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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. BERKLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 27, 2007.

I hereby appoint the Honorable SHELLY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

DEMOCRAT TAX INCREASES IN OUR FUTURE

Mr. WELLER of Illinois. Madam Speaker, this week the House is going to be taking up the budget and there is nothing more basic in the fundamental process of being a legislator than the budget. What is written in the budget says a lot. In fact, the budget is really a defining difference when you put forward your budget.

The Democratic leadership is planning to bring their partisan Democratic budget to the floor. Again when you get down to basics, the differences are pretty clear because what is in the Democrat leadership's budget that they are bringing to the floor today is the biggest tax increase in the history of our Nation. Think about that. Can we really afford to tax the middle class more.

In their first order of business in the 110th Congress, the Democrats made it easier to raise taxes. When Republicans were in the majority, we said you couldn't raise taxes unless you had a two-thirds vote. The Democrats eliminated that because they wanted to make it easier to raise taxes. They have eliminated that rule.

They have shown their agenda before. Back when the Democrats were in the majority back when President Clinton called for a big tax increase, the Democrats followed and they rubber-stamped a tax increase at that time, which was the biggest tax increase in the history of our Nation, a $240 billion tax increase on the American people.

Just this past week, the Democrats outdid themselves. In fact, they brought an even bigger tax increase to the floor that we are going to debate this week. It was $240 billion 13 years ago, today it is a $400 billion tax increase. They plan to raise the tax on every taxpayer; man, woman, child, married, if you die, you are going to pay more in taxes under the Democrat budget.

In fact, if you are a typical couple in the district I represent making $60,000 a year, mom, dad and two kids, you will pay on average $2,000 more in higher taxes. That is a 60 percent increase in higher taxes called for in the Democrat budget.

In 2001 and 2003, Republicans worked with the President. We worked to eliminate unfairness in the Tax Code. We worked to lower taxes for the middle class. We succeeded in 2001 and 2003 in reducing taxes for a typical American family. And again, for a family making about $60,000 a year, those tax cuts meant about $2,000 more in higher take-home pay. That is money they can spend on their own needs.

In my home State of Illinois, 4.2 million taxpayers benefited from the creation of a new, lower tax bracket. We lowered taxes for everyone, but for lower income Americans, we created a 10 percent tax bracket. Today, 5 million Americans no longer pay Federal taxes because of that new tax bracket; and 1.4 million taxpayers benefited from our efforts to eliminate the marriage tax penalty. We increased the child tax credit benefiting 1.3 million Illinoisans.

We also passed into law my legislation which eliminated the marriage tax penalty. I stood on this floor day after day after day and I asked a pretty fundamental question: Is it right, is it fair that our Tax Code punishes the most basic institution in our society, which is marriage. And in 2001 we passed the Marriage Tax Elimination Act. That was our third try. Twice we passed the Marriage Tax Elimination Act, eliminating the marriage tax penalty, a tax on marriage and President Clinton vetoed that twice. President Bush signed it into law.

But today, millions of couples, in fact 24 million married working couples no longer pay the marriage tax penalty thanks to that legislation being signed into law. Unfortunately, the Democrats want to bring the marriage tax penalty back. In fact, you will hear some this week say ''they are probably rich'' because if they pay the marriage tax penalty, they must be rich.

Well, under their legislation this week, 23 million typical married couples in America will see their taxes go up just from the marriage tax penalty alone of almost $500 more in higher taxes just because they are married. Is that right? Is that fair?

We worked to benefit all taxpayers by lowering taxes in 2001 and 2003. Now

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the Democrats, they want to come back and they want to raise taxes on all taxpayers, including reinstating the marriage tax penalty.

COMMENDING MATHEMATICAL BREAKTHROUGH

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from California (Mr. MCNERNEY) is recognized during morning hour debates for 5 minutes.

Mr. MCNERNEY. Madam Speaker, the American Institute of Mathematics, MIT, Cornell University, University of Michigan, University of Utah, and the University of Maryland together created a mathematical breakthrough this week made possible by congressional support of the National Science Foundation.

The breakthrough involves defining the detailed structure of a geometric object called E8, the largest of the exceptional Lie groups used to study symmetry. E8, one of the most complicated structures ever studied, is a 248-dimensional Lie group used to explore the symmetries of a 57-dimensional object. Mapping out such an object is a magnificent achievement of the human mind.

Connections between E8 and string theory indicate that physical applications of E8 will eventually emerge.

The participants are to be commended for their work that has expanded the limits of human knowledge and brings hitherto unknown beauty and power to grace our human condition.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, last week the Energy and Commerce Committee marked up H.R. 493, Genetic Information Nondiscrimination Act. Two other committees of jurisdiction have also voted on this same bill.

Many people have been remarking that we have been working for over a dozen years on this particular piece of legislation and this subject. I count myself among them because in 1995 I was proud to be named the first chair of the Congressional Task Force on Medical Records and Genetics by then-Commerce Committee Chairman Tom Bliley. Indeed, in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) markup, I was successful in adding two words to a list of protections: ''Genetic information,'' which is in the HIPAA law today.

I have continued my engagement, authoring bills in the last several Congresses to prohibit genetic nondiscrimination in health insurance. While I agree conceptually with the intent, this particular piece of legislation I have mentioned earlier, gives rise to many concerns.

First, I can support legislation which would surgically target what people are fearing: They worry about being excluded or charged a higher rate from a health insurance agent or fired or not hired in the first place by an employer because of predictive, speculative genetic information that in no way exhibits in their current health status.

However, with the wording ''request or require,'' which is in the bill, this bill goes beyond that to cast a shadow upon any use of genetic information by a health plan or physician. This bill should ban misuse of genetic information, but not impede the flow of information between provider, patient and plan.

Let's not stifle health services, pharmacies, health records services, health counseling or health education. I think we should not fear beneficial, patient-friendly medical opportunities. We should harness those, while drawing a tighter box around the misuses that are feared. Ban misuses, not ban all uses.

Secondly, I am troubled by the rather murky, broad definitions in this legislation. In particular, by the definitions of ''genetic test'' and ''genetic information.'' This legislation does not clarify that information regarding current health status is not exempted by the bill's prohibition. For example, the mere fact that someone has an O or AB blood type, also detects that person has the O or AB genotype, which under the definition of this bill is a genetic test. This bill could ensnare the most routine lab test of a health exam: A blood panel to check for heart, kidney or liver functioning.

And beyond health applications, at the Health Subcommittee March 13 hearing, Dr. Francis Collins, head of the National Human Genome Research Institute, acceded as much. When Ranking Member NATHAN DEAL questioned him if this bill, GINA, covers certain tests, Dr. Collins answered: ''To the extent that those tests are conducted in a way that conducts genotypes, mutations, or chromosomal changes, they would qualify as a genetic test.'' These include forensic DNA identification tests, tests for organ donors to match organ tissues, paternity tests, and tests to select safer and more effective drugs based on your genetic profile. For example, if the bill means to sweep in genetic tests performed on cancer tumors, it will prevent tests such as Her 2 genetic tests given to women with breast cancer, designed to determine if their tumors are responsive to drug therapy. Such therapy is both risky and very costly for patients without such a specific gene marker.

In the employment setting, this bill muddies what an employer will be able to do in a worker's compensation or occupational substance abuse situation; very important. Currently, an employer has the right, in fact, the legal responsibility, to conduct drug tests in the name of public safety for cause, and to examine medical records in a work comp case to determine the nature of an injury. If a blood test, therefore a genetic test, is included in the medical record, a hapless employer could have an unintentional disclosure on their hands.

Finally, it is unclear if this legislation will preempt or create an unworkable patchwork with the nearly 40 States' genetic bans.

Most have a bright line distinction between "current health" versus "genetic", and excluding paternity and forensic uses. Florida's law does. And, the author of the legislation, Representative SLAUGHTER, did herself include current health wording in prior versions of her legislation.

Genetic information is personal, powerful, permanent, and sensitive. Let us continue to work to make this bill a tool for protecting Americans against ill uses of their genetic profile, while not impeding the flow of information, routine employment activity, and the delivery of health care.

RECESS

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

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Reverend Roy Smith, Arkansas Conference of the United Methodist Church, Little Rock, Arkansas, offered the following prayer:

Our holy and gracious God, we are grateful to be here in this place today. These Representatives have been entrusted by the citizens of this country to govern our Nation. In the midst of a world of rapid change, of challenge, of diversity and need, this is a solemn and daunting task. It is an extraordinary responsibility and challenge which calls for courage and conviction, integrity and honor, understanding and compassion, intelligence and commitment.

As these Members of Congress gather today to do the important work before them, O God, in Your grace draw near. Send us Your compassion, Your courage, Your wisdom, Your strength and Your understanding. May the will and work of this House be carried out so the people of this land may live in freedom and hope and share in your bountiful blessings. May our Nation be a beacon of freedom and hope in the world today.

We pray in Your holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCHENRY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCHENRY led the Pledge of Allegiance as follows:

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

WELCOMING THE REVEREND ROY SMITH

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

Mr. ROSS. Madam Speaker, I rise today to recognize Reverend Roy P. Smith of Little Rock, Arkansas. I first met Roy in 1992 when he moved to my hometown of Prescott, Arkansas, to lead the church that my family and I belong to, the First United Methodist Church of Prescott. During his 3 years in my hometown, Roy was my pastor, my spiritual adviser, and a leader in our community. By the time Roy, along with his wife Sandy, daughter Martha Helen and son Andrew left Prescott to move on to their next assignment up the road in Malvern, Arkansas, Roy had become one of my closest and most trusted personal friends.

My family and the Smith family will be forever linked together by a strong and lasting bond of friendship, and it is a distinct pleasure to have Reverend Roy Smith here today to open this legislative day in the United States House of Representatives with his thoughtful and meaningful words of prayer. As we go about doing the work of the people, may we remember the prayer Reverend Roy Smith delivered on the floor of the U.S. House of Representatives this day.

THE BUDGET

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

Mr. MCHENRY. Mr. Speaker, the Democrats are setting some records this week, but these are not landmarks we should be proud of. In fact, it won't make the Democrats famous, but it will most certainly make them infamous.

The Democrats are poised to pass a $392 billion tax increase on this House floor, the largest tax increase in American history. Rewind to 1993, the last time the Democrats had control of this House Chamber, and what did they do? They proposed the largest tax increase in American history. They're one-upping their own history.

It's amazing, Mr. Speaker. That means 115 million Americans will see taxes increased on average by $1,795. This isn't chump change. It's real money to the American people.

And why do Democrats feel they're entitled to this money? Because that's what they do. They're Democrats. They tax. They spend. It's not a new idea. They've been at it for 70 years. If it weren't so infuriating, it would just simply be so sad.

IRAN

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

Mr. KUCINICH. The President's threat of the use of military force against Iran is an impeachable offense. When our Commander in Chief says all options are on the table, it is unmistakable. That means a military strike, even the use of nuclear weapons. Instead of inviting calamity upon himself, our Nation and the world, President Bush should reopen serious diplomatic negotiations with Iran to de-escalate tensions and resolve all issues, including Iran's use of nuclear power.

We must reject the idea that war is inevitable and that war is diplomacy by another means and work to remove the barriers of misunderstanding between Iran and the U.S. and Iran and the region.

Instead of making statements or passing resolutions which sets the stage for conflict with Iran, Members of Congress should convene to seek a way to avert military conflict with Iran.

I will be contacting my colleagues to discuss how we can create a course of action which creates peace through integrating Iran with the world community and addresses all issues which are at the core of the conflict.

BARBECUE KILLER

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

Mr. POE. Mr. Speaker, Tynesha Stewart, a 19-year-old freshman at Texas A&M, was looking forward to spring break and coming home to Houston to visit with her mother.

There was one problem with coming home, however. Her possessive ex-boyfriend Timothy Shepherd would not leave her alone. Tynesha knew that he would contact her, even though she had repeatedly told him she wanted to move on. He and his male ego refused to accept this.

On March 15, Tynesha made one final attempt to cut the ties with this harasser. She told him that she was seeing someone else and that it was over. Shepherd decided if he could not have her, no one would, and he strangled this young college student.

This was not the end of his barbaric acts. He needed to get rid of her body, so he dismembered Tynesha and then he barbecued her on his apartment patio grill. The burning of her body took 2 full days. Shepherd did all this to the person he claimed he loved.

Timothy Shepherd has been charged with murder for his grisly crimes. The people of Texas will properly decide what to do with this barbecue killer.

Love is not harassment, control, or abuse. You never hurt someone you claim you love. And if you do, woe to you, because justice will rule the day.

And that's just the way it is.

DEMOCRATIC BUDGET IS BALANCED WITHIN THE NEXT 5 YEARS AND INVESTS IN OUR CHILDREN

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

Ms. SOLIS. Mr. Speaker, a budget is a blueprint of a party's values. This week, Democrats will bring a budget to the House floor that cares for our children and our families without raising taxes.

For the first time in 6 years, we have an opportunity to pass a budget that actually finds balance in the next 5 years, something that Republicans never did while they controlled the House and something the President continues to refuse to do. We want to get our fiscal house in order so that our children are not forced to pay off our debts decades from now. At the same time we are paying down our debt, we also invest in our children, making sure they have access to quality health care and to quality education.

The Democratic budget substantially increases the S–CHIP program, which will allow our States to insure millions of children who are now uninsured. In California, it is known as the Healthy Families program. We also provide $7.9 billion over the President's budget for education funding, which includes No Child Left Behind, special education and helping students better afford college.

Mr. Speaker, the Democratic budget values our children and puts them first while investing in our country.

THE FEDERAL BUDGET

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

Mr. WALBERG. Right now, taxpayers in south central Michigan are making tough choices every day to ensure their family budgets are balanced. They do so by cutting spending and having fiscal discipline. It's time we make these same commonsense choices on a Federal level.

This week in the House, we will begin debating a budget plan for the fiscal year 2008. A budget proposal introduced by my colleagues on the opposite side

of the aisle would impose the largest tax increase in American history, nearly $400 billion over the next 5 years. Their plan would institute a $3,000 tax increase for every typical Michigander and put off needed entitlement reform for at least another 5 years.

Congress needs to pass a balanced budget bill without raising taxes. We need to make tax relief permanent for hardworking American families and reform unsustainable entitlements. The American people long for a Congress that puts our fiscal house in order on a Federal level, but they want this done without expanding the size and scope of the Federal Government.

I urge my colleagues to oppose any budget plan that proposes a ''spend now, reform later'' mentality.

PRESIDENT REFUSES TO CHANGE COURSE AND CALLS HOUSE ACTION POLITICAL THEATER

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

Mr. COHEN. Mr. Speaker, last week the Democratic House delivered on its promise to move the Iraq war in a new direction. We approved a very serious piece of legislation that includes the recommendations of the President, the nonpartisan Iraq Study Group and the Pentagon. The President responded to our action by describing it as political theater and threatening a Presidential veto.

How can this be political theater if we are putting some real teeth into the benchmarks that the President himself established for the Iraqi government earlier this year? Let's not forget the President's own words: ''I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people,'' said President Bush. Those were his words.

This legislation passed last week puts in law the President's demands that the Iraqis meet his benchmarks. You would think the President would support such action. Instead, he calls it political theater. So much for holding the Iraqi government accountable. The President should reconsider his veto threat. It could be the theater of the absurd.

HOUSE OVERSIGHT OF BUSH ADMINISTRATION IS LEADING TO RESULTS IN THE U.S. ATTORNEYS SCANDAL

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

Mr. SIRES. Mr. Speaker, they say when you have bad news, get it out on Friday night. That's exactly what happened last Friday when the Justice Department released documents indicating that Attorney General Gonzales led a meeting of top aides to discuss the firing of U.S. Attorneys. This document completely contradicts the Attorney General's own statement that he did not participate in any discussion and only had cursory knowledge of the U.S. Attorney dismissals.

The Attorney General's contradictions were followed yesterday by a Justice Department official taking the fifth and refusing to testify. This is unacceptable, particularly after Gonzales himself said that all Justice Department officials would be made available to Congress.

The administration needs to make Justice Department and White House officials available to Congress so that we can continue to provide oversight. This Congress will continue to ask tough questions so that we may ensure U.S. Attorneys are free from political pressure.

THE DEMOCRATIC BUDGET

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

Mr. DEFAZIO. George Bush and the Republicans have spent our country to the verge of bankruptcy. They have doubled our foreign debt. They have increased our national debt by 60 percent. George Bush has accumulated more debt than every President who preceded him in the United States of America and they have done it on the credit card.

And guess who is going to get the bill in their world after they eliminate taxes for the wealthy? It's going to be the middle class, and they're going to get hit twice. They're going to get the bill, and their kids and grandkids are going to get the bill. And the programs that middle-income Americans need like tuition assistance for their kids to go to college, the Bushies cut those. That's their sense of fiscal responsibility.

The other side over here, the gentleman from North Carolina is saying, oh, the largest tax increase in history.

No. We're allowing the tax cuts for the wealthiest among us, people who earn over $250,000 a year, people who have estates worth more than $5 million, we're asking that once again they pay their fair share. There will not be a penny increase on middle-income families. They can make up anything they want, but it's not true.

But, yes, the wealthy would pay a little bit more. That's why they're squealing so much, because the Republicans get their money from the wealthy to try and maintain control of our country.

□ 1215

SALUTE TO CORPORAL FLETCHER

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

Mrs. CAPITO. Mr. Speaker, ''hero'' is not a label that should be employed carelessly, and in a time when our country has many heroes serving abroad, I rise today to honor a hero at home: Corporal Ronald Fletcher.

A member of the Jefferson County Sheriffs Department, Corporal Fletcher was pursuing a burglary suspect into a home last month when he was shot twice in the chest and once in the arm.

At only 26 years old, he lay seriously wounded in the house with the suspect until his fellow deputies were able to remove him safely.

Today, just one short month after the incident, I am proud to share that Corporal Fletcher is home and well on his way to recovery. As a testimony to his profound sense of duty, he recently complained about being bored in his home full of fruit baskets and is eager to return to service.

Mr. Speaker, I salute the heroism of Corporal Fletcher and the valor of the Jefferson County Sheriffs Department. West Virginia is sincerely grateful for their service.

RESTORING FISCAL RESPONSIBILITY

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

Mr. YARMUTH. Mr. Speaker, for too long, many of America's toughest challenges have gone unaddressed while massive debt was piled on the backs of our young generations.

Now, this Democratic-led House has proposed a budget that takes our Nation in a new direction and reaches balance in 5 years while lowering the deficit. By contrast, the President's proposed budget does not achieve balance at all, despite his promises to do so.

The House budget also puts in place pay-as-you-go spending principles, finally requiring our government to balance and prioritize spending the way all American families must do. Restoring fiscal integrity is not only good for the budget's bottom line, but it is also important in protecting our national security, since much of our Nation's debt is owed to foreign governments.

