclusion in the report.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(b) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking all that follows the third sentence.

(c) EXPANSION OF COUNTRIES IN COMPETITION WITH WHICH THE BANK IS TO PROVIDE EXPORT FINANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended in the second sentence by inserting '', including countries the governments of which are not members of the Arrangement (as defined in section 10(h)(3))'' before the period.

(d) SENSE OF CONGRESS REGARDING NEGOTIATION OF THE OECD ARRANGEMENT.—It is the sense of Congress that in the negotiation of the Arrangement (as defined in section 10(h)(3) of the Export-Import Bank Act of 1945) the goals of the United States include the following:

(1) Seeking compliance with the Arrangement among countries with significant export credit programs who are not members of the Arrangement.

(2) Seeking to identify within the World Trade Organization the extent to which countries that are not a party to the Arrangement are not in compliance with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)) with respect to export finance, and seeking appropriate action within the World Trade Organization for each country that is not in such compliance.

(3) Implementing new disciplines on the use of untied aid, market windows, and other forms of

export finance that seek to exploit loopholes in the Arrangement for purposes of obtaining a commercial competitive advantage.

SEC. 14. OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as added by section 6, is amended by adding at the end the following:

''(i) OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—

''(1) ESTABLISHMENT.—The President of the Bank shall establish in the Small Business Division an office whose sole functions shall be to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support exports by, socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.

''(2) MANAGEMENT.—The office shall be managed by a Bank officer of appropriate rank who shall report to the Bank officer designated under subsection (f)(2).

''(3) STAFFING.—To the maximum extent practicable, the President of the Bank shall ensure that qualified minority and women applicants are considered when filling any position in the office.''.

(b) FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 2(b)(1)(E)(v) of such Act (12 U.S.C. 635(b)(1)(E)(v)) is amended by adding at the end the following: ''From the amount made available under the preceding sentence, it shall be a goal of the Bank to increase the amount made available to finance exports directly by small business concerns referred to in section 3(i)(1).''.

SEC. 15. GOVERNANCE.

Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

''(9) At the request of any 2 members of the Board of Directors, the Chairman of the Board shall place an item pertaining to the policies or procedures of the Bank on the agenda for discussion by the Board. Within 30 days after the date such a request is made, the Chairman shall hold a meeting of the Board at which the item shall be discussed.''.

SEC. 16. SENSE OF CONGRESS REGARDING MULTI-BUYER INSURANCE AND WORKING CAPITAL GUARANTEE PROGRAMS.

It is the sense of Congress that the Export-Import Bank of the United States should seek to expand the number and size of the regional multi-buyer insurance programs and working capital guarantee programs operated by, through, or in conjunction with the Bank.

SEC. 17. SENSE OF CONGRESS REGARDING AN OFFICE OF RENEWABLE ENERGY PROMOTION.

It is the sense of Congress that—

(1) the Export-Import Bank of the United States should establish, within 2 years of the date of the enactment of this Act, an Office of Renewable Energy Promotion staffed by individuals with appropriate expertise in renewable energy technologies to proactively identify new opportunities for renewable energy financing and to carry out section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(K));

(2) in carrying out the purposes of such an Office of Renewable Energy Promotion, the head of such Office should consider the recommendations of the Renewable Energy Exports Advisory Committee of the Bank to promote renewable energy technologies; and

(3) the Bank should include in its annual report a description of the activities carried out by such an Office of Renewable Energy Promotion, including for each year a description of the amount of credit extended by the Bank for renewable energy technologies during that year and a comparison between that amount and the amount of such credit extended by the Bank in previous years.

SEC. 18. ENVIRONMENTAL MATTERS.

(a) ENVIRONMENTAL REPRESENTATIVES ON THE ADVISORY COMMITTEE.—Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''15'' and inserting ''17''; and

(B) in subparagraph (B), by inserting ''environment,'' before ''production,''; and

(2) in paragraph (2), by adding at the end the following:

''(C) Not less than 2 members appointed to the Advisory Committee shall be representative of the environmental nongovernmental organization community, except that no 2 of the members shall be from the same environmental organization.''.

(b) PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.—Section 11(a)(1) of the Export-Import Bank of 1945 (12 U.S.C. 635i-5(a)(1)) is amended by inserting after the first sentence the following: ''Such procedures shall provide for the public disclosure of environmental assessments and supplemental environmental reports required to be submitted to the Bank, including remediation or mitigation plans and procedures, and related monitoring reports. The preceding sentence shall not be interpreted to require the public disclosure of any information described in section 1905 of title 18, United States Code.''.

SEC. 19. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF BANK PERFORMANCE STANDARDS FOR ASSISTANCE TO SMALL BUSINESSES, ESPECIALLY THOSE OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS AND THOSE OWNED BY WOMEN.

(a) PERFORMANCE STANDARDS.—The Bank shall develop a set of performance standards for determining the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

(b) ASSESSMENT OF STANDARDS.—Within 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(1) an assessment of the performance standards developed by the Bank pursuant to subsection (a); and

(2) using the performance standards developed pursuant to subsection (a), an assessment of the Bank's efforts to carry out subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

SEC. 20. REPORTS.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

''(f) ADDITIONAL REPORTS.—Not later than March 31 of each year, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate reports on—

''(1) the extent to which the Bank has been able to use the authority provided, and has complied with the mandates contained, in section 2(b)(1)(E), and to the extent the Bank has been unable to fully use such authority and comply with such mandates, a report on the reasons for the Bank's inability to do so and the steps the Bank is taking to remedy such inability;

''(2) the extent to which financing has been made available to small business concerns (described in subsection (e)) to enable them to participate in exports by major contractors, including through access to the supply chains of the contractors through direct or indirect funding;

''(3) the specific measures the Bank will take in the upcoming year to achieve the small business objectives of the Bank, including expanded outreach, product improvements, and related actions;

''(4) the progress made by the Bank in supporting exports by socially and economically disadvantaged small business concerns (defined in section 8(a)(4) of the Small Business Act) and small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, including estimates of the amounts made available to finance exports directly by such small business concerns, a comparison of these amounts with the amounts made available to all small business concerns, and a comparison of such amounts with the amounts so made available during the 2 preceding years;

''(5) with respect to each type of transaction, the interest and fees charged by the Bank to exporters (including a description of fees and interest, if any, charged to small business concerns), buyers, and other applicants in connection with each financing program of the Bank, and the highest, lowest, and average fees charged by the Bank for short term insurance transactions;

''(6) the effects of the fees on the ability of the Bank to achieve the objectives of the Bank relating to small business;

''(7) the fee structure of the Bank as compared with those of foreign export credit agencies; and

''(8)(A) the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, including the total amount expended by the Bank to do so; and

''(B) if the Bank has been unable to comply with such subparagraphs—

''(i) an analysis of the reasons therefor; and

''(ii) what the Bank is doing to achieve, and the date by which the Bank expects to have achieved, such compliance.''.

SEC. 21. STUDY OF HOW EXPORT-IMPORT BANK COULD ASSIST UNITED STATES EXPORTERS TO MEET IMPORT NEEDS OF NEW OR IMPOVERISHED DEMOCRACIES; REPORT.

(a) STUDY.—The Export-Import Bank of the United States shall conduct a study designed to assess the needs of new or impoverished democracies, such as Liberia and Haiti, for imports from the United States, and shall determine what role the Bank can play a role in helping United States exporters seize the opportunities presented by the need for such imports.

(b) REPORT TO CONGRESS.—Within 12 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, a final report that contains the results of the study required by subsection (a).

Mr. FRIST. I ask unanimous consent the Senate concur in the House amendment, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF KENT A. JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

Mr. FRIST. I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 924.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Southern District of Iowa.

Bill Frist, Robert Bennett, Arlen Specter, Tom Coburn, Kit Bond, George Allen, Lindsey Graham, Trent Lott, Mel Martinez, Gordon Smith, Sam Brownback, Rick Santorum, Richard Burr, Hillary Clinton, Johnny Isakson, Jim DeMint.