Mr. Speaker, the Democratic budget resolution begins the process of restoring fiscal integrity to the leftover Republican mess of reckless spending and massive deficits. It is time for a balanced budget that meets the needs of American families without mortgaging our future to foreign interests.

DEMOCRATS' MANY ACCOMPLISHMENTS IN 110TH CONGRESS

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

Mr. PERLMUTTER. Mr. Speaker, over the last 3 months, this new Democratic House has paved the way for a new direction in America.

During the first 100 hours, we passed legislation increasing the minimum

wage, giving the Federal Government the ability to negotiate cheaper prescription drug prices, making college more affordable by cutting interest rates in half on student loans, and fully implementing the 9/11 Commission's recommendations.

We have provided valuable oversight of the Bush administration's failings at both the Justice Department and at Walter Reed Hospital. Had we not conducted oversight hearings of the horrendous conditions at Walter Reed, several incompetent administration officials would still be on the job.

Then, last week, we approved an emergency supplemental spending bill that provides critical funding for our soldiers and our veterans while holding the Iraqi Government accountable for taking control of Iraq.

And this week, we will pass a budget which is balanced within the next 5 years.

Mr. Speaker, the American people asked for a change and a new direction, and this Congress is delivering.

STRYKER BRIGADE COMBAT TEAM

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

Mr. CARNEY. Mr. Speaker, today I rise to salute the Pennsylvania National Guard, in particular the Stryker Brigade Combat Team. Fielding the Stryker Brigade has been the largest program undertaken by the Pennsylvania National Guard in modern history.

The Stryker Brigade Combat Team is a combat force that provides division, corps, or joint task force commanders a unique capability across the full range of operations.

On this upcoming district work period, I will be visiting Fort Indiantown Gap, Pennsylvania, to have an opportunity to tour their Stryker program. The Stryker is a survivable and sustainable method of troop transportation. It can take soldiers safely into a range of environments, from war to humanitarian assistance. We must do everything we can to defend our troops from harm, and the Stryker provides that protection.

Pennsylvania has the largest Army National Guard in the United States, with the 28th Infantry Division being the premier division with a large number of soldiers in a high state of readiness.

I commend the Stryker Brigade Combat Team and the entire Pennsylvania National Guard for their fine service to our country and representing Pennsylvania with honor.

IRAQ BENCHMARKS

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

Mr. BRALEY of Iowa. Mr. Speaker, when hundreds of billions of dollars of U.S. taxpayer money is being spent on a war overseas, it is important there be benchmarks and consequences if they are not met.

Last week the House approved an emergency war supplemental that will finally hold the Iraqi Government accountable by measuring its performance on standards that President Bush himself outlined earlier this year.

Under the plan passed here last week, the President must report to Congress this summer on the progress the Iraqi Government has made on these key benchmarks. If the Iraqi Government lives up to its promises, our troops will remain there until next year. If, however, they do not meet the President's own benchmarks by this summer, we will begin to redeploy our troops out of Iraq immediately. This accountability is particularly critical after the release of a Defense Department report showing that the Iraqi Government is not close to meeting any of these benchmarks.

Mr. Speaker, it is time that the Iraqi Government realizes that the American troops are not going to be in Iraq indefinitely, and that they have to begin seriously taking responsibility for their own nation.

PROVIDING FOR CONSIDERATION OF H.R. 835, HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians. All points of order against the bill and its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 835 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. HASTINGS of Florida. For purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have up to 5 legislative days to revise and extend their remarks on House Resolution 269.

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

There was no objection.

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

Mr. Speaker, House Resolution 269 provides for consideration of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007, a closed rule providing 1 hour of general debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

The rule waives all points of order against the bill and against its consideration except for clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I do not intend to speak very long about this legislation other than to express my sincere hope that this body will move forward expeditiously with its passage.

As my colleagues know, the Hawaiian Homeownership Opportunity Act was placed on the Suspension Calendar last week after being unanimously voted out of the Committee on Financial Services by a voice vote. It was our hope, and the hope of so many Native Hawaiians, that the House would support it with as much enthusiasm as did the committee of jurisdiction.

Unfortunately, as we all now know, there are some in this body who believe that it is in their best interest to create a partisan divide where no such division should exist. They have in my opinion falsely accused my friends and representatives from Hawaii of ulterior motives, and in doing so, have delayed justice and fairness to some of our most loyal citizens.

Contrary to the false accusation made by its opponents, this bill is not a bill aimed at achieving Native American status for Native Hawaiians, no matter how important that issue may be.

This bill provides low-income Native Hawaiians access to the American Dream. They, just like all of us in this body, have had at one point in our lives a dream to own a home. This bill brings them one step closer to realizing that dream.

Shame on those who continue to paint this bill as anything other than what it is.

I urge my colleagues to support this rule and the underlying legislation which is so critically needed.

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

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

I rise today in opposition to this closed rule and the potentially unconstitutional measure that the Democrat

majority is presently bringing before the House.

I also rise in opposition to the majority's gaming of the system by bringing this legislation up under a closed rule with no input from the minority, even after this measure failed to win the support of two-thirds of the House when it was considered under the suspension of the rules just last week.

I believe that the 162 ''no'' votes that were cast last Wednesday prove that this measure carries with it some measure of controversy. I have heard the gentleman from Florida explain very clearly and carefully in addressing this issue his desire for us to understand that in fact nothing more other than the words that are on the paper are intended and implied in this bill. However, I would say there is also room to make sure that is not only correct, but also to improve this legislation.

I am also confident that an overwhelming number of Members would likely support the final measure if they were given a chance to improve it through the amendment that perhaps we are hearing that the majority intended perhaps in the first place or at least did not unintend to make it happen.

Unfortunately, in what is becoming a standard practice for the Rules Committee, last night the Democrat majority rejected along party line the only amendment offered to this legislation that would have offered the solution on behalf of the 162 ''no'' votes. This amendment was offered by the gentleman from Texas (Mr. NEUGEBAUER) who simply would have made it clear that there is nothing in this legislation that should be constructed to confer a special relationship between the United States and the Native Hawaiian people for the purpose of establishing a government-to-government relationship.

This amendment is necessary because in 2000 the Supreme Court decided in Rice v. Cayetano that the current configuration of Justices would likely strike down most Federal benefits flowing to Native Hawaiians as an unconstitutional racial set-aside if, given a chance, by accepting Mr. NEUGEBAUER's amendment, or at least allowing its merits to be debated and voted on, Congress would have had the opportunity to make it crystal clear to any future court that this legislation should not be construed as Congress' abuse of its power under the Indian commerce clause to indirectly confer tribal status on the Native Hawaiian people.

I will take the words that have been given to me by the gentleman from Hawaii (Mr. ABERCROMBIE) as well as the gentleman from Florida (Mr. HASTINGS) from the Rules Committee that they do not intend this legislation in any way, and it should not be construed as told to the minority, that they would intend to pass power under the Indian commerce clause to indirectly confer tribal status on the Native Hawaiian people. I will take them at their word as the understanding and the basis and the intent of this legislation.

But by shutting out this amendment, the Democrat majority has done nothing to address the concerns of the 162 Members of this body who do believe that this legislation under consideration is vague at best and unconstitutional at worst.

□ 1230

Nor have they done anything to clarify the intent of this legislation to the courts. While, Mr. Speaker, you and I recognize that courts in their deliberations would look at congressional intent, we would like for it to be so stated. While the majority has indicated they do not intend this, we wish it had also been in the form of an amendment.

Mr. Speaker, I am disappointed that, once again, the majority has silenced the minority in this effort. I am disappointed also that, by failing to include this amendment, Congress may very well be opening up this legislation to be overturned by the courts. In doing so, Congress would be depriving Native Hawaiians access to the loan guarantee programs provided for in this bill simply for the sake of speed at the cost of accuracy and good legislation.

I urge my colleagues to oppose this rule so that this legislation can be passed in a clear, constitutional way that makes it transparent to the courts that this is not a back-door attempt to lay the groundwork for other legislation to confer tribal status on the Native Hawaiian people. Native Hawaiians are just as much a part of America, this great land, as any of us. Their history is covered by the Constitution, and they are part of this country. I oppose this rule and the underlying legislation.

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

I would notify the gentleman from Florida I have no additional speakers. If he would engage with me in a quick colloquy, we can figure out where we are in terms of moving forward.

Mr. HASTINGS of Florida. I will be the last speaker on my side.

Mr. Speaker, I reserve the balance of my time until the gentleman has closed for his side and has yielded back his time.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Florida, his conduct on the Rules Committee, him working with the minority on a number of bills. We wish we could have been successful on this amendment, just the one amendment to add into this piece of legislation.

We will take them at their word that they do not intend for this to be any sort of a back-door attempt to form a government-to-government relationship with the tribal Native Hawaiians.

I will tell you that we do believe that public housing and housing for Hawaiians, who are many times faced with increasing not only land costs but prices that escalate in the beautiful, beautiful State of Hawaii, that this is a good idea. We should be helping these people out. We simply wish that the amendment had been made in order for the proper clarification.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of our time.

I appreciate very much my friend's attitude with reference to this matter and his suggestion that he would accept the representation of our two colleagues from Hawaii as well as me and other members of the Rules Committee.

I would also urge that your concerns, albeit, I believe, likely to be taken care of on another day, have been addressed by the committee that reported this out unanimously, meaning the Republicans and the Democrats on the relevant committee voted this matter out.

I would also urge that the Hawaiian State legislature has indicated that there are no intentions at all to seek any special status; and the Governor of Hawaii, who is a Republican also, has made it clear that no special status is sought.

Toward that end, it would seem to me that this matter, having been supported, had the enjoyment of the support of 262 Members last week, and that is a total that I hope we will reach today, because this legislation is desperately needed. This is an issue of fairness and access.

I urge my colleagues on both sides of the aisle to support this appropriate rule and the underlying legislation and to clearly understand that it has nothing to do with citizenship and everything to do with housing.

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

The previous question was ordered.

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

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

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

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

The point of no quorum is considered withdrawn.

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire as to whether or not my friend from Texas is going to manage all the time on this rule.

Mr. SESSIONS. I appreciate the gentleman's inquiry.

At this time, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is intended to represent the minority on the Rules Committee. He is not here at

this time. So until further notice or until his arrival, it would be my intent to have the gentleman accept me in his stead.

PROVIDING FOR CONSIDERATION OF H.R. 1401, RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 270 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 270

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1401 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and co-Chair of Florida's congressional delegation, Mr. LINCOLN DIAZ-BALART, or his designee, my friend from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

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

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have up to 5 legislative days to revise and extend their remarks on House Resolution 270.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 270 provides for consideration of H.R. 1401, the Rail and Public Transportation Security Act of 2007 under a structured rule. The rule provides 1 hour 20 minutes of general debate. One hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill, except those arising under clauses 9 and 10 of rule XXI.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security shall be considered as an original bill for purposes of amendment and shall be considered as read.

The rule waives all points of order against the bill.

Importantly, the rule makes in order the eight amendments printed in the report accompanying this rule and waives all points of order against such amendments. The amendments may be offered only in the order printed in the report and by the Member designated in the report or his or her designee.

Mr. Speaker, I am pleased to have the opportunity to commence debate on this very essential piece of legislation. Five years have passed since the terrorist attacks of September 11. While we in this body have done a great deal of talking about Homeland Security, our record on the issue suggests otherwise.

Under Republican control, the majority maintained that mandating certain security enhancements was not necessary at the time. Democrats, on the contrary, believe that they are and will not allow this need to go unmet any longer.

The fact that this bill was reported favorably out of the Homeland Security and Transportation and Infrastructure Committees with near unanimity and the cosponsorship of the ranking Republican member of the Homeland Security Committee suggests that our concerns are almost universal in this body.

Moreover, this rule makes in order a total of eight amendments, half of which will be offered by the Members of the minority party. The rule and the process further prove that Democrats refuse to allow partisanship to supersede our responsibility to protect the American people.

Congress's prior reluctance to mandate certain security enhancements out of fear that it might rock the administration's boat has left us woefully behind the curve when it comes to rail and mass transit security. That is why I am very pleased that the Rail and Public Transportation Security Act makes the necessary investment in these absolutely critical enhancements.

The bill requires that the administration develop a security plan for all forms of covered transportation. The bill also creates a system and methods under which all agencies tasked with the responsibility of protecting our country can work together.

We don't stop there. The bill requires the Department of Homeland Security to expand its coordination network through enhanced communication and cooperation at all levels of government.

It requires DHS to develop security training programs for railroad and public transportation employees and extends whistleblower protections to all providers, public or private, who provide covered transportation services.

Under this bill, the number of surface transportation security inspectors will increase by six times by the year 2010, and the bill mandates that the administration issue regulations requiring enhanced security measures for the shipment of security sensitive materials and requires that these shipments not go through highly populated areas.

□ 1245

Perhaps most importantly, this bill pays for these improvements and authorizes $7.3 billion in security enhancements to make America safer.

Mr. Speaker, the Government Accountability Office has determined that the United States must provide much more leadership and guidance in constructing a rail and security transit plan. This bill answers that challenge and fills the void left by the administration's failure to secure all modes of transportation in this country.

It, just like the rule, is worthy of the support of this body. I urge my colleagues to support both.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to

thank my good friend, the gentleman from Florida (Mr. HASTINGS), for the time. I yield myself such time as I may consume.

At about 9 a.m. on July 5, 2005, three bombs went off within 50 seconds of each other in the London underground. Less than an hour later there was another explosion in one of London's double-decker buses. The bombings killed over 50 people and injured approximately 700.

On March 11, 2004, the Spanish people also faced an attack on their rail system. Like the attacks in London, in that attack the terrorists exploded multiple bombs on four trains packed with early morning commuters. The attacks killed almost 200 and left at least 1,800 injured in Madrid.

Mr. Speaker, those attacks were a warning to us on this side of the Atlantic that just as terrorists can take advantage of our airlines to carry out cowardly acts, they can do the same with our public service transportation systems. With this in mind, the House of Representatives last year passed comprehensive rail and mass transit security legislation. The legislation was included in H.R. 5814, the Department of Homeland Security Authorization Act for Fiscal Year 2007. Unfortunately, the session of Congress ended before that important legislation could be enacted into law.

Public transit moves more people on a given day than any other mode of transportation worldwide. Transit sustains the economic vitality of any community. In heavily populated areas like Miami-Dade County, one of the counties that I am honored to represent, many people depend on public transit for cost efficiency and convenience. The provision of safe transit requires a significant investment in technology to protect infrastructure, equipment, workers and, of course, the passenger. H.R. 1401 makes it possible for Congress to invest in public transportation security.

And in my district, Miami-Dade Transit is also responsible for the evacuation of the general public, including disabled persons, in moments of crisis. This bill provides critical funding for evacuation improvements. Miami-Dade County would be eligible for funds, regardless of whether the evacuation is due to terrorism or natural disasters.

Although Miami-Dade Transit has a fleet of over 360 paratransit vehicles and over 1,000 buses and approximately 45 miles of rail, they do not have mobile communication service equipment. This means that all modes do not have a way to communicate with each other during an evacuation procedure. This bill takes into account those needs and provides for security improvements to stations' surveillance equipment, public awareness campaigns, and GPS systems.

I would like to point out, Mr. Speaker, that this bill includes risk-based grants. In their final report to Congress, the 9/11 Commission criticized the existing process for allocation of Federal homeland security assistance grants, recommending that the distribution not, I quote, ''remain a program for general revenue sharing.'' Given the limited resources of Federal aid, distributing grants based on risk is really the only appropriate way to apportion grants. In order to ensure that our taxpayer funds are spent as efficiently and effectively as possible, we need to focus our resources at those sectors under the greatest threat.

When I was a member of the Select Committee on Homeland Security, I worked hard to ensure that Homeland Security grant funds are distributed through risk-based assessments. I commend the Homeland Security Committee for following through on the recommendation of the 9/11 Commission and including risk as the primary motive for distribution of grants in this legislation.

Mr. Speaker, yesterday the Rules Committee met to report out a rule for this legislation. The rule that we are now debating closes out several important and germane amendments. Two amendments by my friend, Mr. MICA, the ranking member of the Committee on Transportation and Infrastructure, were excluded by the majority on the Rules Committee, even though they were germane and, obviously, from a key committee with jurisdiction. Another of my Florida colleagues, Representative GINNY BROWN-WAITE, offered an amendment last night that would have strengthened protections for all sensitive security information related to rail and mass transit plans and procedures. That amendment also was blocked by the majority on the Rules Committee. I think it was unnecessary and unfortunate for the majority in the Committee on Rules to continue to close the legislative process in the 110th Congress.

Mr. Speaker, one thing, an additional point I would like to make, I would like to point out to my colleagues that the majority is now including in this section 2 language which allows the Speaker to postpone consideration of the bill at any time in every rule. It is including that language now in every rule.

It is interesting, since this is a structured rule, which means that the bill will be considered in the Committee of the Whole. This is very precedent-setting because in previous Congresses this language has never been included on structured rules. It is typically only included on a closed rule or a modified closed rule where the bill is being considered in the House and not in the Committee of the Whole. And in previous Congresses it was only included when debate was scheduled to last more than the traditional 1 hour in the House. So I find this strange, because when the House is in the Committee of the Whole, it can simply rise and postpone consideration. I find it curious as to why the new majority is extending this authority now to all rules, even when it doesn't seem necessary. Could it be that the majority is intending to quash the minority's lone procedural guarantee, the motion to recommit? I am afraid that that may be exactly what it amounts to, Mr. Speaker, because there is no other procedural excuse for this language being included in a structured rule. It is not necessary for the Speaker to have this authority unless they want to postpone consideration just prior to the vote on the motion to recommit. This is just another example, Mr. Speaker, of the seemingly small, yet significant, precedents that the new Democratic majority is setting, creating new ways to silence the voice of the minority.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 1 minute. And I would say to my friend from Florida that, in his concerns about the motion to recommit and the time to see it, I am sure my friend is mindful that when a motion to recommit comes to the House floor that it comes without the Members of the House having had an opportunity to know the substance of the motion to recommit.

I might add, that period of time, particularly in the last 2 months, we have seen that when the minority has presented the motion to recommit, that what winds up happening is even Members of the minority don't know what is in the motion to recommit. Therefore, it seems more than reasonable that a sufficient amount of time be given for that purpose. And I also think in the interest of fairness that we have been considerably fair in accepting more motions to recommit than have our friends in the minority.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, yielding myself such time as I may consume before yielding to my good friend from New York, it is important to note when, again, seemingly small but significant precedents are changed. This is a precedent change. We have not seen it for many, many years. With regard to the motions to recommit, what we have seen in this Congress is that they often have been passing. But that is more precisely because the membership, when finding out the merits of the motions to recommit on a bipartisan basis have been supporting them.

But, no, it is of concern, and it is important to note that if there is a step being taken, as it seems that it is being taken, to limit that very important, often sole procedural remedy available to the minority which is the motion to recommit, that it is very disturbing.

At this time, Mr. Speaker, I yield 3 minutes to my distinguished friend from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank my friend from Florida for yielding. And I stand here today, first, to commend the chairman of the full committee, Mr. THOMPSON, for the bipartisanship he has shown, the level of

cooperation he has demonstrated in bringing this bill through the committee process and to the House floor today. This was work that was begun in the last Congress, and now it has been brought to its fruition, and I commend the gentleman for that.

As Mr. DIAZ-BALART indicated, there were serious rail attacks in Britain in 2005, in Spain in 2004 and, of course, in India. And there is no doubt that terrorists certainly would be considering to use rail and transit as a base for future attacks here in this country. So this legislation is needed. It is constructive and on balance, it is very positive. For instance, it authorized the use of VIPER teams. It does base funding on threat and risk. And it addresses very, very key areas of vulnerability.

Having said that, I wish the same spirit of bipartisanship that had prevailed at the committee level had prevailed in the Rules Committee, because there are a number of amendments which were not ruled in order. In fact, there was no amendment ruled in order which was offered by a member of the Homeland Security Committee, specifically, an amendment by Mr. DANIEL E. LUNGREN, which would have, I believe, addressed deficiencies in the whistleblower language which would have protected classified national security information.

The amendment by Ms. GINNY BROWN-WAITE, who will be speaking on it herself in a few moments, would have certainly prevented the disclosure of sensitive security information on Freedom of Information requests, and two amendments by Mr. DENT as far as screening travelers entering the U.S. and interdicting terrorists at the border. All four of these amendments would have been very constructive. I supported them strongly. At the very least, they deserved a full debate here on the House floor today. So for that reason I will oppose the rule.

Having said that, I do support the underlying legislation, and I do commend Chairman THOMPSON for his efforts and certainly subcommittee ranking member and former chairman, Mr. DANIEL E. LUNGREN, for the efforts that he put into this in the previous Congress.

This is legislation whose time has come. Unfortunately, it was not allowed the opportunity to even be better than it is.

So having said, while I support the underlying legislation, I must reluctantly oppose the rule today.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to a distinguished member of the Rules Committee, my good friend from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank my good friend from the Rules Committee for yielding time on this very, very important issue.

Today is a great day, and I rise in support of the rule and the underlying resolution in this matter to improve our security on our rail and busway systems throughout this country.

□ 1300

When I was running for this office, this was a very, very important and significant issue to many people who I represent throughout Northeast Ohio. We have many passengers and others who utilize these services who, unfortunately, despite evidence of vulnerability and potential attack, have been exposed to the ongoing danger of our failure to secure these systems. I also am proud to see that in this bill we have protections for whistleblowers that will improve the likelihood of secure and safe transit systems within our country.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time it is my pleasure and privilege to yield 4 minutes to my distinguished friend and colleague from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, early in this session the majority promised to implement all the 9/11 Commission recommendations. Yesterday, the Rules Committee, which is controlled by the majority, had the opportunity to deliver on that promise by making two of my amendments to this legislation in order. It failed to do so, and the security of our rail and bus passengers and, in fact, our border security in general will be all the worse as a result.

The 9/11 Commission advised the President to direct the Department of Homeland Security to ''design a comprehensive screening system'' that would target ''particular, identifiable suspects or indicators of risk'' and give border officials ''the resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations.'' They concluded that targeting travel is at least as powerful a weapon against terrorists as targeting their money. That is the 9/11 Commission report, recommendation 14, page 385. And it recommended that a terrorist travel intelligence collection and analysis program, which had ''produced disproportionately useful results,'' should be expanded.

The first of these amendments involved the Advance Passenger Information System, or APIS as we commonly refer to it. Today, under this program, air and sea carriers collect passenger and crew biographical data and transmit this data to Customs and Border Protection while the vessel or aircraft is en route to the United States. This is an important tool in CBP's efforts to identify suspect or high-risk passengers before, that is before, they enter the country.

As terrorists are just as capable of taking a Greyhound bus across border as they are landing at LAX, I thought that my amendment, which would have required bus and train companies transporting passengers into this country to provide the same advanced information to CBP as do the airlines, made sense. Unfortunately, the majority members in the Rules Committee did not agree.

My second amendment would have authorized the deployment of the Automated Targeting System For Passengers, or ATS–P as we refer to it. ATS–P is an intranet-based enforcement and decision support tool that is the cornerstone of all of CBP's targeting efforts at the border.

ATS–P coordinates passenger information and forms an intelligence assessment of a traveler. ATS–P then makes a simple ''yes'' or ''no'' determination on whether that international traveler should be flagged for additional screening. Once this information is received by CBP officials, these officials retain the discretion to act, or not to act, on that information. In short, ATS–P is nothing more than a tool that can help CBP determine who might be a person worthy of a follow-up interview.

Again, since we are already using this technology to screen international incoming flights, why not apply it to border crossings of trains and buses, other forms of transportation through which terrorists might try to enter the country? Why not? That was the gist of my amendment. Once more, however, the majority on the Rules Committee shot us down.

Together, APIS and the ATS–P make up the building blocks of exactly the kind of border security program recommended by the 9/11 Commission, and yet this rule prohibits our consideration of these two programs as part of our mass transit and rail security structure. The majority can talk the talk when it comes to adopting the 9/11 Commission recommendations, but by failing to implement these two amendments, it has shown that it cannot walk the walk.

Accordingly, while I know that this legislation, H.R. 1401, will do many good things, and I do support the underlying bill, I ask that you vote against this rule because it fails to address the homeland security concerns detailed in my amendments.

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

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, at this time I yield 3 minutes to our distinguished colleague from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to the rule for H.R. 1401, the Rail and Public Transportation Security Act of 2007.

This rule is overly restrictive because it prohibits several good amendments like my colleague just enumerated as well as an amendment that I had tried to get in the bill. I think it is shocking because members are the most knowledgeable about this bill, having worked on it for weeks now, our members of the committee.

One of the amendments that the rule excludes was the rule that basically said if we have an assessment out there

of perhaps a lack of security or an area that we need additional resources in, this information is going to become public. Think about what the terrorists would do. The amendment would have filled this security gap by exempting all sensitive information from Freedom of Information Act requests. It directed the Secretary of Homeland Security to issue regulations that would prohibit unauthorized disclosure of sensitive information such as security plans, vulnerability assessments, and risk-based criteria.

Mr. Speaker, the International Association of Fire Chiefs recently wrote a letter supporting my amendment, and I will include that letter in the RECORD.

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, March 12, 2007.

Hon. GINNY BROWN-WAITE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BROWN-WAITE: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to voice our support for your amendment to the ''Rail and Public Transportation Security Act of 2007'' that would protect sensitive information about our nation's rail and public transportation sector.

We share your concerns about protecting sensitive information from accidental public disclosure. Both the vulnerability plans and the security assessments described in this legislation contain sensitive information, such as threats to our nation's transportation system, security weaknesses, and redundant and back-up systems. It is important that this information be shared with the appropriate fire and emergency services, and law enforcement organizations to ensure that they are prepared for the accidental or deliberate release of hazardous materials. However, this information should not be made public, because of the serious problems that could occur if information about weaknesses in the security of our nation's transportation system fell into the wrong hands.

Thank you again for offering this amendment. If you have any questions about the IAPC's role in the safe transportation of hazardous materials, please feel free to call Ken LaSala, the Director of Government Relations.

Sincerely,

JAMES B. HARMES,
President.

I would also like to quote two sentences from the letter by those who would be the first responders, the Association of Fire Chiefs, and the fire chiefs in your local district: ''It is important that this information be shared with appropriate fire and emergency services and law enforcement organizations to ensure that they are prepared for the accidental or deliberate release of hazardous materials. However, this information should not be made public because of the serious problems that could occur if information about weaknesses in the security of our Nation's transportation system fell into the wrong hands.''

Mr. Speaker, they said it far better than I could, and they would clearly be the first responders. By excluding these important amendments, we are shortchanging the people of America with a bill that is filled with loopholes.

I ask Members to vote ''no'' on the previous question and on the rule so we can go back and make some of these very appropriate amendments in order.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend from Mississippi (Mr. THOMPSON), the Chair of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of the rule for H.R. 1401, the Rail and Public Transportation Security Act of 2007. I am also grateful to the Rules Committee and my colleague from Florida for offering this rule.

The bill passed out of the Committee on Homeland Security was a comprehensive bill. I know a number of my colleagues offered amendments, and I appreciate their interest.

I am also pleased the rule makes in order the manager's amendment I will be offering. This amendment was the result of extensive negotiations with my colleagues on the Oversight and Government Reform as well as Transportation Committees. Chairman WAXMAN assisted in perfecting the whistleblower protections in the bill. Chairman OBERSTAR worked with me on clarifying the roles and responsibilities of the Departments of Transportation and Homeland Security in this bill.

In closing, Mr. Speaker, I feel this is a good rule. It provides for sufficient debate on this important legislation. It also rules in order several amendments that deserve discussion and consideration by the House.

Mr. Speaker, I urge my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, at this time it is my privilege to yield 4 minutes to a distinguished new Member who is already making an impact in this House with his forceful leadership and his knowledge and wisdom, Mr. BILIRAKIS.

Mr. BILIRAKIS. Mr. Speaker, I rise today in opposition to this rule but in support of H.R. 1401, the Rail and Public Transportation Security Act, which will improve the security of our Nation's rail, subway, and bus systems.

I am very disappointed that this rule does not allow any Republicans on the Homeland Security Committee to offer amendments, of which there were several. Two of my committee colleagues, Congressman DANIEL E. LUNGREN and Congresswoman GINNY BROWN-WAITE, have critically important amendments that would significantly improve this bill.

However, I am pleased to support this bill, which my Homeland Security Committee approved unanimously. I support this bill because it will provide much-needed protections and security improvements for the millions of Americans that travel on our Nation's buses, our subway system, and our train system.

The Rail and Public Transportation Security Act will require Federal officials and transportation providers to assess our vulnerability to terrorist attacks against these public transportation systems and determine ways to improve their security.

I am especially pleased that the bill we are considering today includes two proposals that I made during committee consideration of this measure that I believe will strengthen our security against terrorist attacks on rail and mass transportation systems.

First, the committee adopted an amendment I offered that requires DHS to conduct physical testing of railcars to determine the most likely successful means of attack against them. This is important because no real-world vulnerability testing has been done on the safety of tank cars carrying dangerous toxic-by-inhalation hazardous materials. My amendment remedies that by requiring such tests so that we can properly assess their current vulnerabilities and protect them to the most practical extent possible.

My proposal also requires real-world plume modeling analysis for such attacks to help fill the current gaps in our understanding of these vulnerabilities so that we can better protect our constituents and first responders from attacks on tank cars carrying dangerous materials and mitigate their consequences.

Second, this bill incorporates the text of an amendment that I filed during the committee's consideration of H.R. 1401 that requires the security coordinator positions required under section 103 of the bill to be filled by U.S. citizens, a requirement which I think makes sense for several reasons. U.S. citizenship is required for individuals seeking security clearances for access to classified information and materials. I very strongly believe that individuals who will be responsible for coordinating and implementing security plans for our Nation's rail and public transportation systems should be able to access, when appropriate, information to help them do their jobs as effectively as possible.

I think it just makes sense to put American citizens in charge of the security for our country. As we saw during the Dubai Ports debacle, many of our constituents demanded that Americans be in charge of America's security, a position with which I hope we can all agree.

I want to thank full committee Chairman BENNIE THOMPSON, Ranking Member PETER KING, Transportation Security and Infrastructure Protection Subcommittee Chairwoman SHEILA JACKSON-LEE, and subcommittee Ranking Member DAN LUNGREN for their hard work and open-mindedness in crafting this legislation.

Mr. Speaker, we have rightly focused much of our time, attention, and resources on securing our Nation's aviation system in the years since 9/11. I believe it is time that we focus on securing our country's public transportation systems, which so many of our constituents use each day.

□ 1315

This bill is a significant step in that direction. I urge our colleagues to support this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend, the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), the chairwoman of the Transportation Security and Infrastructure Protection Subcommittee of the Homeland Security Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a pleasure to address you this afternoon. I thank my good friend Mr. HASTINGS from Florida, and let me thank the Rules Committee for the thoughtful and constructive rule that has been put forward and acknowledge my colleague on the subcommittee, Mr. BILIRAKIS, for his comments about the underlying bill.

Just to inform my colleagues, this is a bill long overdue, and procedurally I believe that we moved this bill in regular order. We held two hearings. First of all, a hearing that allowed us to hear from the vastness of government agencies, who, I guess out of their testimony, one could argue that they made a very clear case that we needed a regulatory framework within which to secure the Nation's railroads and transit systems.

Obviously, through the tragedies of London and Madrid, we knew that the clock was ticking; and this committee, under the chairmanship of Chairman THOMPSON, knows that we must advance the ball, building on the work that this committee has done as a bipartisan committee over the years with a number of chairpersons, that we must move the ball forward to ensure the security of the Nation's homeland.

That means this particular subcommittee will address questions dealing with not only the questions of rail, but of aviation, of bus, of trucking, and as well critical infrastructure that heretofore may not have been assessed as closely as we should have.

So we held one hearing. At a second hearing we were able to hear from a number of industry persons to tell us, again, of some of the mountains that they had to climb in order to ensure security of the homeland.

That being so, this is a comprehensive bill. I am delighted it includes language regarding research and training, whistleblower language that comports with the Waxman legislation, so we are consistent in the legislative structure. I support, as well, the manager's amendment by Mr. THOMPSON, which focuses on some aspects that I think help the bill.

There will be some issues that I hope that we can move further along, and that is a relationship of consultation between the Homeland Security Department and the Department of Transportation.

As relates to security, I think it is key that the Department of Homeland Security and the Homeland Security Committee lead in consultation with a number of our jurisdictional allies.

I want to thank the chairman of the transportation committee and the chairperson of the Subcommittee on Railroads, Congresswoman CORRINE BROWN. We worked very collegially together, and I think this is a strong product.

Might I also just indicate that I hope my colleagues will pay close attention to language that would eliminate Amtrak from security grants. One of the largest modes of passenger transportation, which has had its ups and downs, sometimes the passenger rate is up, sometimes it is down, but it does not mean that it is not a vulnerable target.

It is interesting that if you run your transit system 24 hours a day, for example, there has to be a period where there is low passenger census. Does that mean that it is any less a target to threats than it would be during peak times? So I hope my colleagues will consider the vulnerability that the Sessions amendment gives to this whole bill and the idea of securing extensively the rail system.

Might I suggest that amendments that would undermine the Transportation Security Administration breeding program increase also pose concern, because, as we know, we have not yet had a system in rail travel that addresses the question of security of baggage. So this breeding program, dealing with domestic animals, is an important aspect of dealing with the question of security.

I would also suggest that you don't want to leave out the provision that we have in the over-the-road bus program, and that should not be eliminated.

This is a good rule. I ask my colleagues to support it, and I hope they will support the underlying bill.

Mr. Speaker, I rise to speak about the history of this bill. This bill was badly needed because, as you know, the issue of transportation security has been over looked. This bill authorizes more than 5 billion dollars over the next four years for rail, public transportation, and over-the-road bus security. Having seen the horrific events in Madrid and London, something must be done to improve transportation security. We know that this bill moves in that direction because we've had a long and distinguished legislative record resulting in this bipartisan bill.

As the Chairwoman for the Homeland Security's Subcommittee on Transportation Security and Infrastructure Protection we have held two hearings on the topic of transportation security. On February 6, the Subcommittee received testimony from the government on transportation security. On February 13, the Subcommittee heard testimony from industry and labor about the issue as well. Both of these hearings were attended by the Subcommittee's Ranking Member, Mr. LUNGREN from California, and other Committee Members from both parties.

In these hearings, the Subcommittee heard from over nine different witnesses. The witnesses included, Assistant Secretary Hawley, with the Transportation Security Administration, two witnesses from the Department of Transportation, one from the Federal Railroad Administration, and the other from the Federal Transit Administration, and the Government Accountability Office's rail security expert. We also heard from the Amtrak's Inspector General, the Association of American Railroads, and the New York Metropolitan Transportation Authority. Finally, we also heard from the Transport Workers Union and the International Brotherhood of Teamsters. As such, I think we have heard from all the stakeholders impacted by this bill.

Besides hearings, the Subcommittee held a mark-up on March 1, 2007, in which there were ten amendments offered and discussed. These amendments dealt with issues, including whistleblower rights, reducing protections for protecting sensitive information, and others. I believe the mark-up yielded a strong bill, which was made even stronger by the Full Committee's mark-up and its consideration of more than twenty amendments.

Mr. Speaker, because the Homeland Security bill was passed unanimously out of Committee and it represents a compromise between the Transportation & Infrastructure and Oversight and Government Reform Committees, and is a great step forward to protecting our transportation systems, I urge my colleagues to support the Rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 2 minutes to our distinguished colleague from California, Mr. LUNGREN.

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

Mr. Speaker, this is a good day in some respects, and that is that we have this bill on the floor, H.R. 1401, the Rail and Public Transportation Security Act of 2007. It follows up on work that we began in the last Congress on a bipartisan basis.

I would say the committee acted on a bipartisan basis all the way through. It is a shame, however, that bipartisanship stops at the edge of the Rules Committee. When we made an attempt to ask for reasonable amendments in this regard from members of the committee of jurisdiction, the Homeland Security Committee, we were rejected.

I might just talk about the one amendment that I had asked to be considered dealing with whistleblower protection. The bill has in it now a provision which is extraordinary in its breadth and which is unique in its application of criminal law. People wonder why we would be concerned about this when we all agree we ought to allow whistleblowers, when acting properly, to expose wrongdoing.

The problem is we are in an area dealing with security, and this would allow an employee to make an individualized determination, without further review or even perhaps without all the relevant information, to disclose classified information. We ought to be concerned about that. My amendment would have dealt with that.

For some reason now in the manager's amendment we are going to exempt these criminal penalties for many Federal employees, but we are going to

impose them on State and local employees, criminal penalties and punitive damage awards. So we are going to have a situation in terms of sensitive information that might be revealed by an employee and therefore action taken against that employee, and the government unable to respond to that, because under this whistleblower protection law, there will not be the ability for the government to talk about protecting basically state secrets.

What we are talking about here are areas of sensitive information. This goes along with the gentlewoman from Florida's amendment to try and protect sensitive information. Both of those amendments were rejected.

I would hope that Members would vote down this rule so we might have a chance to do our job and at the same time protect sensitive information.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), one such distinguished Member who had two germane amendments before the Rules Committee that were shut out. He is the ranking member of the Transportation and Infrastructure Committee.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding, and I do rise in opposition to this rule.

I have been here for 15 years, and this is probably one of the most egregious efforts to deny committees of jurisdiction input into this very important legislation.