Mr. FRIST. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, this circuit court nomination was reported unanimously out of the Judiciary Committee. I do not believe there is any controversy with this nomination. I hope we could vitiate this cloture motion and proceed to an up-or-down vote during tomorrow's session. In the meantime, I have filed cloture to ensure a vote this week on this circuit court nominee.

LEGISLATIVE SESSION

Mr. FRIST. I now ask that we resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, DECEMBER 7, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, December 7. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume executive session for the consideration of the nomination of Andrew von Eschenbach; I further ask consent that there be 60 minutes equally divided for debate prior to the cloture vote, with the time equally divided as follows: Chairman ENZI or his designee, 30 minutes; Senator GRASSLEY, 30 minutes; Senator VITTER, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate overwhelmingly confirmed Robert Gates as Secretary of Defense today. I thank Chairman WARNER, once again, and Senator LEVIN for their tremendous work in expediting this nomination through the committee.

Tomorrow, the Senate will have a cloture vote on the nomination of the FDA Commissioner. I previously pointed out how important it is that we have a confirmed Commissioner there and thus I did file cloture to ensure that we did have before the end of this year. Senators can expect that vote somewhere around 10:30 to 10:45 tomorrow morning. If cloture is invoked, which I expect it to be, it is my hope that we will be able to get an agreement on scheduling a vote on confirmation at a reasonable hour.

We have several outstanding legislative and executive items to complete before we close out this Congress, so Senators should be prepared to be here until we get our work done.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DEWINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

SERGEANT JEREMY E. MURRAY

Mr. DEWINE. Mr. President, I rise today to honor the Marine SGT Jeremy E. Murray, from Atwater, OH. On November 16, 2005, Sergeant Murray was killed when a roadside bomb hit his military vehicle in Iraq. He is survived by his wife Megan and his young son, Ian. Twenty-eight-year-old Sergeant Murray was also the devoted son of Harold and Pam Murray, and the brother of Lisa Murray.

Jeremy lived a life that was a model of commitment and bravery. At the time of his death, Jeremy was serving his third tour of duty in Iraq. But before leaving, this is what he told his father Harold:

If I don't come home, Dad, you know I died proudly. I died for what I wanted to do. This is my lifetime dream.

Serving his Nation in the military was, indeed, the childhood dream of SGT Jeremy Murray—something that had been ingrained in him at a young age through a love of the outdoors. Born on February 5, 1978, Jeremy was only 2 years old when his father started taking him into the woods. From there, he never once looked back.

Jeremy's strong appreciation for and love of the outdoors translated into a childhood obsession with all things Daniel Boone—who Jeremy believed was the greatest hunter of all time. Indeed, Jeremy wanted to be Daniel Boone.

His parents made him a Daniel Boone hunting outfit, complete with a raccoon skin cap and a rabbit pelt vest. A family friend contributed by making Jeremy a metal Bowie knife. And, his dad even made a replica flintlock for him.

Jeremy loved his Daniel Boone outfit. But, when he outgrew it, he found another uniform waiting for him—military fatigues. And according to his father, Jeremy ''never was out of those. Never.''

Jeremy's mother remembers that her son grew up talking constantly about joining the military. He joined the Army after graduating from Waterloo High School in 1996. After his enlistment ended, Jeremy came home and worked for awhile. But, only a few months later, he joined the Marines. It was simply the career Jeremy was meant to have. According to his father, Jeremy ''wasn't happy with anything but the military.''

Jeremy's mother agrees. ''He really joined [the military] at birth,'' she said. Pam also remembers how ready her son was for the military. She tells the following story:

[Jeremy] was so prepared for military service that when he entered boot camp, he broke down a rifle faster than his drill sergeant. The drill sergeant didn't like that!

Jeremy made the military his career, and he gave it his all. He was serving his third tour of duty in Iraq when he died. SGT John McLemore was a friend of Jeremy's who served with him in Iraq. This is what John had to say about Jeremy's service overseas:

He was an uncompromising legend. We live in a world today where people compromise for their own comfort and give in just to accommodate other people. My friend Jeremy didn't do that. When we were in Iraq, he was by far the most competent leader for our section. He didn't hesitate to take the lead, and he definitely went out there and put himself directly in the line of fire on every patrol. . . . He knew what he had to do, and he got out there and did it. That's what makes him a legend. He'll be remembered forever.

Indeed, Jeremy served his country with heroic bravery. His leadership has earned him more awards than I could name here, but they include the Purple Heart, a Navy and Marine Corps Achievement Medal with a Gold Star for heroic achievement.

But Jeremy was much more than a dedicated marine. He was also a devoted husband, father, son, and brother, who loved his family deeply. His 10-

year-old niece Torey showed her love by writing Jeremy the following in a letter, ''I know he's a hero in my heart. I will always miss you.'' And his sister Lisa wrote: Jeremy was my hero all my life. I looked up to him my whole life and miss him greatly every day.

Jeremy's wife Megan was simply his soul mate. And his mother remembers that Jeremy's son Ian could always make him laugh. Perhaps Jeremy's love for his wife and son is best captured in a picture that was displayed at his funeral. In it, he could not stop gazing at Ian, who was then a newborn, and his wife Megan—not even to look at the camera. You can just see the deep devotion he felt for them.

Jeremy's funeral was held at his old high school on a Monday when it was already closed for the first day of hunting season—fitting, considering Jeremy's great love for the outdoors. Along with her class, his niece Torey decorated the cafeteria and auditorium with colored flags and yellow ribbons. On that day, Jeremy's dad took time to watch the tree line of the woods he had once scouted with Jeremy. He said:

> I told my wife if any deer came up, I would pull up a chair beside him and watch it. Jeremy would have liked that.

Jeremy's dad presided over his son's funeral. In his eulogy, he remembered both Jeremy's strong faith and his love of the outdoors. He said:

> I know right now, as he's standing at the right hand of God, he's looking down on his grandfather and me because today is the first day of hunting season, and we're not out. He's gonna give me heck for that next time I see him.

Jeremy was a young husband and father with a bright future ahead of him. He was a shining example of not only a marine but also of a human being. He will always be remembered.

My wife Fran and I continue to keep the family of SGT Jeremy Murray in our thoughts and prayers.

SERGEANT JEREMY M. HODGE

Mr. President, I rise today to pay tribute to a fallen hero, Army SGT Jeremy Michael Hodge from Rushsylvania, OH. On October 5, 2005, Sergeant Hodge died in Iraq in a suicide bomber attack. He was just 20 years old.

As a member of the National Guard, Jeremy was an unselfish, hardworking leader, whose life exemplified the values of honor and duty. On dangerous missions, he was always the one wanting to take the lead. Growing up in Rushsylvania—a small Ohio village of 530 residents—Jeremy became known as a young man who would drop whatever he was doing to help with community tasks, like setting up for events at the school gym.

A sports enthusiast, he became a member of the baseball, football, and track-and-field teams at Ridgemont High School. A well-rounded student with many talents, he was also a member of the school choir and performed in musicals.

Principal Chad Cunningham remembers that Jeremy was the type of person who was always offering to help his fellow students and the school faculty. This is what he said about him:

> Jeremy's positive outlook was evident in all he did. If Jeremy was sitting on the bench, he wasn't pouting. He was cheering on his teammates and helping encourage them.

Jeremy graduated from high school in 2003, and soon after the National Guard. By joining the military, he was following in family footsteps. His father, Mike, was an Air Force veteran, and Jeremy had been born on an Air Force Base in Japan.

In Iraq, Jeremy's mission was to patrol the streets of Baghdad to find and destroy roadside bombs. According to military officials, the lives of three servicemen are saved by every bomb rendered useless. Command Sergeant Major Paul Trickett served with Jeremy in Iraq. He said that ''by my count, Jeremy saved the lives of 225 other soldiers. He put himself in the line of danger to save others. To me, that's a hero.''

At Jeremy's funeral, Sergeant Major Trickett also spoke proudly of serving with Jeremy, and of the young soldier's bravery:

> He volunteered to lead. He wanted to lead—he wanted to be out front. Without hesitation, he took on the challenge to protect his brothers in arms.