We just heard from Mr. LUNGREN, a very distinguished Member and ranking member on the Homeland Security Committee. He stated again the partisan nature of the Rules decision. The Chair on the Republican side, the ranking member of that committee, Mr. KING, indicated that there were zero amendments. Unprecedented. On the Transportation and Infrastructure Committee, there were zero amendments accepted.

So I must strongly encourage that we vote against this rule. Again, in my experience, I have never heard of such an egregious abuse of minority rights or participation in the process.

Most importantly, I think that one of the amendments that we offered from the Transportation and Infrastructure Committee, while the manager's amendment does have some improvements in taking these important security grants from DHS, which has had difficulty in managing all their responsibilities, and we have the money going through DHS and the grants administered by the Department of Transportation, which is an improvement, it has been my experience that it is not how much money you spend, it is how you spend it. We had an amendment that offered a vast improvement, which was to conduct a needs and risk assessment on security risks relating to transit and rail, which has never been conducted.

So we are going to take $6 billion of hard-earned taxpayer money and put it through this system that I just described and not really address that money to the real threats and risks that we face. I don't think that is wise.

This weekend I spent some time in Pennsylvania. I went through a couple of towns and I saw a lot of people. I saw some tough towns in some of the rural areas traveling up there. But I saw a lot of people going to work and working hard, sending their money to Washington. They are counting on us to be good stewards of that money and to spend that money.

Our number one responsibility is the safety and security of those people, and here we are abandoning that responsibility. So they work very hard out there to send that money here and now see it not properly applied.

That is wrong, and I will oppose this rule.

Mr. Speaker, I rise in opposition to the Rule, H. Res. 270, for the consideration of H.R. 1401, the Rail and Public Transportation Security Act of 2007.

I strongly support effective security measures for America's railroads, transit systems, and intercity buses.

But the funding authorization levels in the bill that will be brought up today are based on a phony estimate of the surface transportation security needs.

The $6 billion authorized in H.R. 1401 is based on a 2003 member survey conducted by the American Public Transportation Association.

There was no discipline to the APTA survey—anyone could ask for anything they thought they might need at any time.

Yesterday, I offered two amendments to the Rules Committee, both of which were rejected on a straight party-line vote.

The first amendment was simply a requirement that DHS and DOT determine what the security needs of the Nation's transit systems and railroads are before authorizing $6 billion in grants.

This amendment was supported by the Committee on Homeland Security and the Committee on Transportation and Infrastructure. Yet the Rules Committee refused to allow the amendment to be considered.

I also proposed an amendment to expand the current whistleblower protection law for both the safety and security of railroad employees under the Railway Labor Act.

This effective whistleblower protection law in title 49 of the U.S. Code has been in place since 1970. This law covers the reporting of all hazardous conditions, whether related to safety or security.

Under the Railway Labor Act whistleblower protection, railroad employees are fully protected against termination, harassment or discrimination.

There is absolutely no good reason to replace this functional and effective law with new whistleblower protection requirements under the Department of Labor. Don't fix it if it isn't broken.

But this amendment, despite support from both the Committee on Homeland Security and the Committee on Transportation and Infrastructure, was also rejected by the Rules Committee on a party-line vote.

I strongly oppose this Rule.

The bill development was not bipartisan, and it is obvious that the development of the Rule was completely partisan.

The Democrat-led Congress's unwillingness to work with Republicans on this bill flies in the face of Speaker PELOSI's commitment to work in an open and bipartisan manner.

It's a shame that this Congress has put politics ahead of effective security for the traveling public.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are going to oppose the previous question. If the previous question is defeated, I will amend the rule to make in order two amendments Mr. DENT of Pennsylvania offered last night at the Rules Committee. Mr. DENT, a member of the Homeland Security Committee, testified on behalf of his amendments, but the Democratic majority of the Rules Committee all voted against making these important amendments in order.

These amendments would establish a screening program for individuals who are arriving at or departing from the U.S. through covered transportation, namely, by passenger rail and bus. His amendments would also require carriers who provide transportation to people entering the U.S. to provide passenger information to Customs and Border Protection.

Mr. DENT's amendments would implement one of the key 9/11 Commission recommendations, which stated: ''Information systems able to detect potential terrorist indicators should be used at primary border inspection lines, in immigration services offices, and in intelligence and enforcement units.''

During the recent campaign, the Democrats pledged to enact all of the 9/11 Commission recommendations. By not allowing Mr. DENT's amendments, they are ignoring a loophole for the terrorists to exploit and are reneging on a promise they made to the American people to protect them.

Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I listened with great intensity to my friend from Florida regarding the resources that the American public provides to the United States Government for its distribution. He seems to decry the fact that this year we are going to spend $7 billion on rail security. My ultimate question would be, What did you spend on rail security last year, the year before, the year before and the year before that?

Somewhere along the line, I believe that the American people want us to

make sure that our rail system and our bus system are as secure as we can make them. This is a start in that direction.

I also heard my friend from Orlando say that the rule itself is the most egregious that he has seen in 15 years. Well, I have been here every one of those 15 years that he has been here, and if he wants to see egregious, then travel with me back to the 4 years in the minority that I was on the Rules Committee, and I will show you egregiousness.

□ 1330

Mr. Speaker, the 9/11 Commission gave the Transportation Security Administration a C-minus for its efforts to develop a security strategy for all modes of transportation. GAO, as I previously mentioned, has said that the U.S. has failed to provide the appropriate leadership in enhancing all forms of covered transportation.

Something needs to change. This bill provides the necessary leadership and funding to move us forward.

For too long, Congress has neglected its responsibility to do whatever is necessary to protect the well-being of the American people. This is a fair rule. It gives four amendments to the minority and four amendments to the majority; hardly as egregious as the many times no amendments were granted to the minority when Democrats were in the minority.

I urge my colleagues to support both the substantive legislation and this rule.

Ms. MATSUI. Mr. Speaker, I strongly support the Rail and Public Transportation Security Act (H.R. 1401). Our country needs this bill. Our communities need this bill.

This legislation is very timely for my district. On March 15th, a train trestle burned down just outside central Sacramento. The fire sent a dark plume of smoke into the sky.

The residents of our region received quite a scare. Children were kept inside because authorities could not determine if the smoke from the trestle fire was toxic.

Fortunately, no one was hurt. The incident is not being investigated as a terrorist attack.

However, this fire showcased the impact that our rail vulnerabilities can have on communities.

In Sacramento, our train tracks form a ring around our most populated areas. If the trestle had caught fire just a few miles down the track, houses would have burned. If the train had exploded, or if it had leaked hazardous material, my constituents could have died.

I cannot let that happen. That is why this legislation is so important. It makes critical advancements in rail security policy.

I am grateful that Representative MARKEY has addressed the transport of hazardous materials through heavily populated areas.

As the situation in Sacramento demonstrated, we must begin to reroute hazardous shipments to avoid populated areas.

When possible, we must integrate new technologies to secure these shipments. I look forward to working with Mr. MARKEY to implement this proposal.

It is also important to note that more people than ever are using public transit. Over 10 billion trips were taken on public transportation last year. There has been a 30 percent increase in public transit use in the last decade.

This increased ridership is great news. However, it is important that we invest in security funding to match growing demand. This legislation will do just that.

Finally, I want to commend Chairman BENNIE THOMPSON of the Homeland Security Committee for his leadership on this issue.

As a member of the Transportation and Infrastructure Committee, I have seen how smoothly Chairman OBERSTAR and Chairman THOMPSON have collaborated.

They have done a great job dealing with the jurisdictional issues raised by transit security.

Their work demonstrates the level of commitment that is needed to secure our communities. Such collaboration is a refreshing change.

It should serve as an example for us all as we tackle other pressing issues facing the 110th Congress.

I urge my colleagues to support the Rule, so that we can enact this important legislation.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 270

OFFERED BY REP. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendments printed in sections 4 and 5 shall be in order as though printed as the last two amendments in the report of the Committee on Rules if offered by Representative Dent of Pennsylvania or his designee. Such amendments shall each be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The first amendment referred to in section 3 is as follows:

At the end of title I of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 1xx. PASSENGER AND CREW MANIFESTS FOR VEHICLES ARRIVING IN OR DEPARTING FROM THE UNITED STATES.

(a) STATEMENT OF POLICY.—Congress supports the following recommendations from the Final Report of the National Commission on Terrorist Attacks Upon the United States:

(1) ''The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the borders encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.''.

(2) ''Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration services offices, and in intelligence and enforcement units.''.

(3) ''We advocate a system for screening, not categorical profiling. A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations.''.

(4) ''[T]he National Targeting Center, assisted by the new Terrorist Screening Center, provides information support to inspectors at ports of entry so that they can make more informed decisions about potential terrorists and harmful cargo attempting to enter the United States.''.

(b) AUTHORITY TO REQUIRE ADVANCED DELIVERY OF INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 434 the following new section:

''SEC. 435. PASSENGER AND CREW MANIFESTS FOR VEHICLES ARRIVING IN OR DEPARTING FROM THE UNITED STATES.

''(a) PASSENGER AND CREW MANIFESTS REQUIRED.—The Commissioner of United States Customs and Border Protection of the Department of Homeland Security may require each vehicle (including a rail car or bus) of a provider of covered transportation, as defined in the Rail and Public Transportation Security Act of 2007 arriving in the United States from, or departing the United States to, a foreign port or place to transmit to United States Customs and Border Protection a passenger manifest and crew manifest containing the information set forth in subsection (c) for each such arrival in or departure from the United States.

''(b) TRANSMISSION.—A passenger manifest and crew manifest required pursuant to subsection (a) shall be transmitted to United States Customs and Border Protection in advance of arrival in or departure from the United States in such manner, time, and form as the Commissioner of United States Customs and Border Protection may prescribe by regulations.

''(c) INFORMATION.—The information to be provided with respect to each person listed on a passenger manifest or crew manifest required pursuant to subsection (a) may include—

''(1) the person's complete name, date of birth, citizenship, gender, passport number and country of issuance, and alien registration number, if applicable; and

''(2) such other information as the Commissioner of United States Customs and Border Protection determines is necessary to enforce the customs, immigration, and other related laws of the United States, to ensure the transportation security of the United States, and to protect the national security of the United States.

''(d) CIVIL PENALTY.—Any person who fails to provide accurate and full information in a passenger manifest or crew manifest required pursuant to subsections (a) and (c) or regulations issued thereunder, or fails to provide the manifest in the manner prescribed pursuant to subsection (b) or regulations issued thereunder, shall be liable for a civil penalty in the amount of $5,000 with respect to each person listed on the manifest for whom such accurate or full information is not provided in accordance with such requirements.

''(e) PASSENGER NAME RECORD INFORMATION.—

''(1) REQUIREMENT.—The Commissioner of United States Customs and Border Protection may require each commercial carrier arriving in the United States from, or departing the United States to, a foreign port or place to make available to United States Customs and Border Protection, upon the agency's request, passenger name record information for each such arrival in or departure from the United States in such manner, time, and form as the Commissioner may prescribe by regulations.

''(2) CIVIL PENALTY.—Any person who fails to provide passenger name record information required pursuant to paragraph (1) shall be liable for a civil penalty in the amount of $5,000 with respect to each person for whom such information is not provided in accordance with such requirements.

''(f) SHARING OF MANIFEST AND PASSENGER NAME RECORD INFORMATION WITH OTHER GOVERNMENT AGENCIES.—The Commissioner of United States Customs and Border Protection may provide information contained in passenger and crew manifests and passenger name record information received pursuant to this section to other government authorities in order to protect the national security of the United States or as otherwise authorized by law.

''(g) CONSIDERATION OF ECONOMIC IMPACT.—Prior to issuing any interim or final regulation under this section, the Commissioner of United States Customs and Border Protection shall consult with stakeholders from the transportation industry and assess the economic impact that the regulation would have on private industry.

''(h) SAVINGS CLAUSE.—Nothing in this section abrogates, diminishes, or weakens the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.''.

SEC. 5. The second amendment referred to in section 3 is as follows:

At the end of the title I, insert the following new section (and conform the table of contents accordingly):

SEC. 132. AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) ''The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.'';

(2) ''Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.'';

(3) ''The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.'';

(4) ''A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations.''; and

(5) ''Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with intelligence on indicators of terrorist travel.''.

(b) AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the ''system'') through the use of covered transportation.

(c) NO PRIVATE RIGHT OF ACTION.—The Secretary, acting through the Commissioner, shall ensure than an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action and no court shall have jurisdiction based on any of the provisions of this section to hear any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 270 will be followed by 5-minute votes on adoption of H. Res. 270, if ordered; adoption of H. Res. 269, if ordered; and the motion to suspend the rules on H. Res. 266.

The vote was taken by electronic device, and there were—yeas 222, nays 199, not voting 12, as follows:

[Roll No. 190]

YEAS—222

Abercrombie	Cleaver	Filner
Ackerman	Clyburn	Frank (MA)
Allen	Cohen	Giffords
Altmire	Conyers	Gillibrand
Arcuri	Cooper	Gonzalez
Baca	Costa	Gordon
Baird	Costello	Green, Al
Baldwin	Courtney	Green, Gene
Bean	Cramer	Grijalva
Becerra	Crowley	Gutierrez
Berkley	Cuellar	Hall (NY)
Berman	Cummings	Hare
Berry	Davis (AL)	Harman
Bishop (GA)	Davis (CA)	Hastings (FL)
Bishop (NY)	Davis (IL)	Herseth
Blumenauer	Davis, Lincoln	Higgins
Boren	DeFazio	Hill
Boswell	DeGette	Hinchey
Boucher	Delahunt	Hinojosa
Boyd (FL)	DeLauro	Hirono
Boyda (KS)	Dicks	Hodes
Brady (PA)	Dingell	Holden
Braley (IA)	Doggett	Holt
Brown, Corrine	Donnelly	Honda
Butterfield	Doyle	Hooley
Capps	Edwards	Hoyer
Capuano	Ellison	Inslee
Cardoza	Ellsworth	Israel
Carnahan	Emanuel	Jackson (IL)
Carney	Engel	Jackson-Lee (TX)
Castor	Eshoo	Jefferson
Chandler	Etheridge	Johnson (GA)
Clarke	Farr	Johnson, E. B.
Clay	Fattah	

Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Andrews
Barton (TX)
Carson
Davis, Jo Ann
Ehlers
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Spratt
Udall (NM)

□ 1359

Messrs. YOUNG of Alaska, RYAN of Wisconsin, PETERSON of Pennsylvania, and SULLIVAN changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 223, nays 199, not voting 11, as follows:

[Roll No. 191]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Carson
Davis, Jo Ann
Garrett (NJ)
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Spratt
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1408

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 835, HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT

The SPEAKER pro tempore. The unfinished business is the de novo vote on adoption of House Resolution 269.

The Clerk read the title of the resolution.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 234, nays 188, not voting 11, as follows:

[Roll No. 192]

YEAS—234

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—188

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—11

Andrews
Carson
Cooper
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Udall (NM)
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1416

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 266, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 266.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, not voting 14, as follows:

[Roll No. 193]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett

Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Tancredo

NOT VOTING—14

Andrews
Carson
Davis (CA)
Davis, Jo Ann
Ellsworth
Franks (AZ)
Green, Gene
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Udall (NM)
Yarmuth

□ 1427

So (two-thirds being 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.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 193, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. YARMUTH. Mr. Speaker, I was unavoidably detained during the recorded votes for rollcall Nos. 192 and 193. Had I been present I would have voted "yea" for both measures.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 1401.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 270 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1401.

□ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes, with Mr. BUTTERFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes, and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 10 minutes.

The Chair recognizes the gentleman from Mississippi.

□ 1430

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself as much time as I may consume.

Three years ago this month, 10 explosions shook Madrid's commuter rail systems, killing 191 people and leaving thousands wounded. As Americans, we mourned the loss felt by Spain. We wondered whether terrorists would try the same here at home. Then we waited.

The next year, suicide bombers attacked the Tube in London. Last year, it was Mumbai. Last month, it was New Delhi. Each time we watched and waited.

Mr. Chairman, the time for wondering and waiting has come and gone. Today, we act. The Rail and Public Transportation Security Act of 2007 makes clear that America simply will not wait for terrorists to attack our trains, buses and subways. We will act now to secure them.

A bipartisan bill, H.R. 1401, was passed unanimously out of the Committee on Homeland Security. This legislation goes a long way to protect our rail and mass transit systems so that we can move freely, yet securely, through our communities.

For example, it requires rail and public transportation systems to complete vulnerability assessments and security plans. It requires the Department of Homeland Security to finally develop a strategy for rail and transportation security. It strengthens intelligence and information-sharing efforts. It ensures that hardworking rail and public transportation employees are trained and on the lookout for security violations. It requires railroads to use the most secure routes to transport hazardous materials. It provides for much-needed R&D testing and technology in the rail and public transportation arena.

I am certain that bill is not without its naysayers. There are some that have and will continue to say that we can never secure these systems. I have heard many excuses from people in the past years. They say that the systems are too expensive, that the systems are too open, that we should only worry about aviation.

I say in response, if Congress does nothing and America is attacked, it will be our responsibility. We will deserve to be judged harshly for our inaction. Instead of waiting, let's do something right and protect the people we are here to serve.

I urge all of my colleagues to support this bill.

Mr. Chairman, I submit these two letters, correspondence between myself and Mr. WAXMAN, chairman of the Committee on Oversight

and Government Reform, regarding H.R. 1401, the Rail and Public Transportation Security Act of 2007.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 26, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, House Committee on Homeland Security, Washington, DC.

DEAR BENNIE: The Committee on Homeland Security reported H.R. 1401, the ''Rail and Public Transportation Security Act of 2007,'' on March 22, 2007. As you know, H.R. 1401 contains provisions within the jurisdiction of the Committee on Oversight and Government Reform, specifically section 112 dealing with whistle-blower protections for various federal employees and contractors.

Because of your desire to move this legislation expeditiously, I have agreed to waive consideration of the bill by the Committee on Oversight and Government Reform. I appreciate your responsiveness after our discussions including, in a manager's amendment, a number of changes to the Committee reported bill.

By agreeing to waive consideration of the bill, the Committee does not waive jurisdiction over H.R. 1401. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation.

Finally, I ask that you please include this letter and your response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, March 26, 2007.

Chairman HENRY WAXMAN,
Committee on Oversight and Government Reform, Washington, DC.

DEAR HENRY: Thank you for your recent letter expressing the Committee on Oversight and Government Reform's jurisdictional interest in H.R. 1401, the ''Rail and Public Transportation Security Act of 2007.'' The Committee on Homeland Security appreciates your willingness to work cooperatively on this important legislation.

The Committee on Homeland Security recognizes your jurisdictional interest over provisions contained in this bill, as amended, and appreciates your agreement not to request a sequential referral. The Committee on Homeland Security acknowledges that your decision to forgo a sequential referral on this legislation does not waive, reduce or otherwise affect the jurisdiction of the Committee on Oversight and Government Reform. Accordingly, the Committee on Homeland Security will support your efforts to participate as conferees in any House-Senate conference on this legislation or in any other legislation that includes this legislation.

A copy of this letter, together with the letter you sent on this matter, will be included in the Committee's report on the bill and the Congressional Record when the bill is considered on the House floor.

Thank you for your continued cooperation, and I look forward to working with you as H.R. 1401 proceeds through the legislative process.

Sincerely,

BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security.

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

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

At the outset, let me thank Chairman THOMPSON not only for his work on this bill in particular but for the spirit of cooperation that prevailed throughout this entire period leading up to today.

I also want to commend Mr. LUNGREN, who was chairman of the subcommittee in the previous Congress which did much of the groundwork for this legislation and for the dedication that he has shown and continued in his efforts as subcommittee ranking member.

Mr. THOMPSON had pledged, upon becoming chairman of the full committee, that will be a main priority for him, and he has delivered. There are certain parts of the bill that I would have problems with. But having said that, I certainly commend him for the effort he has put into this and, again, for level of cooperation not only between him and me but between other members of the committee, between majority staff and the minority staff.

Mr. Chairman, September 11 changed all our worlds, and we have attempted in various ways to meet the threat that is presented to us by international Islamic terrorism. Much work has been done at the airports. Last year, we adopted very extensive and expansive port security legislation, chemical plant security legislation.

Some strides have been made towards rail and transit security. But today's bill, today's legislation is very much needed to take a more significant step down that road.

We saw from the attacks on March 11, 2004, in Madrid; the attacks of July 7 in London in 2005; and the attacks in India on commuter lines, that terrorists certainly are targeting our rail and transit for terrorist attack, one of the reasons being that it is so much more difficult to secure transit than it is airports.

Certainly, looking at it very parochially, from my own perspective in New York, the New York City subway system, it has more than 400 subway stations. It has over 1,500 exits and entrances to those stations. In addition to that, we have many, many tens of thousands of commuters coming in from the suburbs of Long Island, upstate New York and New Jersey every day.

It is not just a New York issue, by any means. This is an issue which affects rail and transit throughout the country, but it is an issue that must be addressed.

We have to look at the possibility that the next terrorist attack, like London, Madrid and India, will be launched from the suburbs. It is not just the inner city subways, big city commuter systems, but it is all of them. All of them have to be protected to the extent that we can.

We also have to support those systems which we believe can work, such as the VIPER system, which I believe is essential.

We have to have training for the security personnel. I wish that the legislation had also provided that the funding could go directly to the police, who provide security. It won't be you will have to go through the intermediary carriers, which I think is not a step in the right direction, but I also understand the realities of what has to be done. I think that certainly the police and the transit workers are the front line of defense when it comes to securing our mass transit, and it is essential that they receive the training that they need.

It is also essential that there be capital improvements, that, for instance, the tunnels leading into main terminals be reinforced, that the escape precautions be improved upon, that the first responders have access to tunnels and terminals in times of terrorist attack.

So these are all issues which I believe are addressed to a significant extent in the legislation.

As we said during the previous debate on the rule, there are parts of the legislation, though, which would have been very, very essential, I think, to have had amendments ruled in order. Mr. LUNGREN, I am sure, will be addressing some of these issues, but I am concerned about the whole issue on the whistleblowers as to what we do to protect national security secrets and top secret materials and why the government will be, in effect, precluded from asserting the State secret defense. That is, to me, a very, very significant issue, and it is one where I believe the legislation does not give us adequate protection.

Also, on the issue of Freedom of Information, which Ms. GINNY BROWN-WAITE will discuss as to how we can protect top secret and classified information, all of this to me is important.

But, having said that, this legislation is a very, very significant step forward. It is a major step forward, and it is an area where, again, we realize in a bipartisan way that more had to be done. While significant, more has to be done in the future, because we have an enemy which is constantly adapting, an enemy which is vicious and deadly. As has been proven on 9/11, they can use any number of means at their disposal.

We have to think outside the box. We have to try to anticipate what they are going to do. If, God forbid, there is an attack, we want to make sure our people are able to respond as quickly and as effectively as possible. I believe that this legislation addresses much of that.

I want to thank the chairman for, again, the open-mindedness that he has had on this in accepting many of our suggestions and also negotiating and working with us and, again, just developing and showing a spirit of bipartisanship, which I think is really essential.

Homeland Security should not be a partisan issue. We will and we do have

honest differences, but I think the overwhelming majority of the issues affecting Homeland Security can and should be addressed in a bipartisan way.

On those issues that we cannot resolve, we can have honest, intelligent differences on them without in any way questioning the motives of either side and also realizing that sometimes very pragmatic decisions have to be made. We can't allow the perfect to be the enemy of the good.

I thank Chairman THOMPSON. I certainly thank Ranking Member LUNGREN both for his efforts in the last Congress and in this Congress for all that he has done and also the gentlelady from Texas (Ms. JACKSON-LEE).

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. THOMPSON.

Mr. Chairman, I rise today in strong support of H.R. 1401, the Rail and Public Transportation Security Act. This bill finally addresses the security of our Nation's rail and mass transit industries, and it has been put together in a bipartisan fashion.

The bill includes commonsense provisions that require transportation providers to conduct thorough risk assessment and threat mitigation plans. It also develops security training guidelines for front-line workers who are the eyes and ears on the ground.

Finally, it gives over $1 billion in Federal grants for first responder training, for purchasing of emergency response equipment, interoperable communications systems and cargo and passenger screening equipment. These steps identify where we are vulnerable and give the right people the training and equipment to make us less so.

I also commend the committee for adopting the two amendments I introduced.

The first, which I introduced with the help of Congressman JOHN SALAZAR from Colorado, adds Transportation Technology Center, Inc., in Colorado to the National Domestic Preparedness Consortium so that it can bring its expertise in providing additional security to rail and mass transit systems. As the Nation's premier rail training facility, this will give greater ability to respond to rail disasters.

My other amendment is one that I worked on with my friend from California, and it clarifies Department of Homeland Security rules on what crimes constitute security risks for employees during a background check, and it provides a redress process for individuals who feel they were unfairly fired or terminated.

Mr. Chairman, the security of America's railroad and public transit systems are too important to ignore any longer. This bipartisan, commonsense bill will drastically improve our security.

I urge an ''aye'' vote.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the ranking member for that and at the outset if I could ask the gentleman from Colorado if he would engage in a colloquy to clarify a section of the bill with me.

Mr. PERLMUTTER. I certainly would, sir.

Mr. DANIEL E. LUNGREN of California. At committee, the gentleman and I worked to clarify language in section 120, which he just referred to, regarding background checks on employees. We included language that specified that nothing in this section of the bill was intended to preempt State and local governments from enacting or enforcing requirements regarding criminal background checks.

Further, we agreed, and the committee agreed in report language, that this section was not intended to prohibit an employer, including State and local governments, from making any employment decisions otherwise permissible under Federal, State or local law.

I would also like to clarify my understanding that this section is intended to impact employers who are complying with the Department of Homeland Security requirements, regulation or guidance, but does not apply to employers who conduct background checks for other reasons.

I would ask the gentleman and yield to him whether this is his understanding of the intent of the section.

Mr. PERLMUTTER. Yes, I concur with your description of my amendment. I thank you for the question.

First, I would like to thank the committee and my friend from California, because we worked out language that would prevent preemption of Federal, State or local laws for security background checks.

Furthermore, these requirements only apply to Department of Homeland Security guidelines. Private employers may conduct subsequent or alternative security background checks, looking for other crimes, based on their employment agreements or other applicable laws.

However, if a person is adversely affected by that security check with regard to his or her employment, the employer may not use Homeland Security as the impetus for that adverse decision.

This section addresses the concerns brought to our attention at a hearing on the impacts of background checks on the transportation workforce. Additionally, it provides a redress process modeled after the transportation worker identification card program that carefully balances the importance of background checks while protecting the Nation's critical infrastructure.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for working with me on this bill and for clarifying this section.

Mr. Chairman, I rise in support of the bill. This is a bill which we have worked on for some time. We started in the last Congress, holding hearings on this in a bipartisan basis. We attempted to get information from the public and private sector in these areas of our economy.

I congratulate the chairman of the full committee and the chairperson of the subcommittee for moving forward with dispatch on this issue.

□ 1445

We did work on other sectors of our economy with respect to the issue of security against terrorist threats. We did very good work in the area of port security. We did very good work in the area of chemical facility security. I hope that we will continue to do work in the area of the trucking industry.

Where we are talking about the rail system and mass transit systems there is a demonstrated need for us to act, for us to have guidance from the Federal Government to State and local governments in cooperation with State and local governments, and for us to have guidance for the private sector and to work with the private sector in dealing with this threat that threatens all of us, public and private sector combined.

At the same time, I would suggest that there are a couple of concerns that I have about what form this bill may take. One of the areas that I tried, by way of presenting a suggested amendment to the Rules Committee to improve this legislation, was in the area of whistleblower. I mentioned this earlier in the debate on the rule, but let me just stress why this is important. We are dealing with an area in which we are requiring and requesting that other entities work with the Federal Government in coming up with security measures. And as a result of that, there will be information that we do not want shared with the outside world, that we certainly do not want shared in a public venue such that those who would do us harm would have an opportunity to be effective in their intent.

And that is why I was concerned, and other Members on my side of the aisle were concerned, about the whistleblower provisions here, which, frankly, do not carve out an exception for that area of the law dealing with security-sensitive information.

This is of such concern that I understand the administration would recommend a veto of this bill, not on the substance of it, but on the whistleblower provision, and there is no reason for us to run into that difficulty.

Secondly, in the area that will be discussed by the gentlelady from Florida, Ms. BROWN-WAITE, we have the concern about allowing this information out, not in a whistleblower setting, but just

allowing this information out as a result of requests under the Freedom of Information Act.

And remember, prior to 9/11 we used to have all sorts of information about nuclear facilities and other entities dealing with power, such that someone could go on an Internet search and find out exactly what the vulnerabilities of those particular facilities happened to be. We realized after 9/11 that in our effort to get everything out to the public we had probably damaged ourselves in terms of our vulnerability.

Here is another area where we are not, in my judgment, giving enough concern about the possible ill effects of our effort to get everything out in the public. And what we have said, and Ms. BROWN-WAITE's amendment attempted to do, was to try and say, in those areas where we have security-sensitive information, there ought to be an exception from the provisions of the Freedom of Information Act. We did this on a bipartisan basis in the Maritime Security Bill a couple of Congresses ago. Why we are not doing the same thing here, I do not understand. And if we had had our amendment to bring forward, we could have debated that. And I hope we will take care of that problem on the Senate side or in conference.

The last thing I would suggest is I understand there is going to be an amendment presented on the floor about alternative material sources. This deals with toxic inhalation materials. We worked very closely, I worked personally with the gentleman from Massachusetts (Mr. MARKEY) in this specific area, and we managed to come up with a bipartisan, balanced approach to that. And I just hope when we have the short time allowed for debate on that amendment, we will debate it in the context of the bipartisan, balanced approach that we developed in our committee and brought forth to this floor.

If you are going to present an amendment which basically is going to have the effect, whether intended or otherwise, to remove these materials from rail to our highways, how can we say we are any safer? And, frankly, that is what that amendment will do.

So I hope Members will look at this, not as a partisan issue, and not saying, well, it was offered by the majority side or the minority side, therefore I am going to vote for it or defeat it on that basis, but look at the actual words in there and look at what the impact will be.

We have made some mistakes in the past in our effort to do things that we have done in the past without the knowledge of the threat of terrorism that came upon us in 9/11. Let us not complete action on this bill as if we were dealing with it on 9/10. This is a bill that ought to be debated, considered, and voted on in the full light of the events that took place on 9/11 and thereafter.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlelady from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of H.R. 1401, the Rail and Public Transportation Security Act of 2007. I want to thank Chairman THOMPSON and Ranking Member KING for moving this bill to the floor in a bipartisan manner.

The President's budget request for fiscal year 2008 includes only $41 million for TSA for surface transportation, less than 1 percent of the TSA budget. From fiscal year 2003 to fiscal year 2006, DHS distributed approximately $387 million for rail and mass transit security grants. On average, that is only one penny of Federal homeland security funding spent for each of the 9.5 billion transit passenger trips each year. This number is miniscule compared with the average Federal security investment of $9 per airline passenger trip.

This legislation represents the first step in closing the enormous gap between Federal spending on aviation security and spending on security for rail and public transportation.

As we saw in the uncovered plot to bomb the Herald Square subway station in New York City, as well as the horrific attacks in Madrid, London and Mumbai, terrorists are targeting mass transit systems, and we must do what it takes to protect and secure our transportation networks.

This bill, for the first time, authorizes dedicated risk-based funding for the security of railroad carriers, public transportation systems, and over-the-road bus systems.

It also provides for fire and line-safety improvements to be made at Amtrak tunnels throughout the critically important Northeast corridor, including six tunnels in the New York City area.

Every day, thousands of my constituents join more than 7 million riders traveling on Metropolitan Transit Authority trains and buses throughout the New York metro area. They expect and deserve to know that the Federal Government is just as committed to rail security as it is to other homeland security priorities.

I urge my colleagues to support this legislation.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the former sheriff of King County in Washington State and current ranking member of the Intelligence Subcommittee, Mr. REICHERT.

Mr. REICHERT. Mr. Chairman, I thank the gentleman for allowing me time to speak this afternoon. I also want to take a moment to congratulate Chairman THOMPSON on bringing this legislation forward.

And I do rise, Mr. Chairman, in support of H.R. 1401. A number of the speakers already have touched upon how the world has changed since September 11, but sometimes we say those words and, really, the heart and the meat of those words don't really touch our hearts. And if I could just take a moment to share a story with you.

As I was traveling through my district a few months ago along the freeways just south of the city of Seattle, I looked up at one of the traffic advisory boards. Usually what you see on those advisory boards are traffic alerts: take a different route; traffic accident ahead; severe hazard is ahead; exit freeway; blocked freeway ahead. Those are the things that we are used to seeing on our traffic advisory boards in the Seattle area.

But on this day, as I looked up at the traffic advisory board, what it said was, SEA–TAC Airport security alert. No gels, no liquids allowed on planes in carry-on luggage.

That, to me, just struck for a moment at, really, the true change that has happened since September 11. Freedom has been impacted by the attack on the United States of America. And as we look at protecting our homeland, it is so important for our protection to be coordinated by law enforcement, by local law enforcement, for grant money to be directed toward local law enforcement and partnering with the Federal system, partnering with the Department of Transportation, partnering with the airport and the rail and security people who protect our railways, highways and airports. All of those have to be brought together and in conjunction with the private sector. That is the duty of local law enforcement to bring people together, to make our neighborhoods and communities safe.

But, as I support H.R. 1401, as reported unanimously by the Committee on Homeland Security, I am in strong opposition to the manager's amendment that is up for consideration today.

Under the version of this legislation, Mr. Chairman, approved by the Committee on Homeland Security, the Department of Homeland Security would be responsible for distributing rail and public transportation security grants. Unfortunately, good policy has given way to politics. And in the manager's amendment, we see the responsibility for administering these grants has shifted from the Department of Homeland Security to the Department of Transportation.

In a statement by the National Sheriffs' Association on this legislation, the association writes: ''Specifically, the National Sheriffs' Association, sheriffs and law enforcement officials have a vested interest in protecting national and homeland security and, in order to do so, it is paramount that an obvious and central entity exist to which sheriffs can turn to for support and assistance. Thus, the National Sheriffs' Association believes that allowing the Department of Homeland Security to maintain the primary role in the assessment and the distribution of grant monies concerning rail security will help maintain such a necessary and efficient Homeland Security infrastructure.''

Let me repeat that last part, please: ''Allowing the Department of Homeland Security to maintain the primary role in the assessment and distribution of grant monies concerning security will help maintain such a necessary and efficient Homeland Security infrastructure.''

In addition to this ill-conceived move, the manager's amendment makes another critical error in determining who is eligible for the $2.4 billion of funds for rail security. Again, the version of this legislation reported out of the Committee on Homeland Security allowed State, local and tribal government entities, as well as railroad carriers, to apply for these grants. Risk-based, threat-based. The manager's amendment allows eligible railroad carriers only to apply for these grants.

Mr. Chairman, as a former sheriff of a major metropolitan area, I understand local law enforcement plays an important role in protecting our Nation's transit and rail systems. A cynical person might say that the manager's amendment serves as nothing more than a $2.4 billion earmark for Amtrak, though I am sure that that is not the overt intent of its author.

While the manager's amendment has made some improvements to this legislation, specifically, the whistleblower provisions, I remain in strong opposition to the dangerous changes the amendment makes to the grant portion of this bill.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), the chairman of the Emerging Threats Subcommittee.

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

Mr. LANGEVIN. Mr. Chairman, I thank the chairman for yielding, and I want to commend him on his outstanding leadership in bringing this bill to the floor.

Mr. Chairman, I rise today in strong support of the Rail and Public Transportation Security Act, H.R. 1401, which will significantly strengthen the safety of our Nation's rail and mass transit systems.

Mass transit systems worldwide have long been terrorist targets.

□ 1500

Within the past few years, terrorists have exploited security vulnerabilities to carry out attacks on mass transit systems in London, Madrid, and Mumbai. We are fortunate to have escaped attack here in the United States, but make no mistake about it, the threat continues to be very real.

Each day, over 11.3 million Americans utilize our Nation's rail and public transit systems. Therefore, we must strike a delicate balance between tightening security and allowing for the free flow of passengers heading to school, work, and recreational activities.

One of the ways we can make a difference is in training our mass transit and railway personnel. Rail and mass transit security workers are our first line of defense in identifying abnormal activity and protecting passengers from potentially harmful situations. It is therefore vital that we equip them with the training that they need to be effective. Now, this legislation will create mandatory security training programs to prepare all front-line railroad and public transportation workers for potential threat conditions.

I am also pleased that this bill finally authorizes additional funding for enhanced security efforts. On average, Mr. Chairman, we spend $9 per air passenger annually on security but only 1 penny per rail and mass transit passenger. This is clearly an unbalanced approach to our transportation security.

Now, while we should continue to allocate sufficient funding to secure our aviation sector, we must also increase the resources we dedicate to rail and mass transit. I am confident that H.R. 1401 will bring us another step closer to achieving this goal.

Mr. Chairman, we have certainly come a long way in making our Nation safer since September 11, but we are still not yet safe. This bill, combined with other homeland security measures passed in recent months, will close many of the existing gaps and make our Nation safer.

I urge my colleagues to join me in supporting this important piece of legislation. Again, I commend the chairman for his leadership in bringing this important bill to the floor.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank Mr. THOMPSON and the ranking member, Mr. OBERSTAR, and his ranking member as well for this very important legislation that has come forward today.

Perhaps you, too, can hear the collective sighs of the American people now that we are doing something about rail and mass transit. They have wondered, and how could they not, whether the bombs that were planted in Madrid and in London would somehow find their way into their own subways or whether the Hazmat accidents could be more than that here in this country.