Jeremy's service to our Nation did not go unnoticed. A Specialist at the time of his death, the Army honored him with a posthumous promotion to Sergeant. Jeremy's bravery also earned him the Purple Heart, the Bronze Star, and the Ohio Distinguished Service Medal.

''He was a fighter, all right,'' Jeremy's father said. ''Whatever he did, he did full bore—non-stop since almost the day he was born.''

Jeremy was a young man with a bright future before him. He had hoped to go to college and play football again after serving in Iraq. He also had dreams of one day becoming a NASCAR driver.

Scott Gillfillan was Jeremy's high school baseball coach, and his son Vince grew up alongside Jeremy. Scott remembers that Jeremy was a ''well-liked kid who didn't have a bad bone in his body. He had the biggest heart you'd want to know.''

Living only 7 miles apart, Jeremy and Vince played sports together and grew as close as brothers. Scott coached them both in baseball and remembers that they never came straight home after practice. He said, ''They'd stay over at the field, going at it over and over until they got it right. That's what Jeremy was about.''

Vince graduated from high school and enlisted in the Army just one year before Jeremy did. And on the day Jeremy died, Vince was only one vehicle behind him in the convoy. As Scott said:

> There they were, together, in the same unit, in the same convoy. Now, we're just trying to work through this together. They were practically brothers. How do you get over something like that? I don't think you ever do.

Vince spoke the following words at Jeremy's funeral:

> Jeremy would say how cool it would be to grow up together, to go to school together, join the Army, serve in Iraq together, and then come back home together. What we need to do right now is help each other because I'm sure Jeremy is in Heaven right now probably racing Dale Earnhardt.

Jeremy Hodge was a true patriot. Always willing to be on the front lines, he displayed courage and tenacity. He was also loved and deeply respected by all who knew him. More than 400 hundred family members, friends, and soldiers attended his memorial service at Rushsylvania Church of Christ. After the funeral, more than 100 vehicles led by a camouflage humvee proceeded through the village to the Rushsylvania Cemetery.

Three vehicles from the front, Jeremy's father drove his son's 1999 Dodge Ram 1500 four-wheel drive pickup truck. It was adorned with both a U.S. flag and a flag for NASCAR driver Mark Martin.

Jeremy will always be remembered as an all-American boy who loved four-wheeling, motorcycles, hunting and fishing, watching NASCAR and rooting for Mark Martin. He dearly loved his family and made his parents, family, and community very proud. He had a big heart was tremendously dedicated to his family, friends, and country.

My wife Fran and I will continue to keep Jeremy's father Mike; his mother and step-father Michelle and Steve Norris, and his sisters Alyssa, Nicole, and Denise in our thoughts and in our prayers.

PRIVATE FIRST CLASS ADAM JOHNSON

Mr. President, I rise today to pay tribute to a fallen soldier—Army PFC Adam Robert Johnson. Private First Class Johnson, from Clayton, OH, died on October 31, 2005, when a roadside bomb detonated near his military vehicle in Iraq. Three other members of his unit—the 101st Airborne—also lost their lives that day. Private First Class Johnson was 22 years old and had been in Iraq for just 5 weeks.

A.J.—as he was known to family and friends—was an outgoing and optimistic young man, who always had a smile on his face. His positive attitude and love for others will be missed by all who knew him.

Growing up, A.J. loved nothing more than playing soccer. It was his passion. He became a star player for Northmont High School's varsity team. As a senior, his hard work and dedication earned him the starting goalkeeper position. He had an extraordinarily successful season. Not only was he selected as the Goalie of the Year for the Greater Miami Valley Conference, but he was also selected as the overall Player of the Year. A.J. was also honored as a student-athlete when he was selected as a first-team pick on the Miami Valley Scholastic Soccer Coaches Association All-Dayton North Team.

A.J. enjoyed sharing his passion for soccer with others. After graduating from Northmont in 2001, he volunteered as an assistant coach for the next two years, helping the players who came after him become better athletes and team members.

A.J. is deeply missed by those who knew him through soccer. Mark Spirk, Northmont's head coach, watched A.J. grow up playing soccer. He remembers how much A.J. enjoyed working with others. ''He had helped out every year at our Northmont soccer camp, working with the younger kids,'' he recalls. ''He worked hard at that just like he had as a player.''

When A.J. joined the Army, he brought with him that same dedication and work ethic that had made him a star soccer player. Joining the Army was something he had always dreamed of doing. He enlisted without telling his parents. Afterward, he told his father Randy Johnson that this was what he had always wanted to do. ''He didn't want me to talk him out of it,'' Randy said. ''He said it was something he always wanted to do.'' Randy said he was proud of his son, who was always smiling and showing a positive attitude.

A.J.'s mother Fran recalls that ''we all supported Adam's decision, even though, especially for me, it was very, very hard to do. I am proud of the man he became.''

After joining the Army, A.J. was stationed at Fort Campbell in Kentucky. He was deployed to Iraq in September 2005. He carried his positive spirit with him into the Army. According to a sergeant who was his team leader in Iraq, A.J. fit right in ''with his easygoing personality, sense of humor, and never-quit attitude.''

The members of A.J.'s community have rallied around his family. Five hundred mourners attended his funeral at the Salem Church of God, and the procession from the church to the cemetery stretched a mile long. Along the way, an elementary school class and its teacher stood quietly to pay their silent respect, and cars pulled over. Some motorists got out and covered their hearts.

Army BG John R. Bartley spoke at A.J.'s funeral, saying that the young soldier was an American hero who understood the meaning of duty, honor, and country. ''All of us in uniform share your sorrow,'' he said. ''We, too, are grieving.''

Displayed at A.J.'s funeral, in a wooden box before his flag-draped coffin, were the ribbons and medals he had earned. They included a Combat Infantry Badge, a Bronze Star, and a Purple Heart.

Indeed, A.J. is missed by his entire community. Abbie Harrison, who—along with her parents, Doug and Theresa, and her sister Natalie—were like a ''second family'' to A.J. Abbie wrote the following in his memory on an Internet tribute Web site:

> A.J. was my best friend. We shared so many happy memories. I miss him so much, and I know we will all see him again. He brought out the best in everyone, and he loved with all his heart. I wish I could be at least half the person he was. I will never forget him, and he will always be in my heart.

A.J.'s high school observed a schoolwide moment of silence to honor his memory. Robin Spiller, the district's athletic director and an assistant principal at the high school, had A.J.'s name added to a memorial outside the high school stadium. It is a memorial honoring all of the community's fallen servicemembers from past wars. ''It's impacted us all.'' she said.

I would like to conclude my remarks with the words of A.J.'s former roommate, Bryan, from Englewood, OH. This is what he said:

> Adam—we all miss you dearly. You're the truest American Hero. Thank you and all the soldiers who have paid ''the ultimate price'' for our freedom. You will live forever in the hearts and minds of all of your friends. We all have lots of great stories to tell to remember you by . . . and we will never forget.

Indeed, we will never forget Army PFC Adam Johnson. He was a good soldier and a young man who exemplified a great spirit of caring and sacrifice.

My wife Fran and I keep his parents Randy and Fran, his brothers Matthew, Brad, and Ryan, and his grandparents Robert and Lois Marcus in our thoughts and prayers.

LANCE CORPORAL JOSEPH NICE

Mr. President, I rise today to honor a young man who lost his life in service of our Nation. LCpl Joseph Nice, from Newark, OH, was killed by enemy fire during Operation Iraqi Freedom. He was serving in the 3rd Battalion, 7th Marines, 1st Division, Expeditionary Force, Marines Air Corps Ground Combat division at Twenty-nine Palms, CA. He was 19 years old.

In the pursuit of his dream and in the footsteps of his relatives, Joseph Nice carved out a path for himself while serving the country he loved. Left to cherish his memory are his father Lloyd Nice III, his mother Marilyn Nice, his five sisters, his two brothers, his grandparents, and his aunts and uncles.

Today, we remember Joseph Nice—who was know as ''Joey'' to his family and friends. Joey was born in Newark on April 6, 1985. As a young boy, he was interested in football, soccer, baseball, cars, and the military. As a young boy, Joey loved to ask his grandfather about his own service in the Marines. From a very early age, Joey was interested in serving his country.

In 1998, Joey and his five siblings moved to Oklahoma for a time. There, Joey attended Choctaw High School, where he was well liked and involved in many activities. He was a straight-A student, worked in the school library, played saxophone in the band, and taught himself the drums. He played on the soccer team and loved to draw landscapes.

Joey was also known as a great friend. Teammate and fellow band member Cody Largent had this to say about Joey: ''If you had a problem, he was always there for you. He was very brave, and I'm proud that he was my best friend.'' Joey used to tell Cody that he wanted to be a lawyer so that he could help his friends get out of trouble in the future.

Joey was very close to his grandmother Mary. One of her favorite memories of Joey is how she would joke with her grandson about how much time he spent in the bathroom, making sure he looked ''just so.'' She remembers his polite and easy-going nature—and his cooking talents.

When Joey decided to enlist after high school, it did not surprise anyone. After all, he had made his intentions known since he was a little boy. High school classmates recall that while watching coverage of Operation Iraqi Freedom at school, Joey would tell them that he couldn't wait to fight for his country.

Joey loved being a marine—something his grandmother quickly noticed: ''The Marines were his life,'' she said. ''If you didn't know any better, you'd think he'd been in the Marines for 30 or 40 years. That's how devoted he was.''

Joey was, indeed, a devoted marine, and he did not shy away from serving in Iraq. His Aunt Susan remembers a phone conversation she had with her nephew before he left. Joey told her:

> I know it's not easy. I know I might not make it back. But, I want to do this for you, our family, and our country.

Joey wanted to make his family proud—and he did. His grandmother described the feeling she got whenever she saw her grandson—it made her chest swell ''200 miles.''

Joey was stationed near Baghdad, and although he was on the other side of the world, he made sure to keep in touch with his family at home. He called his grandfather, Lloyd Nice, Jr., to tell him how happy he was to have qualified for the military law program. Joey also made sure to call his grandmother every few weeks, and the two were making plans for his return home. Joey couldn't wait to buy a car and have a belated birthday celebration.

Tragically, Joey did not celebrate his birthday with his family. He was killed by an enemy sniper on August 4, 2004, in Al Anbar Province, Iraq.

At the memorial service held in his honor, friends and family remembered Joey as a patriot—a man who put his country ahead of himself. They remembered that he was quick to smile and eager to raise the spirits of all those around him. They remembered a young man full of love for his family and for his country. As Reverend Robert Knox said so well at a ceremony for Joey at the American Legion Post 85, ''A lot of people say they believe in our Nation. This man proved he did.''

LCpl Joseph Nice was an extraordinary marine, but more than that, he was an extraordinary person. Though he is truly missed, I know that Joey will live on in the hearts and minds of all those who had the privilege of knowing him.

My wife Fran and I continue to keep the family of Marine LCpl Joseph Nice in our thoughts and prayers.

MASTER SERGEANT JOSEPH J. ANDRES, JR.

Mr. President, I rise today to pay tribute to Army MSG Joseph J. Andres, Jr., of Seven Hills, OH. On December 24, 2005, Master Sergeant Andres was wounded when his Special Operations Unit came under small arms fire in Iraq. He died later that day. He was 34 years old.

Joe, as he was known by family and friends, was a selfless man, deeply devoted to his family, friends, and community. Joe was always there for someone who needed him, whether it was to talk over the big issues of life or simply to fix a friend's computer.

Joe's generosity was truly exceptional and rare. Once, shortly after buying his first house, he insisted that a comrade's family stay there while closing on their own home. According to Joe, it was they who would be doing him a favor. This is simply the kind of man Joe was—he always wanted to lend a hand to those who needed it.

Joe grew up surrounded by family and friends. He was the only boy in a family with five sisters. He liked being outdoors, fishing with friends and riding his dirt bike through the woods. His father, Joseph, Sr., said that his son was ''adventurous,'' but also responsible. Joe rode dirt bikes, skateboarded, and snowboarded, but he was also on the honor roll, played drums in the symphony orchestra, wrestled, and ran track. He was fun-loving but also hard working.

Tim Vojta had been a friend of Joe's since third grade and ran track with him at Padua Franciscan High School. Tim remembers his friend's strong work ethic. He said that Joe ''wasn't the fastest guy on the team, but he was the one who worked hard and was really dedicated.'' According to Tim, Joe displayed a capacity for commitment and enthusiasm as a child that followed him throughout life.

It was these qualities of commitment and enthusiasm that made Joe such an excellent serviceman. After graduating from high school in 1989, he studied materials engineering at the University of Cincinnati for 2 years before deciding that he had another calling in life. For Joe, that meant serving his country in the Army. According to his father, ''Joe decided he didn't want to spend his life behind a desk.''

Joe enlisted in the Army Reserve as a combat medic in February 1992. The following April, he volunteered for active duty, eventually serving as a medic and medical noncommissioned officer at Fort Bliss, Texas, and in Germany. When he died, Joe was serving with the U.S. Army Special Operations Command, based in Fort Bragg, NC.

One of the most remarkable things about Joe was his simple bravery. He shrugged off the dangers of his job, often telling strangers that he was a greeter at Wal-Mart. But Joe also knew there was nothing funny about anything he did. According to his family, he knew and appreciated the risks of his job. If the worst should happen, he told them, he wanted to be buried at Arlington National Cemetery, which, indeed, became his final resting place.

Joe's bravery and dedication to the Army have been recognized with numerous awards, including the Bronze Star, a Meritorious Service Medal, and an Army Commendation Medal. He was also posthumously promoted to the rank of master sergeant.

Joe's family was making preparations for his return when he died. His sister Sharon says that he had spoken to their mother just a few days before his death. ''She told him she was praying for him,'' Sharon remembers.

Although it was expected that Joe would return to Iraq, he was scheduled to be home for New Year's Eve 2005. Plans were being made to celebrate in Cleveland's Warehouse District and to attend a Cleveland Brown's game the following day. And almost daily, Joe was e-mailing his best friend Chuck Carlin, making plans for what they would do over the holidays.

Tragically, these plans were never realized. The Christmas decorations were already up, but new ones were then added. Six small American flags joined the manger scene, the snowman, and a Merry Christmas sign. And other houses throughout the Seven Hills community displayed flags and red bows honoring Joe's memory.

Joe was a young man who was deeply connected to his church and community. Before his burial at Arlington, a memorial mass was held in his honor at St. Columbkille Roman Catholic Church. An unofficial honor guard of school children lined a street as the procession drove past.

During the ceremony, family and friends fondly recalled Joe's playful side. They remembered that he loved cartoons, fluffy towels, hot tubs, and hot sauce. They remembered that Joe would bring his laundry home when on leave and would call ahead to make sure that his favorite takeout sandwich was waiting for him.

Family and friends also paid tribute to Joe's love for and dedication to his country. ''He was the best of the best,'' declared his sister Pamela. ''He really believed in what he did,'' said his sister Debbi. And sister Maureen added, ''Reflect and remember why men like my brother serve this great country with such passion and conviction.''

Joe made friends easily—and then kept those friends for his whole life. His Internet tribute pages are filled with messages from those who knew him from as far back as elementary school. All of these messages are incredibly moving. They speak of Joe's bravery, his dedication, and the simple way in which he could make anything fun. There is one message, in particular, that I would like to share today. A childhood friend, Michael Stutz, wrote the following in a message addressed to Joe:

> To anyone who would ever hear the half of it, our time together over years long gone sounds like a giant roll call of the idylls of youth: scouting, fishing, swimming, biking, the autumn football games, camping at the lake, our first band, that double-date to the ice cream stand, mopeds, skateboarding, shooting rifles, exploring the woods, riding in the Triumph Spitfire, wandering out among the Erie islands.
>
> But today, what I remember most is one brief moment on our eighth grade field trip to Washington, where you stood next to me at Arlington. We paid our respects and thought of the long glory of the nation and for just a moment everything was quiet. In my heart, I stand by you there again, but you are suddenly a whole lot taller, and I am looking up to you.
>
> I salute you, pal.