I was moved by these vulnerabilities to be the lead sponsor first of the Safe TRAINS Act, then the Secure TRAINS Act. After all, 800,000 Federal workers use our Metro daily. That did not inspire the Federal Government to move forward. Finally, we have a bipartisan bill to relieve the national anxiety of the average American about the forms of transportation she uses most.

They watched as we poured billions into air travel security. We had to do it, it was after the fact. But we left huge vulnerabilities.

Union Station, for example, the hub of the entire region, you have beneath it the trains running underneath a hall where Members every other day come to celebrate in the evening one or the other kind of event. The District of Columbia was driven by the vacuum to actually pass its own rerouting legislation that has not even been dismissed ever yet. That shows you how vulnerable we are.

The bill finally instructs the Department of Homeland Security to exercise leadership, to use its expertise so that transit systems are not working on security on a case-by-case basis. We can't protect the country by shoring up one mode of transportation alone—a virtual invitation to then move elsewhere.

I think there is an important lesson here. I am on the Aviation Subcommittee, so I have wanted to shore up air travel. But by shoring up one mode of transportation, we may be offering a virtual invitation for terrorists to go to the next most vulnerable target. That turns out to be rail and mass transit, where we could least afford terrorist events. That is where the American people are. I thank both sides of the aisle for coming together on this bill to go precisely where they are to protect the public at last.

Mr. KING of New York. Mr. Chairman, I continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the chairman for yielding, and I commend him and the ranking member for their hard work on this piece of legislation.

For too long, the Department of Homeland Security has ignored threats to rail and public transportation and buses; and I am pleased to help cosponsor this legislation to correct this problem.

In the face of recent attacks in London and Madrid and with our own subways and buses still vulnerable, I am hopeful that this legislation will make sure that the Department addresses this critical work.

In addition to closing security gaps in rail and mass transit safety efforts and providing support and guidance for training, security planning and research and development, this bill contains language that I proposed requiring the Department of Homeland Security to assess threats to our Nation's children posed by security risks to school bus transportation.

School buses have been targets of terrorists throughout the world, including here in the United States. Just last month, the FBI said that members of extremist groups have purchased school buses and obtained licenses to operate them, while adding that ''parents and children have nothing to fear.'' I do not believe we can take these assessments at face value without a comprehensive threat assessment of school bus transportation.

School transportation is a patchwork of systems including public entities, privately owned school bus companies, contractors who provide school transportation, individual owner-operators of school buses who contract with school districts or school systems. The risks are poorly understood, as the FBI's muddled message indicates.

An attack on our school buses would be devastating not only in the lives harmed but also in the psychological and symbolic impact. As a former superintendent of schools for the State of North Carolina, I know that children, parents, and schools deserve our school buses to get children to school as safely and as securely as possible. We owe our children no less than to be able to confidently say that our transportation system is secure.

The bill requires DHS to perform a comprehensive threat assessment for school transportation and make recommendations on how to respond to these threats. The bill requires vulnerability assessments and security plans for other modes of transportation in the public trust, and it should be the same for our children.

I urge everyone to vote for it.

I thank you, Mr. Chairman, for yielding the time and to the ranking member for all your hard work.

Mr. KING of New York. Mr. Chairman, I continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from South Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the gentleman for yielding, and I also thank Chairman THOMPSON for the strong leadership that he has shown on this bill. I also thank Mr. KING for the bipartisan support that he has shown on this bill and with the committee.

I rise in support of H.R. 1401, the Rail and Public Transportation Security Act of 2007. H.R. 1401 is an important piece of legislation that takes steps to secure our Nation's railroads, over-the-road bus networks, and the public transportation systems. In addition, the Rail and Public Transportation Security Act includes provisions that take strides in enhancing the security of transportation systems at our critically important international land borders.

My hometown of Laredo, Texas, is one of the busiest ports of entry into the United States and a hub of international commerce. Approximately 1,600 railcars cross the border daily in Laredo. Additionally, 163,000 cars cross annually that are loaded with freight and headed to destinations throughout the United States.

To meet the challenge of securing our Nation's border rail ports of entry, I worked with my chairman and my colleagues on the Homeland Security Committee to include two important additions to H.R. 1401. The first one supports the development and emergency response and recovery techniques that can be used at our international borders. The second gives rail inspection facilities at our international borders a priority to receive critically important rail security grant funding authorized by this legislation.

I am proud to support this legislation that will make our Nation's rail, transit, and bus systems more secure and that will ensure that the safety of citizens living across the Nation are secure as they use these systems.

Mr. Chairman, I again thank our chairman for the leadership that he has shown on this piece of legislation and for leading our committee.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to a former member, stellar member, of the House Homeland Security Committee, Mr. PASCRELL of New Jersey, who has moved on, but he still has an interest.

Mr. PASCRELL. Mr. Chairman, I rise in strong support of the Rail and Public Transportation Security Act of 2007. This is critical legislation designed to focus on a long-time vulnerability that exists within our Nation.

This bill is a real product of bipartisan cooperation. So I want to commend our leader, Chairman BENNIE THOMPSON, as well as Ranking Member PETER KING, both of whom I enjoyed working with and continue to work with, even though I am not officially on the committee. You have performed a tremendous service to this country, and we are indebted to you. Your sagacity is seconded by no one.

We know that rail and public transportation represent a very tempting target for those who wish to do us harm. London and Madrid are just two recent examples of the mass transit systems that are plagued by terrorism. Last year, in fact, the committee went to Madrid, to Rome, and to London, and we saw the evil deeds of terrorists, and we learned much, and they learned much from us. Thankfully, H.R. 1401 will make needed and long-overdue investments in America's public transportation to ensure that we are safer and more secure.

The bill provides for comprehensive, mandatory training for front-line workers. That is so critical for us to understand. These are folks that are on the job every day. Transit employees must know how to identify risks and respond in case of a threat or attack.

And you know, Mr. Chairman, I felt very strongly about this, discussed it with both of you, that we need to get more retired law enforcement into these positions of security. They know how to detect the threats that are on the line.

The bill also enhances whistleblower protections so that workers can be free to report security concerns. This is critical, Mr. Chairman. This has been so critical in exposing the security gaps at airports throughout the United States of America. If people are not free to tell us what they see day to day and are fearful that there will be reaction against them, that is not good.

Most importantly, this bill provides $7.3 billion to public transit agencies, Amtrak, bus operators, and other providers of rail and public transportation. We want people to feel as safe on the trains as they are in the air.

We know full well that rail and mass transit have been negligently underfunded in terms of security since 9/11, and it is long past time that we do this.

□ 1515

Today we do that. I applaud the chairman and I applaud the entire committee for their hard work.

Mr. KING of New York. Mr. Chairman, I reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Houston, Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I especially want to thank the chairman for his outstanding leadership. It is an honor and really a preeminent privilege to serve with him on this committee. I also thank the ranking member. I would thank also the subcommittee Chair, SHEILA JACKSON-LEE, from the great State of Texas. She and I have districts that are juxtaposed right next to each other.

Mr. Chairman, I am supporting this legislation because it authorizes $140 million to Amtrak to improve tunnels in the Northeast corridor. It requires programs that will cause our transit employees to be trained on how to prevent, prepare for, and respond to terrorist attacks. Our first line of defense will be prepared to defend as a result of this bill.

This bill requires that we look forward, and it authorizes $200 million over the next 4 years to find solutions to security threats.

This bill protects those who would protect us in that the whistleblowers will be protected. I trust that while it may not be a perfect provision, it is better than what we had, and I assure the public that this is going to help us.

This bill will help us to get the additional inspectors that we need. We will move from 100 inspectors to 600 by 2010.

This bill helps us to protect America's future, our children, in that it provides for school bus transportation security assessments.

This bill provides for enhanced security for shipments of sensitive materials.

Finally, of the many things I can say, I want to remind us that this bill provides that violators of the act will be punished. There are both civil and criminal penalties for violators.

I think this is a good bill. I am honored to have my name associated with it as an original cosponsor.

Mr. KING of New York. Mr. Chairman, I continue to reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentlelady from New York (Ms. CLARKE).

Ms. CLARKE. Mr. Chairman, I wish to thank Chairman THOMPSON, Ranking Member KING and Chairwoman

JACKSON-LEE for their vigilance on this issue.

Mr. Chairman, I rise in support of the Rail and Public Transportation Security Act of 2007, H.R. 1401. In the past, Congress has passed laws to improve air and maritime security. With this bill, Congress is finally taking the very important step of securing America's vast ground transportation systems.

It is particularly important for my home city of New York, which has spent far more of its own treasury than any other city on securing its citizens. Along with providing much-needed funding for security improvements to mass transit, bridges and tunnels, this bill will also help fund police and counterterrorism task forces to patrol the areas and react to emergencies.

Further, this bill provides $100 million over the next 4 years to bring about long-anticipated safety and security renovations at Penn Station, which sees thousands of New Yorkers and tourists from across America each day.

I am particularly proud of the language included in the bill that ensures labor unions will play an integral role in the solution. Unions will now be eligible to receive a portion of the grant funding, allowing them to work hand-in-hand with transportation carriers on how to improve the safety of the workers and passengers alike.

Also, for some time, many local governments and agencies have been concerned about their lack of involvement with the Federal side of the transportation security process. For years, Federal security inspectors have refused to consult with transit agencies about how best to patrol their facilities. This new bill will force DHS and DOT to work together with State and local governments when deciding how the Federal Government will interact with local agencies.

H.R. 1401, the Rail and Public Transportation Security Act of 2007, is an excellent bill that will revolutionize transportation security in America, and I wholeheartedly recommend that my colleagues join me in voting ''yes'' for this bill.

Mr. KING of New York. Mr. Chairman, I continue to reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I thank the gentleman from Mississippi for yielding, and I want to recognize the chairman and the ranking member for their exceptional leadership on this critical issue.

Mr. Chairman, I rise today in support of H.R. 1401, the Rail and Public Transportation Security Act of 2007, and urge its swift passage.

Horrific terrorist events around the world have forced us to focus on rail security. This bill is an important and necessary step towards protecting our Nation's rail and surface transportation safety.

My district is home to the world-renowned Transportation Technology Center in Pueblo, Colorado. TTCI's Emergency Response Training Center conducts hands-on hazmat training for first responders and is known in the field as the premier graduate school for surface transportation hazmat training.

My good friend and fellow Coloradan, Mr. PERLMUTTER, highlighted in committee the critical role that TTCI plays in advancing rail security, research and development and hazmat training.

By making TTCI the sixth member of the National Domestic Preparedness Consortium, it will add a critical component to the consortium that is now missing. TTCI is the only facility in the Nation that has the experience and assets necessary to test new emergency response and recovery techniques. Adding TTCI to the consortium will help fulfill the goals of this bill, making our rail lines safer from homeland security threats by enabling the facility to accelerate its already outstanding work in the field of rail security.

Mr. Chairman, I urge my colleagues to support the investment in rail and public transportation security and passage of this much-needed bill.

Mr. KING of New York. Mr. Chairman, I reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Chicago, Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of H.R. 1401, the Rail and Public Transportation Security Act of 2007, and I commend the Committees on Homeland Security and Transportation for such an outstanding piece of work. But I also want to just take this opportunity to pay serious appreciation to the chairman of Homeland Security, to the chairman of Transportation, Representative OBERSTAR, and to the chairman of Judiciary, Representative JOHN CONYERS.

I was involved in a situation with an issue that we brought to them, and, as a result of their humaneness, their serious understanding and their recognition of the need to protect the rights of individuals throughout America, I think we ended up with a bill that I am strongly in support of, urge its passage and, again, commend all of these gentleman for their tremendous sensitivity and hard work.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the distinguished chairman of the committee and thank the ranking member and the members of the committee who worked so diligently. Let me specifically thank the members of the Subcommittee on Transportation Security and Critical Infrastructure. Each and every one of them worked tirelessly to contribute to this bill, along with members of the full committee.

This has been a very tough mountain to climb. We waited for 4 years to travel through a number of legislative initiatives, and finally we reached a point where we are able to bring to the floor the Rail and Public Transportation Security Act of 2007.

Let me thank the chairperson, Mr. THOMPSON, for his vigorous leadership and his concern, so much so that he organized and made sure that the full Homeland Security Committee was organized to have a subcommittee that would focus on transit systems which would include over-the-road buses, trucking and a number of other important transit systems or transportation systems that heretofore had not been covered.

Let me also thank him for the inclusion of the aspect of critical infrastructure because, interestingly enough, when you look at transportation systems, critical infrastructure plays into the holistic approach to security. So this bill I think has a holistic approach to ensuring that we have security, and it has as a backdrop the tragedies of Madrid and the tragedies, of course, of London.

So what we do is, how do we fix the problems. I think we have a hands-on approach, but a balanced approach, between the Departments of Transportation and Homeland Security. We increase the number of inspectors to 600. We require a national rail and public transportation security plan. For the first time in the history of this Nation, we will clarify the roles and responsibilities of Federal, State and local agencies, so that if you have a local transit agency, they will have the opportunity to develop a transit security system. I would encourage my colleagues as this bill makes its way that we focus on local jurisdictions having security plans.

It will strengthen intelligence sharing. One of the Achilles heels of 9/11 was that we did not share intelligence. We will do that as relates to transportation systems.

Then we will lay out plans for public outreach and public education initiatives. It will include strategies and time lines for research and develop. We have expanded, of course, this whole idea of security to diverse groups that have not heretofore had the opportunity, minority institutions, minority contractors and women-owned businesses that can become engaged.

And, yes, our committee had a hearing on the tension, but also the separation, between the hiring of individuals and the requirements of railroad companies versus the requirements of the Department of Homeland Security, so we wouldn't use security as a reason for terminating individuals.

This bill has a positive end to it. We will bring rail security to America, Mr.

Chairman. I am proud to have been the subcommittee Chair on this and proud of this committee. I ask my colleagues to support this bill.

Mr. Chairman, I rise in support of this bill.

As the Chairwoman for the Homeland Security's Subcommittee on Transportation Security and Infrastructure Protection, we have held numerous vital hearings on the topic of transportation security. These hearings were attended by the Subcommittee's Ranking Member, Mr. LUNGREN from California, and other Committee Members from both parties.

Over the past couple of months, the Committee on Homeland Security has heard testimony on the important issue of rail, mass transit, and over-the-road bus security. After hearing the experts' testimony, I, like many Americans, am appalled by the failure to provide ongoing and continuous oversight in transportation security—specifically, in the areas of rail and mass transit.

Throughout the world, mass transit systems have long been targets of terrorist attacks. Algerian extremists set off bombs on the subways of Paris in 1995 and 1996; the Irish Republican Army waged a long-running terrorist campaign against the London Underground; Palestinian terrorists have carried out suicide bombings on Israel's buses; Chechnyan terrorists killed 40 people by bombing the Moscow subway in 2004; and, in the first terrorist use of a chemical weapon, a Japanese cult—Aum Shinrykyo—released sarin gas on a Tokyo subway in 1995.

Recent events make it clear that the threat continues. On the morning of March 11th, 2004, ten explosions occurred at the height of the Madrid rush hour aboard four commuter trains. On July 7, 2005, during the morning peak travel hours, three separate explosions ripped through the London Underground and a fourth explosion occurred on a double-decker bus. These four explosions, the result of coordinated suicide-bombings by British-born Islamic extremists, claimed the lives of 56 people and seriously injured hundreds more. Two weeks later, on July 21, 2005, another group of terrorists unsuccessfully attempted to attack London's mass transit system again. On July 11th, 2006 a series of seven bomb blasts against the Suburban Railway in Mumbai (formerly known as Bombay), capital city of the Indian state of Maharashtra and India's financial capital resulted in 207 lost lives and over 700 injured.

The recent attacks serve as a harsh reminder of mass transit and rail security vulnerabilities. Both mass transit and rail systems are public and used by millions of people daily. Because of their size, openness, and highly networked character, there are no obvious checkpoints, like those at airports, to inspect passengers and parcels. Passengers are strangers, promising attackers anonymity and easy escape.

And attacks on mass transit—the circulatory systems of urban areas—can cause widespread fear, severely disrupt economic activity, kill or injure large numbers of people, and alter our way of life. An attack on our freight rail, either the material being transported (such as hazardous materials, or vital commodities), or merely the system itself, could severely impact our national economy.

As a result, both mass transit and rail systems are attractive targets. Since September 11, 2001, according to the Memorial Institute for the Prevention of Terrorism, mass transit systems have been the target of more than 145 terrorist attacks.

Due to their existence in high-population, high-risk urban areas, mass transit systems are also inevitably affected by any terrorist attack that may occur within that jurisdiction—regardless of whether the transit system was the target of the attack. For example, during September 11, 2001, two of New York City's busiest transit stations were lost and considerable damage occurred to the tunnel structures, endangering hundreds of lives underground. Great care was required to evacuate passengers, locate and rescue trapped transit cars, and communicate instructions. The damage in New York City was so great that in the immediate aftermath of 9/11, Congress appropriated $1.8 billion to rebuild the subway infrastructure that was damaged in the attacks. I am hopeful that through this legislation we can prevent such attacks rather than face the tragic consequences of 9/11 again.

I refuse to sit idly by and allow another 9/11 or Madrid, London, or Mumbai bombing to disrupt our Nation and its critical infrastructure—it is with that conviction that I seek to address these issues. The recent world events should serve as a wake-up call that we must do more to secure our transportation systems and we must act quickly and responsibly.I firmly believe that the legislation before us today will take an important step in securing our transportation systems.

Pursuant to the Aviation and Transportation Security Act of 2001 (ATSA), the Transportation Security Administration (TSA) is responsible for the security of all modes of transportation including rail and mass transit. TSA, however, has focused the majority of its resources and assets on aviation security in the past five years.

Congress, recognizing TSA's lack of progress in developing a security strategy for all modes of transportation, mandated the development of a National Strategy for Transportation Security in the Intelligence Reform and Terrorism Prevention Act of 2004 ("9/11 Act"). This strategy, although due April 1, 2005, was not finalized by TSA until September 2005. Moreover, the document provided by the Department of Homeland Security (DHS) did not meet the requirements set out by Congress, especially with regards to rail and mass transit security. Furthermore, subsequent congressionally mandated updates were also not met by TSA, resulting in the 9/11 Discourse Project giving the TSA a C− for its efforts.

TSA's failure to assume a leadership position on surface transportation security is plainly evident. It is time that we take action and leadership to help protect the more than 11.3 million passengers in 35 metropolitan areas and 22 states who use commuter, heavy, or light rail each weekday. There must be substantial penalties for those who do not follow the security plans, vulnerability assessments, and regulations set out in this legislation.

This bill provides the framework by which to create an ongoing and constant oversight process for our overlooked modes of transportation. Working with other federal government agencies, the Department of Homeland Security will monitor and assess the progress made by transportation providers and their workforces in implementing the security training mandated for transportation workers in this bill. I am also pleased that I was able to ensure in this bill that DHS would leverage its work in regards to security training with the safety training which has already been developed in universities and institutions of higher learning.