Joe Andres was an exceptional soldier and an exceptional human being—someone who knew the importance of both service and generosity. He will never be forgotten.

He is survived by his parents Joseph and Sandra and by his five sisters Deborah, Pamela, Christine, Maureen, and Sharon. My wife Fran and I continue to keep his family and his friends in our thoughts and in our prayers.

SERGEANT LARRY R. KUHNS, JR.

Mr. President, this evening, I rise to honor Army SGT Larry R. Kuhns, Jr., from Austintown, OH. On June 13, 2005, Sergeant Kuhns died when his military vehicle came under a grenade attack during combat operations in Iraq. He was 24 years of age at the time.

Born on April 9, 1981, Larry grew up an avid fan of the Cleveland Browns and was a lover of the outdoors. His father Larry, Sr., remembers him as a big, rambunctious boy, who was patriotic and adventurous—the type of person who was always looking for new ways to challenge himself. And in the Army, Larry always found new challenges.

After graduating from Fitch High School, Larry worked driving a tractor-trailer truck before joining the Army Reserves, where he became a heavy equipment operator. While in the Reserves, Larry also worked at an Army recruiting office in Boardman, OH, during late 2003. SFC Anthony Catrucco, who worked at the recruiting office with Larry, said this about him:

> It's a sad moment every time we hear something like this. [Larry] knew what he was getting into. He accepted it, and he was proud to serve his country.

Larry enlisted for active duty with the Army in February 2004. According to his father, Larry enjoyed serving in the military so very much. In his dad's words:

> [Larry] was a very dedicated soldier. All he thought about was the Army. He wanted to make it his life.

By joining the Army, Larry was also carrying forward his family's long tradition of military service. Larry's grandfather had served in World War II, and his great-grandfather had served in World War I. But, the family history went back even further—Larry's great-great grandfather fought

in the Civil War. As Larry's grandmother Norma said, ''We were very proud of him.''

Larry, himself, took great pride in his military service. He joined the Army and simply loved what he was doing. His father remembers talking to his son at Christmas 2004, and even though Larry had shrapnel in his shoulder at the time, he was still positive and remained proud of what he was doing in Iraq.

When Larry died, he was a 7-year veteran, who was serving his second tour in Iraq and had been recently promoted to sergeant. SFC Herb Campbell remembers the dedication with which Larry served his country. He wrote the following in Larry's memory on an Internet tribute Web site:

> I was there as [Larry's] recruiter when he joined, and he could not have been prouder to serve his country. I will never forget Larry as we formed a close bond—as soldiers and friends. He had the biggest heart, the greatest sense of humor, but was ultimately dedicated to what he believed in, serving his country.

And, SPC Eric Rodman wrote this, as well on the Web site, in remembrance of his friend:

> I served with Sergeant Kuhns in the same platoon in Ramadi, Iraq. It was hard for me to deal with the loss. He was like a brother to me. I miss him so much.

Not only was Larry Kuhns a dedicated soldier, he was a devoted son, husband, and father. He loved his wife Courtney and their daughter Mackenzie more than anything else in the world. According to his dad, Larry thought and talked constantly about his family. Mackenzie was always uppermost in his mind. As Larry, Sr., said, ''That little girl was his pride and joy.''

Larry's devotion to his family was also clear to his comrades in Iraq, who saw everyday the love he had for his wife and daughter. His room in Iraq was simply plastered with pictures of his family—most of them featuring Mackenzie and Courtney. PFC Jason McCully, who served with Larry in Iraq, remembers how excited his friend was whenever he heard from those he loved and how he shared that excitement with his fellow soldiers. Private First Class McCully said that ''every time [Larry] received a letter from home, everybody knew about it.''

Even while serving in Iraq, Larry's family came first to him. The day before he died, he talked to his grandmother Norma. She recalls that the only thing Larry wanted to talk about was those he loved. ''He didn't talk much about the war,'' she remembers. ''He talked about family.''

To Larry's cousins, he was like a brother. His cousin Jennifer Myers remembers both his strong belief in service and his wonderful sense of humor. She wrote the following in tribute to her beloved cousin:

> The last time I saw Larry, he was home between assignments in Iraq, and a big group of us all went out. I remember how proud he was of his service, how much he loved being in the Army and serving his country. I remember how much fun we all had that night, and seeing him laughing and just being good ol' Larry. That's how I will always remember Larry—my cousin, my friend.
>
> [He was] a great guy, with a great smile and a beautiful heart. When I think of him, I think of him as he was that night—happy, smiling, laughing.

Indeed, Larry is missed by everyone who knew and loved him. Family members always fondly remember Larry the sports lover, Larry the outdoorsman, and Larry the devoted husband, father, and son. They will never forget him. As his father said, ''I know the Army didn't make a mistake, but I still keep thinking the phone will ring and I'll hear him say, 'Hey, old man.' ''

Army SGT Larry Kuhns lived a life that was a model of service and dedication. He was devoted to his family, his fellow soldiers, and his Nation. As a soldier, he served with conviction and honor. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

Mr. President, I have one final tribute tonight and appreciate the Chair's generosity and time.

SENIOR AIRMAN ALECIA S. GOOD

Mr. President, I rise today to honor the life of Air Force Senior Amn Alecia Sabrina Good. Alecia was assigned to the 92nd Communications Squadron, Fairchild Air Force Base in the State of Washington. On February 17, 2006, Alecia lost her life from injuries sustained in a helicopter collision while on assignment in the Gulf of Aden off the coast of Djibouti, Africa. She was 23 years old.

She is survived by her 2-year-old daughter Tabatha, her twin sister Ashley, her brother Paul, and her parents, Paul and Claire.

Alecia grew up in Ohio and joined the Air Force 1 month after the September 11 terrorist attacks. After basic training and technical school, she was assigned to Fairchild's 92nd Communications Squadron as a tactical radio operator and maintainer.

In early February, Alecia was deployed to the Combined Joint Task Force Horn of Africa mission, supporting Operation Enduring Freedom. The Combined Joint Task Force Horn of Africa was set up in Djibouti in 2002 and is responsible for fighting terrorism in eight African countries and in Yemen.

Alecia was flying her first training mission when she was killed in the helicopter crash. The training mission involved two Marine transport helicopters in the Aden Sea. Alecia was on board the helicopter to provide satellite communication back to the Joint Operations Center at Camp Lemonier.

Alecia's death has been felt by many. She was a devoted, compassionate, and vivacious young woman, and possessed all the qualities that make a servicemember exceptional.

Alecia's twin sister Ashley described her sister as a vibrant, outgoing, young woman, who was full of fun and lived life to the fullest. ''She was the silliest, quirkiest person. . . . She really knew how to cut loose,'' Ashley said. ''We'd go dancing and she'd make up these really crazy dances. There was one she called the 'Pepper Grinder' and [one she called] the 'Lawn Mower.' She was very hard not to love.''

Ashley also said that Alecia was extremely devoted to her family, especially her 2-year-old daughter Tabatha. Alecia wished the absolute best for her family,'' Ashley said. She wanted her little girl to grow up in a world that was safe and a world that was free.

Friends, family, and comrades recall Alecia's passion for living. But, they also recognize her dedication and perseverance. U.S. Air Force Chaplain MAJ Donald Hoffman noted how Alecia enlisted in the Air Force exactly 1 month to the day after the September 11 attacks. ''By her mother's own words, she was not afraid,'' Hoffman said.

Pastor Bruce Gallaher said that people should remember Alecia's spirit and make the most of their own lives. ''She looked at life adventurously and wanted to live passionately,'' Gallagher said. The energy and spirit that drove Alecia Good shall remain an inspiration to many long after her death. We owe it to Alecia to celebrate her life.

I would like to conclude my remarks with a message that was posted on an Internet tribute website in honor of Alecia. A man named Leo Titus of Grayslake, Illnois—someone who never met Alecia or her family—recognized her service and bravery. He wrote the following eloquent words:

> Thank you Alecia Good. You will not be forgotten. Your bravery goes beyond words. I want to express my deepest gratitude for your sacrifice. To [your] family and friends, [I send] my prayers and deep condolences in your loss. May God strengthen you from knowing that fellow Americans and people around the world care about you and grieve with you in your loss. God bless you all.

This message is signed simply—''A very appreciative fellow American.''

Airman Good was buried with full military honors in Dixon, CA, on February 28, 2006. My wife Fran and I continue to keep her family and friends in our thoughts and in our prayers.

I thank the Chair and the staff and yield the floor.

ADJOURNMENT UNTIL 9:30 TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, December 7, 2006.

Thereupon, the Senate, at 9:30 p.m., adjourned until Thursday, December 7, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 6, 2006:

DEPARTMENT OF DEFENSE

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND

CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

UNITED STATES SENTENCING COMMISSION

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011. (REAPPOINTMENT)

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011. (REAPPOINTMENT)

ELECTION ASSISTANCE COMMISSION

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE RAYMUNDO MARTINEZ, III, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, December 6, 2006:

DEPARTMENT OF DEFENSE

ROBERT M. GATES, OF TEXAS, TO BE SECRETARY OF DEFENSE.

WITHDRAWALS

Executive message transmitted by the President to the Senate on December 6, 2006 withdrawing from further Senate consideration the following nominations:

DAVID H. LAUFMAN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE JOSEPH E. SCHMITZ, RESIGNED, WHICH WAS SENT TO THE SENATE ON JUNE 5, 2006.

TRACY A. HENKE, OF MISSOURI, TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE C. SUZANNE MENCER, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 5, 2006.

Daily Digest

HIGHLIGHTS:

Senate confirmed the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

Senate

Chamber Action

Routine Proceedings, pages S11375–S11401

Measures Introduced: Sixteen bills and two resolutions were introduced, as follows: S. 4083–4098, and S. Res. 624–625. **Page S11325**

Measures Reported:

Report to accompany S. 2803, to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining. (S. Rept. No. 109–365)

Report to accompany S. 3570, to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011. (S. Rept. No. 109–366) **Page S11324**

Measures Passed:

HIV/AIDS Program: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 6143, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing lifesaving care for those with HIV/AIDS, and the bill was then passed, after agreeing to the following amendment: **Pages S11240–43**

Ensign (for Enzi/Kennedy) Amendment No. 5212, in the nature of a substitute. **Pages S11242–43**

Sojourner Truth Bust: Committee on Rules and Administration was discharged from further consideration of H.R. 4510, to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol, and the bill was then passed, clearing the measure for the President. **Page S11243**

Sober Truth on Preventing Underage Drinking Act: Senate passed H.R. 864, to provide for programs and activities with respect to the prevention of underage drinking, after taking action on the following amendment proposed thereto: **Pages S11375–76**

Frist (for Enzi) Amendment No. 5219, in the nature of a substitute. **Page S11375**

Sgt. First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 4050, to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building", and the bill was then passed. **Page S11376**

Tito Puente Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1472, to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building", and the measure was then passed, clearing the measure for the President. **Page S11376**

Dr. Robert E. Price Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4246, to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S11376**

Beverly J. Wilson Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4720, to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building", and the bill was then passed, clearing the measure for the President. **Page S11376**

Lance Corporal Robert A. Martinez Post Office Building:Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5108, to designate the facility

of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the ''Lance Corporal Robert A. Martinez Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S11376**

Vincent J. Whibbs, Sr. Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5736, to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the ''Vincent J. Whibbs, Sr. Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S11376**

Morris K. "Mo" Udall Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5857, to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the ''Morris K. 'Mo' Udall Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S11376**

Dr. Leonard Price Stavisky Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5923, to designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the ''Dr. Leonard Price Stavisky Post Office'', and the bill was then passed, clearing the measure for the President. **Page S11376**

John J. Sinde Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5989, to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the 'John J. Sinde Post Office Building', and the bill was then passed, clearing the measure for the President. **Page S11376**

Wallace W. Sykes Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5990, to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the ''Wallace W. Sykes Post Office Building'',and the bill was then passed, clearing the measure for the President. **Page S11376**

Chuck Fortenberry Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6078, to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S11376**

Captain Christopher Petty Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6102, to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the ''Captain Christopher Petty Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S11376**

Hamilton H. Judson Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6151, to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the ''Hamilton H. Judson Post Office'', and the bill was then passed, clearing the measure for the President. **Page S11376**

Dietary Supplement and Nonprescription Drug Consumer Protection Act: Senate passed S. 3546, to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, after agreeing to the committee amendment in the nature of a substitute. **Pages S11376–81**

Utu Utu Gwaitu Paiute Tribe Land: Senate passed H.R. 854, to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe, clearing the measure for the President. **Page S11381**

Water Resources Research Act Amendments: Senate passed H.R. 4588, to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984, after agreeing to the following amendment: **Pages S11381–82**

Frist (for Inhofe) Amendment No. 5213, to modify provisions relating to scope of research, other activities, and cooperation and coordination. **Pages S11381–82**

Jefferson County, Colorado Land Use: Senate passed S. 4092, to clarify certain land use in Jefferson County, Colorado. **Page S11382**

Farm Security and Rural Investment Act Amendment: Senate passed S. 4093, to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance. **Page S11382**

Senate National Security Working Group Extension: Senate agreed to S. Res. 625, extending the

authority for the Senate National Security Working Group. **Page S11382**

Dam Safety Act: Senate passed S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11382–83**

Frist (for Inhofe) Amendment No. 5214, in the nature of a substitute. **Page S11383**

Pool and Spa Safety Act: Senate passed S. 3718, to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, after agreeing to the committee amendment in the nature of a substitute. **Pages S11383–84**

Iraq Reconstruction Accountability Act: Senate passed S. 4046, to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction. **Pages S11384–85**

Honoring William Wilberforce: Committee on the Judiciary was discharged from further consideration of S. Res. 613, honoring the life and work of William Wilberforce and commemorating the 200th anniversary of the abolition of the slave trade in Great Britain, and the resolution was then agreed to. **Page S11385**

National Purple Heart Hall of Honor: Committee on Armed Services was discharged from further consideration of H. Con. Res. 419, recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and the resolution was then agreed to. **Page S11385**

Recognizing American Council of Young Political Leaders: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 430, recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S11385**

Frist Amendment No. 5215, to amend the preamble. **Page S11385**

Wool Suit Fabric Labeling Fairness and International Standards Conforming Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 4583, to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products, and the bill was then passed, clearing the measure for the President. **Page S11385**

Aerospace Revitalization Task Force: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 758, to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation, and the bill was then passed, clearing the measure for the President. **Page S11386**

Nursing Relief for Disadvantaged Areas Reauthorization Act: Committee on the Judiciary was discharged from further consideration of H.R. 1285, to extend for 3 years changes to requirements for admission of non-immigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantage Areas Act of 1999, and the bill was then passed, clearing the measure for the President. **Page S11386**

Department of Justice Attorneys Travel Time: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 1876, to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S11386**

Frist (for Akaka) Amendment No. 5216, to revise the description of a certain citation. **Page S11386**

Department of Justice Attorneys Travel Time: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4057, to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, and the bill was then passed, clearing the measure for the President. **Page S11386**

Secure Access to Justice and Court Protection Act: Committee on the Judiciary was discharged from further consideration of H.R. 1751, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S11386–87**

Frist (for Specter) Amendment No. 5217, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members. **Page S11387**

Native American Languages Preservation Act: Committee on Indian Affairs was discharged from further consideration of H.R. 4766, to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs, and the bill was then passed, clearing the measure for the President. **Page S11387**

Call Home Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 2653, to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S11387**

Frist (for Stevens) Amendment No. 5218, to enhance public safety. **Page S11387**

Marine Mammal Protection Act Amendments Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 4075, to amend the Marine Mammal Protection Act of 1972 in order to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, after agreeing to the following amendments proposed thereto: **Page S11387**

Frist (for Stevens) Amendment No. 5220, in the nature of a substitute. **Page S11387**

Frist (for Stevens) Amendment No. 5221, to amend the title.