These institutions with existing transportation programs will also have an opportunity to participate in the National Transportation Center of Excellence Consortium. These programs have spent numerous years developing solutions for transportation vulnerabilities and this knowledge should be employed. I am especially pleased that minority serving institutions will play an active role in contributing to improving our transportation security.

Furthermore, neighborhood and local participation through programs such as Citizen Corps exercises is also critically important in facilitating security exercises. The millions of men and women who live next to railroad tracks and subway stations will be directly impacted if there is an attack, and they should be active and knowledgeable participants in preparing for such a tragic incident.

Furthermore, I am pleased that I was able to work with Chairman THOMPSON and Chairman OBERSTAR on the issue of rail security grants for security improvements to new start rail projects and systems. New start rail projects throughout the country will be more secure because we were able to incorporate language ensuring that rail security grants are used for security plans for new start rail projects which have not become operational yet.

Mr. Chairman, I also worked to ensure that this bill will authorize some much needed human resources to the Transportation Security Administration in the form of 600 additional rail security officers and inspectors. TSA will need additional manpower to meet the mandates set out in this legislation, such as approving of security plans and implementing training programs for covered transportation workers. The 100 additional officers I was able to secure will ensure that TSA is equipped to live up to its new mission.

This bill also authorizes more than $5.1 billion for the next four years, for rail, mass transit, and bus security. The funds called for in this bill should be based on risk and the priorities established by DHS. With this bill—for the first time—we will have comprehensive vulnerability assessments and security plans for rail, mass transit and buses.

I find it completely appalling that this Administration seems to be unwilling to act on rail and mass transit security until we are faced with another disaster. I shudder to think that if the Washington, DC or New York subway systems were attacked, and mass casualties resulted, that we would be thinking that more could have been done to prevent such a tragedy. We will be desperately trying to figure out how to prepare for a disaster that has already happened and holding hearing after hearing to find out where we dropped the ball. The time to prepare is now, and I am committed to securing our nation's rail and mass transit system expeditiously. We have been blessed thus far that our rail and public transportation systems have not been attacked. We should make our best efforts to ensure that we do not overlook this blessing.

From the terrorist attacks that have occurred around the world, we know that terrorists will

target our rail and public transportation systems. Despite this admonition, the agency created and funded by Congress to address the issue of transportation security has consistently dropped the ball when it comes to rail and public transportation. We cannot let the lessons of Madrid, London, and Mumbai go unheeded. For the sake of the millions of Americans who use our rail and mass transit systems every day to go to work, school, and visit friends and family, we have to take charge on this security risk.

What we are witnessing with the Transportation Security Administration is a lack of complete accountability. The Transportation Security Administration is not being held fully accountable for protecting our transportation systems and this must change. I acknowledge and appreciate the time that TSA Administrator Kip Hawley has taken to participate in this important hearing. However, we cannot tolerate the TSA's past inaction on this issue to continue for a moment longer.

While it is understandable that we would put focus on the safety of air travel, given the events of 9/11, what cannot be justified is the completely lopsided attention by the Department to aviation security at the expense of rail and mass transit security. I am pleased that this Congress and Chairman THOMPSON have decided to do what this Administration has thus far proved unwilling to do. That is, to provide a comprehensive framework to secure this nation's rail and public transportation systems.

We owe it to the public to safeguard the modes of transportation that allow them to carry on with their lives and drive this economy. Millions of men and women ride our nation's rail and public transportation systems every day; we owe it to them to ensure that they can do so safely and securely. I hope that through today's hearing and our continued efforts on the issue of rail and mass transit security, we can resolve the asymmetric way in which we treat aviation versus rail security and resolve the substantial threat posed by inadequate security on our rail and mass transit system.

I want to thank my colleagues for all of their hard work and dedication to these important issues, but I also want to emphasize that our job is not complete until we pass this bill and send it to the President. I eagerly look forward to the expeditious enactment of this critical legislation.

Mr. KING of New York. Mr. Chairman, let me again commend Chairman THOMPSON for his very high level of cooperation, for the dedication he has shown to this, and again thank Mr. LUNGREN, the ranking member of the subcommittee, for his efforts in the previous Congress and this Congress, and also the gentlewoman from Texas (Ms. JACKSON-LEE) for her efforts.

Mr. Chairman, the country was caught unaware on September 11. We could perhaps say that we did not anticipate the ferocity of the attack or the nature of the attack or the nature of our enemy, but we no longer have that excuse. September 11 certainly made us fully aware of how deadly our enemy is. Since then, whether it be intelligence reports or whether it be the attacks in London, Madrid or Mumbai, we realize also that mass transit is a favorite target of Islamic terrorists.

So we have no excuses. We have to move forward, and that is what this legislation does. It sets a coordinated national policy toward dealing with attacks on our public transportation system. It coordinates at the national level with the State and local officials what has to be done. It provides a level of training to our transit workers and to our police.

As I mentioned before, in New York, as Ms. CLARKE knows well, there are more than 5 million riders on our mass transit system every day.

As the gentleman from New Jersey (Mr. PASCRELL) mentioned, he and I and a number of other members of the committee last year visited London and we visited Madrid. We saw the extent of the carnage and the destruction that was caused. We full well realize that the next terrorist attack may very well be launched from the suburbs. It could be brought in on a commuter train to our cities. The subway systems themselves, the mass transit systems themselves are extremely vulnerable to attack.

We can never be 100 percent secure. We can probably never reach the same level of protection on a subway system or mass transit system, for instance, that we can at our airports.

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We do a great deal. And that is what this bill does, it moves us forward. It provides levels of protection that we do not currently have. And it is going to be an ongoing work in progress. It is going to be something that requires our continued dedication, our continued effort. It is going to require continued bipartisan effort, bipartisan support.

So I look forward to working with the chairman at least for the next 21 months in his role as chairman and, whatever happens after that, continue to work with him. Because this is, again, an issue, it is a threat that goes far beyond any type of partisan divide. It is something that should bring us all together as Americans. There is so much that we have in common where our values and principles are shared, are in common that, as Democrats and Republicans and, most importantly, as Americans, we can work together. This bill goes very far in that direction.

Again, I commend the chairman. I commend all of the members of the committee on both sides for their efforts.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, let me, at the close, thank my ranking member of the committee.

Our committee, as you know, has a reputation of being one of the more bipartisan committees here on the Hill; and I look forward to continuing that. Mr. KING has done a wonderful job.

Clearly, this legislation helps close the gap in terms of vulnerability. Those people who fly have been reasonably safe since 9/11. However, we clearly have vulnerabilities that we need to fix on the rail and public transit systems. So what this bill does is move us in that direction.

Mr. Chairman, I urge my colleagues to vote ''aye'' on H.R. 1401.

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

The Acting CHAIRMAN (Mr. SNYDER). All time has expired on this section of general debate which has been controlled by the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING).

Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 10 minutes of general debate.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

This legislation is vitally important. It is long-standing. Actually, transportation security legislation in the aftermath of September 11 originated in the Committee on Transportation and Infrastructure, where the gentleman from Alaska, then the chairman, and I worked on a wide range of transportation issues. The gentleman from Florida (Mr. MICA), then the Chair of the Aviation Subcommittee, and I worked on what became the Transportation Security Administration, the TSA, the aviation portion of it.

So we have a long-standing interest and involvement and in-depth engagement in this issue of transportation security. And now that the Homeland Security Committee has been created, we share aspects of this jurisdiction with that committee under the able leadership of the gentleman from Mississippi (Mr. THOMPSON), the able chairman of the committee. We are very grateful for the opportunity we have had to work together to align our interests and achieve a memorandum of understanding that has been incorporated into the Rules of the House on the shared jurisdiction.

Over a decade before September 11, 40-plus percent of terrorist incidents were carried out against rail systems and transit buses; and events of recent note show that those kinds of attacks continue.

The transportation systems covered under this legislation cover over 11 billion passengers. In the United States, every day 14 million people use public transportation for some 10 billion plus transit trips annually.

This legislation gives us new authority and new funding to address the needs of those transit systems, to protect them against attacks, reduce their vulnerability and improve the security of passengers.

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

Mr. MICA. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would have liked to have come to the floor and supported this bill. However, the more I learn

about some of the provisions of the manager's amendment that will be offered, the more I learn about some of the special interest provisions that have been put in this bill in the name of some special interest, as opposed to national security, I find myself inclined to vote against the measure and final passage, if it continues as it is now crafted.

First of all, I truly believe that the security grants that are provided for under the provisions of this legislation will not prevent terrorist attacks. This isn't always a question, as I said earlier on the rule, of how much money we spend. I have no problem as a Member of Congress spending money on rail and transit security. It is how we effectively spend that money.

This bill is not going to prevent a Madrid, where cell phones and backpacks were used. This is not going to prevent a London, where clean, unknown suicide bombers exercised their will and slaughtered many people, both aboveground and underground.

I was there just weeks before and saw some of the measures that they put in place. Now they were nice surveillance measures, but we can't make the same mistakes. If we want to stop terrorism, we are going to have to penetrate the organizations, the finances and the communications of individuals that are willing to take their own lives and others. This bill is not going to, as it is crafted, provide that.

The other thing that was prohibited from both the Homeland Security Committee and the T&I Committee was the ability to amend this. As we saw this product developing, we did not put in a needs assessment or risk assessment, which has never been done for rail or transit security, so we don't know where to spend the money.

We heard some of the Members saying we are going to have 600 inspectors. Do we need those 600 inspectors? Someone else said we are going to make these grants available to unions. Is that the best interest or is that serving some special interest?

So I have grown to have some very serious concerns about the provisions of this legislation. And the American Association of Railroads has said that, in fact, this is going to dismantle safety and security as we know it under existing law with the preemption clause that has been provided here.

So from State to State under the provisions of the way this manager's amendment is crafted, the regulations will vary. Can you imagine a train going from jurisdiction to jurisdiction under those circumstances?

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

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentlelady from Florida, the Chair of the Rail Subcommittee.

Ms. CORRINE BROWN of Florida. I want to thank Chairmen OBERSTAR and THOMPSON for working together to bring this important legislation to the floor.

For too long, we have neglected the security of our rail and transit system, and this legislation will go a long way to make up for this.

March 11 marked the third anniversary of the train bombing in Madrid, where 191 people were killed and 2,050 were injured. Since that terrible terrorist attack, additional bombings have occurred in London and India, killing hundreds more people. It is obvious that we must be ready for a similar attack here in our own country, but, sadly, we are not.

Mr. Chairman, each year more Americans ride on rail and transit systems than they do on planes, yet the money we are putting in security is a mere fraction of what we devote to aviation security. In 2006, the Federal Government spent $4.7 billion for airline security, yet only $136 million for rail and transit systems. Five times more people take trains over planes each day, yet we spend 35 times more on aviation security than we do on rail and transit security. This is not acceptable.

Chairman DEFAZIO and I recently held a hearing on rail and transit security, and what we found was discouraging. Since 9/11, the Department of Homeland Security has failed to issue a strategy to secure our rail and transit infrastructure, and the Transportation Security Administration has not completed a risk assessment of these systems.

Additionally, the rash of international terrorist bombings means that terrorists are getting smarter. Their future attacks will be harder to prevent. The window to secure our rail and transit infrastructure is closing quickly, and we need to act. While the Department of Transportation has done the most work of all agencies to secure this segment, it is obvious that much more work needs to be done.

I am glad that the manager's amendment will require DHS to work with the DOT to improve our Nation's rail and transit security system. It is hard to believe that almost 6 years after 9/11 we still have not addressed the rail and transit security. But election brings changes, and I am glad that we, the new congressional leadership, have common sense to take steps to protect the millions of people who use our Nation's many rail and transit systems.

The legislation on the floor today takes important steps to address our Nation's rail and transit security. This bill requires comprehensive security plans, strengthens whistleblower protection for workers, mandates security training, improves communications and intelligence sharing, authorizes a high level of grant funding for Amtrak, the freight railroads and public transit providers, and provides funding for safety improvements to the tunnels in New York, Baltimore and Washington, D.C.

Most importantly, it ensures our communities, first responders, transit and rail workers have the resources they need to keep their systems safe and secure; and it does it through a coordinated effort between the Homeland Security and the Department of Transportation.

While we may lag behind other countries' efforts to protect transit and rail workers, I am glad that our new congressional leadership is taking steps to correct this problem.

H.R. 1401 will go a long way to protect our Nation's millions of transit and rail passengers, while protecting the communities they travel through and keeping the trains running on time.

I encourage my colleagues to safeguard their constituents and support this long-overdue rail and security legislation.

Mr. MICA. Mr. Chairman, I am pleased to yield 3 minutes to the Republican leader on the Railroads, Pipelines and Hazardous Materials Subcommittee, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I appreciate the gentleman yielding me time.

Mr. Chairman, I rise with great concern and in opposition to H.R. 1401.

I think there are many provisions in this bill that are positive, that will enhance security, but I am concerned about the strategy as we move forward. Do we have one to move forward, spending billions of dollars?

In addition, there are a couple of provisions in this bill, section 124, which would require carriers to ship along the most secure routes. That sounds good, but when you put in there shipping along these routes without concern for safety, you may decide that when you look at what may be to some secure, you have serious safety considerations, whether the track is safe or what the weather is going to be like, and what is the first responder capabilities? Those are things that we have to consider when we are deciding on which route to take different shipments.

Also, the background checks. Section 120, I believe, weakens the background checks and it appears to me may pressure private industry to hire people, hire felons that we don't want working on the rail system that could further jeopardize our security.

The whistleblower protection. I believe it already affords adequate whistleblower protection for our workers. Keeping it under its current law under the Federal Rail Administration I believe is much better than moving it over to the Department of Labor. The Department of Labor hasn't had the experience in working with rail and rail labor, where the FRA has great experience. So I think we need to leave it there instead of moving it to an agency that, as I said, has no experience.

Most importantly, I rise today to oppose the manager's amendment. For decades, the Federal policy has given the U.S. Department of Transportation preeminent jurisdiction over rail safety under the Federal Railroad Safety Act. Section 3 of the manager's amendment would destroy that Federal preemption.

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Under current law, States may enact safety laws as long as they address unique local safety hazards.

As I said, section 3 of the manager's amendment will change all of that. This would balkanize our rail system and subject railroads to a hodgepodge of State and local regulations. Railroads could face different rules every time they crossed a State or county or municipal border. Imagine, 50 States, 50 different jurisdictions, or more, when you talk about the different counties in America. And they could regulate on braking systems, the number of people on the trains, and the types of trains that we use or the tracks we use. In fact, in California there are proposals out there that they want to change the track standards, they want to change the types of locomotives.

This is going to destroy the efficiency of the national rail system that we have created, a successful one over 20 or so years. And I repeat, this is not a security issue. It does not belong in this bill. And I hope the chairman of the full committee joins me in opposing this manager's amendment because rail safety belongs in a rail safety bill, which the subcommittee is going to take up. So I urge my colleagues to oppose the manager's amendment.

Mr. MICA. Mr. Chairman, I am pleased to yield at this time 3 minutes to the previous Chair of the Rail Subcommittee and current ranking Republican leader of the Coast Guard Subcommittee of the House of Representatives, the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman, and I thank Ranking Member MICA for yielding me the time.

Mr. Chairman, I want to commend the chairman and ranking member of the Homeland Security Committee for bringing this important legislation to the floor. As Mr. SHUSTER indicated, there are some good provisions in the bill that will improve our Nation's rail network and the flow of freight and passengers using that. However, there is something very troubling in the manager's amendment which will be discussed soon.

Without careful consideration, there is a provision in the manager's amendment that could be detrimental to anybody who wants to ship anything on rail in this country or any passenger who wants to ride on Amtrak.

Unfortunately, section 3 of the manager's amendment is crippling to the bill. This section will undermine the efforts of the U.S. Department of Transportation and FRA's efforts to create a sound national safety policy. As Mr. SHUSTER indicated, for decades the preeminent jurisdiction has been maintained by DOT. Section 3 destroys that Federal preemption.

Under current law, States can enact safety laws as long as they address the unique local safety hazard. The amendment before us will change that and will allow States to effectively override Federal policies. With this amendment, the railroads could have 50 different sets of local laws to follow, and Federal law would no longer provide the blanket policy for the carriers to follow.

A few of the things that we look at on the Transportation and Infrastructure Committee is how DOT and FRA are doing with the implementation of our laws and regulations relating to the safety and security of the Nation's railroad. In addition, as a committee we also look into issues such as capacity on railroad network, and how efficiently and effectively the network is working for the freight passengers using the network.

Because this provision has been inserted into the manager's amendment without the benefit of bipartisan testimony and hearings, the catastrophic consequences of such provision have not been debated or considered, in my opinion, in regular order. I call for regular order today, Mr. Chairman. I know that the chairman of our full committee and the ranking member of our full committee are thoughtful Members, deliberative when it comes to our Nation's transportation laws. This provision severely cripples the good work of our committee, in my opinion, the good work of DOT, and FRA. We should not make radical changes to the law without careful bipartisan consideration. The consequences that has not occurred.

I would indicate that Chairwoman BROWN has had a hearing. And I know the gentleman from North Dakota is preparing to speak on the horrible events that occurred in Minot, North Dakota. We also had the benefit of what used to be the American Trial Lawyers Association. I think in the greatest PR stunt in the universe they are now the American Association for Justice; they are no longer the Trial Lawyers.

I think that the gentleman's concern can be addressed without throwing out the Federal preemption, and I am saddened that the manager's amendment does that, and I hope my colleagues will oppose the manager's amendment because of section 3.

Mr. MICA. Mr. Chairman, could I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman from Florida has 1½ minutes, and the gentleman from Minnesota has 4 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes and yield to the distinguished gentleman from North Dakota.

Mr. POMEROY. Mr. Chairman, I rise to engage the chairman in a colloquy and thank the gentleman for yielding.

Chairman OBERSTAR, I rise to discuss an issue that is of critical importance to my district. At 1:39 a.m. on January 18, 2002, a Canadian Pacific Railway freight train derailed in Minot, North Dakota. The freight train derailed 31 freight cars, including 15 cars containing anhydrous ammonia. As a result of this accident, the people of Minot were exposed to the largest catastrophic release of anhydrous ammonia in U.S. history. They were not at fault. They were sitting ducks in their own homes.

After the area cleared, one individual, John Grabinger, had died, and many, many others suffered injuries, including individuals who sustained second degree burns to their skin. And many others are still suffering from long-term permanent physical damage.

Some courts are ignoring congressional intent and denying Americans grievously injured in railroad accidents their rights under State law, even when it is undisputed that the cause of the accident was the railroad's wrongdoing. By preempting State law, these courts are leaving injured North Dakotans and others with no remedy at all, since the Federal Railroad Safety Act itself does not provide a remedy or cause of action for victims.