Secretary of the Army Authority Extension: Senate passed H.R. 6316, to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits, clearing the measure for the President. **Page S11387**

Creating Opportunities for Minor League Professional, Entertainers, and Teams Through Legal Entry Act: Committee on the Judiciary was discharged from further consideration of S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S11387–88**

Frist (for Collins) Amendment No. 5223, in the nature of a substitute. **Page S11388**

Admonishing President Hugo Chavez Statements: Committee on Foreign Relations was discharged from further consideration of S. Res. 607, admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez, and the resolution was then agreed to. **Pages S11388–89**

Living Resources of the High Seas Protection: Committee on Foreign Relations was discharged from further consideration of S. Res. 610, expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices, and the resolution was then agreed to. **Pages S11388–89**

Consumer Assurance of Radiologic Excellence Act: Senate passed S. 2322, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, after agreeing to the committee amendment in the nature of a substitute. **Pages S11389–91**

National Integrated Drought Information System Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of 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, and the bill was then passed, clearing the measure for the President. **Page S11391**

Military Construction/VA Appropriations—Conferees: Senate insisted on its amendment to H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007 (passed the Senate on November 14, 2006), requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Hutchison, Burns, Craig, DeWine, Brownback, Allard, McConnell, Cochran, Stevens, Feinstein, Inouye, Johnson, Landrieu, Byrd, Murray, Leahy, and Harkin. **Pages S11269–70**

Agriculture Appropriations—Vote Change: A unanimous-consent request was granted permitting Senator Stevens to change his yea vote to a nay vote on Vote No. 271 on the motion to waive relative to Conrad Amendment No. 5205, rejected on Tuesday, December 5, 2006, to H.R. 5384, making appropriations for Agriculture, Rural Development Food

and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007.

Page S11274

Export-Import Bank Reauthorization House Message: Senate concurred in the amendment of the House to S. 3938, to reauthorize the Export-Import Bank of the United States, clearing the measure for the President. Pages S11391–96

Nomination: Senate began consideration of the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

Page S11396

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture may occur on Friday, December 8, 2006. Page S11396

Nomination Agreement: A unanimous-consent agreement was reached providing for further consideration of the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, with 60 minutes of debate equally divided, followed by a vote on the motion to invoke cloture on the nomination. Page S11396

Nomination Confirmed: Senate confirmed the following nomination:

By 95 yeas 2 nays (Vote No. EX. 272), Robert M. Gates, of Texas, to be Secretary of Defense.

Pages S11259–93, S11401

Nominations Received: Senate received the following nominations:

Michael J. Burns, of New Mexico, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007. Pages S11400–01

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

David H. Laufman, of Texas, to be Inspector General, Department of Defense, which was sent to the Senate on June 5, 2006.

Tracy A. Henke, of Missouri, to be Executive Director of the Office of State and Local Government Coordination and Preparedness, Department of Homeland Security, which was sent to the Senate on September 5, 2006. Page S11401

Messages From the House: Pages S11321–22

Measures Placed on Calendar: Page S11322

Executive Communications: Pages S11322–24

Executive Reports of Committees: Pages S11324–25

Additional Cosponsors: Pages S11325–26

Statements on Introduced Bills/Resolutions: Pages S11326–49

Additional Statements: Pages S11320–21

Amendments Submitted: Pages S11349–72

Authorities for Committees to Meet: Pages S11372–73

Privileges of the Floor: Page S11372

Record Votes: One record vote was taken today. (Total—272) Pages S11292–93

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:30 p.m., until 9:30 a.m., on Thursday, December 7, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11396.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Leland A. Strom, of Illinois, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, who was introduced by Senator Cochran, and Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission, after the nominees testified and answered questions in their own behalf.

CLIMATE CHANGE

Committee on Environment and Public Works: Committee concluded a hearing to examine issues relating to climate change and the media's treatment of the issue, after receiving testimony from David Deming, University of Oklahoma, Norman; Daniel P. Schrag, Harvard University, Cambridge, Massachusetts; Robert M. Carter, James Cook University, Townsville, Australia; Naomi Oreskes, University of California, San Diego; and Dan Gainor, Business and Media Institute, Alexandria, Virginia.

NOMINATIONS

Committee on Environment and Public Works: Committee ordered favorably reported the nominations of Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency, and Eric D. Eberhard, of Washington, and Diane Humetewa, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

NOMINATIONS

Committee on Finance: Committee ordered favorably reported the nominations of Robert F. Hoyt, of Maryland, to be General Counsel, Michele A. Davis, of Virginia, Anthony W. Ryan, of Massachusetts, and Phillip L. Swagel, of Maryland, each to be an Assistant Secretary, Paul Cherecwich, Jr., of Utah, and Deborah L. Wince-Smith, of Virginia, both to be a Member of the Internal Revenue Service Oversight Board, all of the Department of the Treasury, Dean A. Pinkert, of Virginia, and Irving A. Williamson, of New York, both to be a Member of the United States International Trade Commission, and Dana K. Bilyeu, of Nevada, Mark J. Warshawsky, of Maryland, and Jeffrey Robert Brown, of Illinois, each to be a Member of the Social Security Advisory Board.

HURRICANE DISASTER

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the extent of fraud, waste, and abuse relating to Hurricanes Katrina and Rita disaster relief efforts, after receiving testimony from Gregory D. Kutz, Managing Director, and John J. Ryan, Assistant Director, both of the Forensic Audits and Special Investigations, Government Accountability Office.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Paul A. Schneider, of Maryland, to be Under Secretary of Homeland Security for Management, after the nominee testified and answered questions in his own behalf.

NOMINATIONS

Committee on Health, Education, Labor, and Pensions: Committee approved for reporting the nominations of Terry L. Cline, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, Foreststorn Hamilton, Benjamin Donenberg, Joan Israelite, Charlotte P. Kessler, Robert Bretley Lott, William Francis Price, Jr., each to be a Member of the National Council of the Arts, and Dana Gioia, to be Chairperson of the National Endowment for the Arts, all of the National Foundation on the Arts and the Humanities, John Peyton, to be Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, Sara Alicia Tucker, to be Under Secretary of Education, Department of Education, Gerald Walpin, to be Inspector General, Corporation for National and Community Service, Blanca E. Enriquez, to be Member of the National Institute for Literacy Advisory Board, National Institute For Literacy, Elizabeth Dougherty, to be Member of the National Mediation Board, Leon R. Sequeira, to be Assistant Secretary of Policy, Department of Labor, and sundry nominations in the Public Service.

FBI

Committee on the Judiciary: Committee concluded oversight hearings to examine activities of the Federal Bureau of Investigation, Department of Justice, focusing on national security, criminal investigations, and science and technology, after receiving testimony from Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded oversight hearings to examine oversight hearings to examine implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (Public Law 109–8), after receiving testimony from Clifford J. White III, Director, Executive Office for United States Trustees, Department of Justice; Randall J. Newsome, Chief Judge, Bankruptcy Court for the Northern District of California; Henry E. Hildebrand III, Chapter 13 Standing Trustee, Middle District of Tennessee, Nashville; Todd Zywicki, George Mason University School of Law, Arlington, Virginia; Steve Bartlett, Financial Services Roundtable, Washington, D.C.; David C. Jones, Association of Independent Consumer Credit Counseling Agencies, Poinciana, Florida; and Robert Lawless, University of Illinois College of Law, Champaign.

NOMINATION

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the nomination of Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration, after the nominee, who was introduced by Senator McConnell, testified and answered questions in her own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 6377–6405; and 6 resolutions, H. Con. Res. 499–500; and H. Res. 1094–1095, 1097–1098, were introduced. **Pages H8888–89**

Additional Cosponsors: **Pages H8889–90**

Reports Filed: A report was filed today as follows:

H. Res. 1096, waiving a requirement of clause 6(a) with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules (H. Rept. 109–720). **Page H8888**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Export-Import Bank Reauthorization Act of 2006: S. 3938, amended, to reauthorize the Export-Import Bank of the United States; **Pages H8750–58**

Congressional Tribute to Dr. Norman E. Borlaug Act of 2006: S. 2250, to award a congressional gold medal to Dr. Norman E. Borlaug—c1earing the measure for the President; **Pages H8758–61**

Dextromethorphan Distribution Act of 2006: H.R. 5280, amended, to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan; **Pages H8761–62**

Lifespan Respite Care Act of 2006: H.R. 3248, amended, to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care; **Pages H8773–78**

Amending the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes: H.R. 5798, to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes; **Pages H8778–79**

Combating Autism Act of 2006: S. 843, amended, to amend the Public Health Service Act to combat autism through research, screening, intervention and education; **Pages H8779–88**

United States Tsunami Warning and Education Act: H.R. 1674, amended, to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service; **Pages H8788–93**

Honoring the life of Milton Friedman: H. Res. 1089, to honor the life of Milton Friedman; **Pages H8793–98**

Designating the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the 'Dewey F. Bartlett Post Office': S. 1820, to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the 'Dewey F. Bartlett Post Office'—clearing the measure for the President; **Page H8798**

Honoring the contributions and life of Edward R. Bradley: H. Res. 1084, amended, to honor the contributions and life of Edward R. Bradley; **Pages H8798–H8800**

Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige: S. Con. Res. 91, to express the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige; **Pages H8800–01**

Honoring the memory of Arnold "Red" Auerbach: H. Con. Res. 497, honoring the memory of Arnold "Red" Auerbach; **Pages H8801–04**

Condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner: H. Res. 1082, to condemn the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner, by a ⅔ yea-and-nay vote of 368 yeas to 31 nays with 8 voting "present", Roll No. 527; **Pages H8804–08, H8857**

Requiring any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce: H.R. 1458, amended, to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; **Pages H8808–09**

Physicians for Underserved Areas Act: H.R. 4997, amended, to permanently authorize amendments made by the Immigration and Nationality

Technical Corrections Act of 1994 for the purpose of permitting waivers of the foreign country residence requirement with respect to certain international medical graduates; **Pages H8809–12**

Agreed to amend the title so as to read: "To extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.". **Page H8812**

Religious Liberty and Charitable Donation Clarification Act of 2006: S. 4044, to clarify the treatment of certain charitable contributions under title 11, United States Code—clearing the measure for the President; **Pages H8812–13**

Vessel Hull Design Protection Amendments of 2005: S. 1785, amended, to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity; **Pages H8813–18**

Agreed to amend the title so as to read: "To make certain improvements relating to intellectual property, and for other purposes.". **Page H8818**

Honoring the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists: H. Res. 1090, to honor the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists; **Pages H8818–19**

Stolen Valor Act of 2005: S. 1998, to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards—clearing the measure for the President; **Pages H8819–23**

Veterans Programs Extension Act of 2006: H.R. 6342, to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program; **Pages H8823–29**

Designating the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic": S. 4073, to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic"—clearing the measure for the President; **Pages H8829–30**

National Transportation Safety Board Amendments Act of 2006: H.R. 5076, amended, to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009; **Pages H8830–34**

Agreed to amend the title so as to read: "To amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.". **Page H8834**

Pipeline Safety Improvement Act of 2006: H.R. 5782, amended, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline; **Pages H8834–45**

Commending The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities: H. Con. Res. 484, to commend The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities; **Pages H8845–46**

Rural Water Supply Act of 2005: S. 895, amended, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents; **Pages H8846–51**

Agreed to amend the title so as to read: "To authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.". **Page H8851**

Repealing certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands: S. 1829, amended, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; **Pages H8851–53**

Agreed to amend the title so as to read: "To repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, and for other purposes.". **Page H8853**

United States-Mexico Transboundary Aquifer Assessment Act: S. 214, amended, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers; **Pages H8853–55**

Michigan Lighthouse and Maritime Heritage Act: S. 1346, to direct the Secretary of the Interior

to conduct a study of maritime sites in the State of Michigan—clearing the measure for the President;

Pages H8855–56

Expressing support for democracy in Nepal that will require the full participation of the people of Nepal in the political process to hold elections for a constituent assembly and draft a new constitution and calling upon the Communist Party of Nepal-Maoist to adhere to commitments it has made and to respect human rights: H. Res. 1051, amended, to express support for democracy in Nepal that will require the full participation of the people of Nepal in the political process to hold elections for a constituent assembly and draft a new constitution and calling upon the Communist Party of Nepal-Maoist to adhere to commitments it has made and to respect human rights; and **Pages H8858–60**

Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006: S. 2125, amended, to promote relief, security, and democracy in the Democratic Republic of the Congo.

Pages H8860–64

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Unborn Child Pain Awareness Act of 2006: H.R. 6099, to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child, by less than a ⅔ yea-and-nay vote of 250 yeas to 162 nays, Roll No. 526.

Pages H8762–71 H8856–57

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures is expected to resume tomorrow, Thursday, December 7th:

Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel: H. Res. 1088, amended, to express support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel; and

Pages H8864–66

Condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006: H. Res. 1091, amended, to condemn in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006.

Pages H8866–68

Senate Message: Message received from the Senate today appears on page H8748, H8793, H8866 and H8882–83.

Senate Referral: S. 3678 was held at the desk; S. 4050 was referred to the Committee on Government Reform. **Pages H8748, H8887**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H8856–57 and H8857. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:59 p.m.

Committee Meetings

MILITARY AWARDS—DECORATIONS CRITERIA

Committee on Armed Services: Subcommittee on Military Personnel held a hearing to examine criteria for awards and decorations. Testimony was heard from the following officials of the Department of Defense: Michael L. Dominguez, Principal Deputy Under Secretary, Personnel and Readiness; LTG Michael D. Rochelle, USA, Deputy Chief of Staff, G–1, U.S. Army; VADM John C. Harvey, Jr., USN, Chief of Naval Personnel, Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education), U.S. Navy; LTG Roger A. Brady, USAF, Deputy Chief of Staff, Manpower and Personnel, Headquarters, U.S. Air Force; and BG Richard P. Mills, USMC, Director, Personnel Management Division, Manpower and Reserve Affairs, Headquarters U.S. Marine Corps; and public witnesses.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of December 7, 2006. The rule provides that suspensions will be in order at any time on the legislative day of December 7, 2006. The rule further provides that the Speaker or his designee shall consult with the Minority Leader or her designee on any suspension considered under the rule. The rule provides that House Resolutions 810, 939, 951, and 1047 are laid upon the table.

PATIENT SAFETY AND QUALITY ISSUES IN END STAGE RENAL DISEASE TREATMENT

Committee on Ways and Means: Held a hearing on Patient Safety and Quality Issues in End Stage Renal

Disease Treatment. Testimony was heard from David M. Walker, Comptroller General, GAO; Leslie V. Norwalk, Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 7, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the report of the Iraq Study Group, 9:30 a.m., SH–216.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nomination of Paul A. Schneider, of Maryland, to be Under Secretary of Homeland Security for Management, Time to be announced, Room to be announced.

Committee on the Judiciary: to hold hearings to examine vertically integrated sports programming, focusing on whether cable companies are excluding competition, 10 a.m., SD–226.

Select Committee on Intelligence: to hold a closed briefing on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, hearing on U.S. military transition teams in Iraq and Afghanistan, 10 a.m., 2167 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to consider a motion to Approve the Interim Report on the Administrative Law, Process and Procedure Project for the 21st Century; followed by an oversight hearing on The Arbitration Process of the National Football League Players Association, 10:00 a.m., 2237 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, oversight hearing to review Departments' actions regarding the recommendations of the 1999 Transition Commission Report, 2 p.m., 334 Cannon.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 7

Senate Chamber

Program for Thursday: Senate will resume consideration of the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, with 60 minutes of debate equally divided, followed by a vote on the motion to invoke cloture on the nomination. Also, at 2:30 p.m., the Majority Leader will be recognized.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 7

House Chamber

Program for Thursday: To be announced.

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