I just want to clarify with the chairman the intent of the language found in section 3 on the first page of the manager's amendment. Is it correct that this legislation clarifies that the Federal Rail Safety Act of 1970 does not and was never intended to preempt State law claims for damages?

Mr. OBERSTAR. That is correct. This clarifying language comes in large part as a response to court opinions that have misapplied principles of Federal preemption which has prevented people injured by the negligent acts of railroads from being compensated. The bill does not change any of the current law, but only adds to it to clarify the meaning of what is already in public law.

Mr. POMEROY. It is my understanding that until 1993, there was no question that State causes of actions were not preempted. The Supreme Court then said they could be, under some circumstances, and some courts since then have been broadening the railroads' immunity from liability under the auspices of preemption. Congress tried before to change the FRSA's preemptive scope, but courts didn't listen. Does this language reflect the fact that Congress never intended preemption of State causes of action?

Mr. OBERSTAR. That is correct.

Mr. POMEROY. While the bill accurately clarifies that State causes of action are not preempted, will you continue to work with us to take the steps necessary to ensure that courts construe this amendment only as a clarification of Congress' original intent?

Mr. OBERSTAR. We will pursue this issue in future hearings of the subcommittee of relevance.

Mr. POMEROY. Is it also your understanding that the same Federal court that dismissed those claims urged the Congress to remedy this situation and the language in section 3 does precisely what the court said needed to be done?

Mr. OBERSTAR. The situation that needs to be cured is not that the statute preempts negligence claims requires a change. The situation needing remedy is the misinterpretation of the statute by some courts. That is precisely what this clarifying language is intended to accomplish. This matter will be further reviewed as we proceed with reauthorization of the Federal Rail Safety Act in our Committee on Transportation and Infrastructure, and I would look forward to continuing to work with the gentleman from North Dakota, the Chair of the subcommittee, and ranking member of the subcommittee to address the judicial interpretation.

Mr. POMEROY. I thank the chairman.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

I wish I could have come to the floor today and supported this measure, because rail and transit security are extremely important and it is one of our most important responsibilities as representatives of the people. People are working hard, trying to make a living, raise their families. They send us here to know the facts. And I can tell you, the facts are that this bill was done in haste, particularly the manager's amendment. It is a great example for the House of Representatives and the majority, the new majority and the minority. Because when you subvert and do not conduct yourself in the process that the Founding Fathers had envisioned, a bipartisan approach to crafting legislation, you get yourself tied up in these little knots. Now they are finding flaws in this legislation left and right, deregulating State traffic and railroads. They are scurrying around trying to figure out how are we going to fix this.

This is not the way to do the people's business, particularly on an important issue like security. So I will go home and tell people why I voted against this. Many others can go home and say, I voted $7 billion or $8 billion of your money for rail and transit security. But what did it do? Unfortunately, it didn't do the job we need to do in the situation we find ourselves in with terrorist threats and what we have seen in the rest of the world. We are abdicating our responsibility.

Mr. OBERSTAR. Mr. Chairman, we have worked very vigorously in our committee over decades to achieve the bipartisanship, and we have done so. But I think the gentleman is a little misguided in his recitation of history, because there were the Federalists and the Democrats at the outset and they didn't do much bipartisanship at the beginning of this Congress of ours.

I just refer to section 3 of the manager's amendment, line 2: No Preemption of State Law. Nothing in section 20106 of title 49 U.S. Code preempts a State cause of action, or any damages recoverable in such an action, et cetera. So, in fact, the preemptive language specifically recognizes that existing law preempts positive laws, regulation, or orders by executive or legislative branch officials, expressly address railroad safety or security. And, not to be concerned, we will address the broader issue as we go forward with the rail safety authorization.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in strong support of H.R. 1401, The Rail and Public Transportation Security Act of 2007, of which I am an original cosponsor. This legislation will make long overdue security improvements to the rail, transit, and surface transportation systems in our nation.

In the last 80 years there have been over 900 attacks on public transportation systems around the world. In recent history, the horrific attacks in Madrid, London, and Mumbai have been unfortunate reminders that we must do more to secure our Nation's transportation systems. For too long, our country has not done enough to improve the security of our transportation systems. In fact President Bush's fiscal year 2007 budget proposal included $41.4 million in the Transportation Security Administration budget for surface transportation security, less than 1 percent of the TSA budget. Clearly the past level of funding has been inadequate to address the security of the surface transportation system. I am very pleased that H.R. 1401 authorizes three grant programs that will make more funds available to enhance the security of rail, public transportation and over-the-road systems.

The Rail and Public Transportation Security Act of 2007 requires rail and public transportation systems to submit vulnerability assessments and security plans to the Department of Homeland Security. Each system is then placed into a risk tier, those in medium and high risk tiers have to have Department of Homeland Security approval for their security plans. Each transportation system will then employ security measures to address the type and degree of risk they face. This approach will help increase the security of our transportation systems, while allowing them the flexibility to adopt measures that meet their needs.

I am particularly pleased that the Rail and Public Transportation Security Act of 2007 requires that rail and public transportation systems provide their employees with adequate training. This training requirement will enable employees to respond efficiently to prevent potential terrorist attacks and to minimize the damage and loss of life if an attack does occur. I am also pleased that this legislation establishes a rail and public transportation security exercise program so that systems can practice and perfect their responses to potential attacks.

I urge my colleagues to support this important legislation.

Mr. HOLT. Mr. Chairman, I rise today in support of this bill.

As events over the last several years have shown, we ignore rail and transit security at our peril. Since 2004, terrorist cells have conducted successful and deadly bombings on major passenger rail systems in Spain (2004), the United Kingdom (2005), and India (2006), with 450 people killed and 2,800 wounded. We know al Qaeda and like-minded groups desire to repeat such attacks here in America. We also know that our rail and transit systems need more money to help deter such threats.

For example, the American Public Transportation Association (APTA) estimates that since 9/11, our government has invested $7.53 in aviation security improvements per passenger boarding, but only $0.008 (less than one penny) in public transportation security improvements per passenger boarding. This security investment disparity has been allowed to persist for years, despite the fact that every weekday, more than 14 million people use public transportation, and more than 25 million passengers ride Amtrak each year.

In New Jersey alone, NJ Transit—the third largest statewide transit agency—has stated that it has only 220 police officers to protect 400,000 customers per day (265,000 bus and 135,000 rail), 10,500 employees at multiple locations, 800 trains on more than 1,000 miles of track, 161 rail stations, and 49 light rail stations. Additionally, these same officers must protect and secure more than 2,000 buses that use more than 20,800 bus stops.

In 2004, the APTA outlined $6 billion in needs for transit agency security-related investments. A 2002 Government Accountability Office study of just eight transit systems that had completed security assessments found that needed upgrades would cost at least $700 million.

The Congress took a positive step last year when it raised rail and transit security funding from $150 million to $175 million. However, if we are to prevent the tragedies that occurred in Madrid, London, and Mumbai from being repeated in America, we must act now to ensure that our local transit providers have the resources they need to protect the millions of Americans who rely on rail service. Fortunately, Congress is now taking additional steps to address this problem.

The bill before us today authorizes three separate security grant programs: one each for rail security, public transportation security, and over-the-road bus security. More than $5.8 billion would be authorized for these grants through 2011. If fully funded, these programs would help us close major security gaps in our rail and transit systems. Similar grant programs for firefighters and other first responders have helped local jurisdictions—including several in my own district—to upgrade their response capabilities. I look forward to working with my colleagues on both sides of the aisle to make sure the money to support these new grant programs is there from day one.

Additionally, this bill mandates a range of additional measures designed to improve rail and transit security, including vulnerability assessments and regular security exercises to test the ability of rail and transit systems to spot and defeat potential threats to the traveling public. One of the chief lessons of the Hurricane Katrina debacle is that Federal, State, and local governments, along with the relevant private sector partners, must regularly test our collective response system to detect and fix problems before a real incident occurs. Regular exercises and the lessons learned from them must be implemented in a timely fashion. Creating a system that institutionalizes such a process is vital.

Mr. Chairman, I'm pleased we're finally beginning to address our rail and transit security needs in a systematic way, and I urge my colleagues to support passage of this bill.

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 1401, the Rail and Public Transportation Security Act of 2007. This bill calls for necessary funding and emergency

planning to protect the American rail system and other critical points of our Nation's infrastructure.

I support H.R. 1401 because I have seen the chaos that can ensue when a disaster occurs. I was in New York City on 9/11, and I saw firsthand what can happen when we are improperly prepared for a terrorist attack or natural disaster. The entire world saw in New Orleans that without planning and foresight, the aftermath a disaster can be even worse than the disaster itself. This bill will require a national plan to prepare for rail and public transportation emergencies.

This bill will also provide grant funding dedicated to rail and public transportation security. Included in these grants will be $100 million over the next 4 years to improve security in six New York City tunnels. Anybody who has traveled through these tunnels, as much as I have, will know this funding is critical.

In addition to providing direct funding for emergency prevention, this bill will require training programs to teach employees of public transportation systems how to prevent and prepare for a terrorist attack, and how to respond to such an attack. And it will go further, by establishing programs which will test how well the transportation systems have prepared for such an attack.

Mr. Chairman, H.R. 1401 is a wide ranging bill that touches on a number of critical infrastructure points in the United States. For example, currently our Nation has only 100 surface transportation inspectors. This bill will increase that number to 600 over the next 3 years.

In addition to providing grants for localities to secure their infrastructure, this bill will help prevent attacks that we haven't even thought of yet. $200 million in this bill will go towards research and development that is intended to plan for and prevent terrorist attacks.

Mr. Chairman, millions of Americans from coast to coast rely upon public transportation every day. Our people deserve as much safety as we can provide for them. We cannot predict when a terrorist attack or natural disaster will occur, and we cannot always prevent these from happening. However, we have also seen that the better prepared we are, and the more we have planned, the better we can address these problems. H.R. 1401 will go a long way towards helping us minimize the impact of a terrible disaster. I strongly support it and urge my colleagues to offer their support as well.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today to discuss H.R. 1401, the Rail and Public Transportation Security Act of 2007.

Securing our Nation's rail and public transportation systems has long been a priority for the Homeland Security Committee.

However, many different competing priorities elbowed this issue out of the way as we faced growing concern about border and port security.

Our Committee addressed these issues head-on under the leadership of Ranking Member—then Chairman—PETER KING, and made great strides in securing our homeland.

However, attacks in London and Madrid are stark illustrations of the urgency with which Congress must address rail and mass transit security.

H.R. 1401 requires transportation providers to conduct vulnerability assessments and implement security plans.

The bill also mandates security training for transportation workers.

These steps are crucial in bringing rail and mass transit security up to par to the level of airports and seaports.

I also appreciate that our Committee adopted several amendments I offered during our makrup.

Transportation workers will now have to undergo a background check that will look at both criminal history and current immigration status.

We cannot afford to give criminals and terrorists the access to our secure sites.

The American people do not understand or accept such a risk, and nor do I.

My other amendment specified that some of the new training exercises take place at the border.

We have all heard rumblings over the last few years about criminal gang activity, particularly along the Southern border.

It makes sense to have a portion of training dedicated to an area with a high risk.

However, I must express my disappointment that the Rules Committee did not make in order my amendment to better secure sensitive information from Freedom of Information Act Requests.

I fear without this additional language, security plans and risk assessment criteria could easily fall into the wrong hands.

Further, I have grave concerns about the amount of money we are spending in the bill without these protections.

The American people would not thank us for all of our work in airports or seaports if something happens to a major rail or subway carrier.

I want to thank Chairman THOMPSON and Ranking Member KING for their tireless work on this bill and for working with me on my amendments.

Mr. MARKEY. Mr. Chairman, first of all, I'd like to congratulate my colleagues on both sides of the aisle for producing bipartisan legislation to address the security weaknesses in our rail and mass transit systems and to ensure that strong whistleblower protections are provided to our front-line rail and mass transit security workers.

One area that has been largely overlooked since September 11th is the security associated with shipments of extremely hazardous materials on the roads and railways of our country.

Every day tank cars pass through our urban centers carrying enough chlorine to kill 100,000 people in half an hour. Some of these shipments must travel the routes they are currently using. But others could easily be safely re-routed to avoid population centers and other sensitive areas.

We already know that these chemicals are attractive terrorist targets. Just a few weeks ago, several deadly attacks in Iraq involved improvised explosive devices that included canisters of deadly chlorine gas, and a planned attack involving a truck full of chlorine was foiled this past weekend.

The risk is not just an overseas risk either. Several years ago, an Ohio-based al Qaeda operative was arrested and pled guilty for plotting to collapse a bridge in New York City or derail a train in DC.

Earlier this year, reporter Carl Prine at the Pittsburgh Tribune wrote a scathing expose on the state of rail insecurity in our country. He was able to walk right into rail yards with tanker cars containing some of the deadliest chemicals on earth. No one stopped him—he had no problem getting his hands on these deadly chemical tanks.

We're lucky that—this time—it was a journalist and not a jihadist who penetrated these rail yards.

Whether it's an accident or an al Qaeda attack, we need to make the shipments of deadly chemicals more secure.

The language in this bill that I authored and that was agreed to on a bipartisan basis builds upon the recent Notices of Proposed Rulemaking issued by the Department of Transportation and the TSA.

It requires rail carriers to analyze the routes and storage facilities for security sensitive materials as part of the security plans that they must submit for approval to the Department of Homeland Security. Then it requires the rail carriers to select the route and storage facilities that best reduce the risk and consequences of a terrorist attack on a shipment of these materials as they travel through or near high threat urban areas and other areas that DHS thinks need special security protections.

The language in this bill doesn't apply to all hazardous materials—just the ones that pose the greatest threat, such as chlorine or propane. Most assessments put this at less than 1 percent of all shipments.

This bill also doesn't require re-routing to occur if there is no practical alternative route. Rail carriers will only be required to re-route when a more secure route is available.

I urge my colleagues to join me in this bipartisan effort. Now is the time to upgrade the security for these toxic shipments so none of our constituents are ever exposed to a catastrophic chemical release simply because we failed to take these simple steps.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1401

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 ''Rail and Public Transportation Security Act of 2007''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RAIL AND PUBLIC TRANSPORTATION SECURITY

Sec. 101. National strategy for rail and public transportation security.
Sec. 102. Assignment of providers of covered transportation to risk-based tiers.
Sec. 103. Rail and public transportation assessments and plans.
Sec. 104. Information sharing plan.
Sec. 105. Rail security assistance.
Sec. 106. Public transportation security assistance.
Sec. 107. Over-the-road bus security assistance.
Sec. 108. Fire and life safety improvements.
Sec. 109. Security training program.
Sec. 110. Security exercises.

Sec. 111. Security research and development.
Sec. 112. Whistleblower protections.
Sec. 113. Increase in surface transportation security inspectors.
Sec. 114. National domestic preparedness consortium.
Sec. 115. Authorization of Visible Intermodal Protection Response Teams.
Sec. 116. National Transportation Security Center of Excellence.
Sec. 117. TSA personnel limitations.
Sec. 118. Homeland security grants.
Sec. 119. Threat assessment screening.
Sec. 120. Background checks for covered individuals.
Sec. 121. Task force on disqualifying crimes.
Sec. 122. Penalties.
Sec. 123. School bus transportation security.
Sec. 124. Enhanced security measures for shipments of security sensitive materials.
Sec. 125. Technology standards and clearinghouse to improve security of covered transportation.
Sec. 126. Rail tank car security testing.
Sec. 127. Rail radiological and nuclear detection.
Sec. 128. Requirement to provide preference to qualified anti-terrorism technologies.
Sec. 129. Promoting liability protections for providers of covered transportation and related technologies.
Sec. 130. International rail security program.
Sec. 131. Terrorist watchlist and immigration status review at high-risk transportation sites.

TITLE II—SECURE TRANSPORTATION THROUGH INCREASED USE OF CANINE DETECTION TEAMS

Sec. 201. Increasing the number of canine detection teams for transportation security.
Sec. 202. National explosives detection canine team program increase.
Sec. 203. Transportation security administration breeding program increase.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) and includes the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

(2) APPROPRIATE STAKEHOLDERS.—The term ''appropriate stakeholders'' means—

(A) providers of covered transportation;

(B) organizations representing providers of covered transportation;

(C) nonprofit employee labor organizations representing railroad, public transportation, or over-the-road bus workers;

(D) shippers of hazardous material;

(E) manufacturers of railroad and transit cars;

(F) State departments of transportation, regional agencies, and metropolitan planning organizations;

(G) public safety officials;

(H) law enforcement and fire service officials; and

(I) other relevant persons.

(3) COVERED TRANSPORTATION.—The term ''covered transportation'' means transportation provided by a railroad carrier, a provider of public transportation, or an over-the-road bus.

(4) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(5) DESIGNATED RECIPIENT.—The term ''designated recipient'' has the meaning that the term has in section 5307(a) of title 49, United States Code.

(6) PROVIDER OF COVERED TRANSPORTATION.—The term ''provider of covered transportation'' means—

(A) with respect to transportation provided by a railroad carrier, the railroad carrier;

(B) with respect to public transportation, the public transportation designated recipient providing the transportation; and

(C) with respect to transportation provided by an over-the-road bus, the private operator.

(7) OVER-THE-ROAD BUS.—The term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(8) PUBLIC TRANSPORTATION.—The term ''public transportation'' has the meaning that term has in section 5302(a) of title 49, United States Code.

(9) RAILROAD.—The term ''railroad'' has the meaning that term has in section 20102 of title 49, United States Code.

(10) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning that term has in section 20102 of title 49, United States Code.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(12) STATE.—The term ''State'' means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(13) TERRORISM.—The term ''terrorism'' has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(14) TRANSPORTATION.—The term ''transportation'', as used with respect to an over-the-road-bus, means the movement of passengers or property by an over-the-road-bus.

(A) in the jurisdiction of the United States between a place in a State and a place outside the State (including a place outside the United States); or

(B) in a State that affects trade, traffic, and transportation described in subparagraph (A).

(15) UNITED STATES.—The term ''United States'' means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

TITLE I—RAIL AND PUBLIC TRANSPORTATION SECURITY

SEC. 101. NATIONAL STRATEGY FOR RAIL AND PUBLIC TRANSPORTATION SECURITY.

(a) MODAL PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop and implement the modal plan for covered transportation as required by section 114(t)(1)(B) of title 49, United States Code. The modal plan shall be entitled the ''National Strategy for Rail and Public Transportation Security'' and shall include, at a minimum—

(1) a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, government sponsored entities, tribal governments, and appropriate stakeholders under the plan;

(2) identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities described in paragraph (1);

(3) a methodology for how the Department will work with the entities described in paragraph (1), and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;

(4) a process for providing security clearances to facilitate intelligence and information sharing with the entities described in paragraph (1);

(5) a description of—

(A) how the Department has reviewed terrorist attacks on covered transportation throughout the world in the last 25 years;

(B) the lessons learned from those reviews; and

(C) how those lessons are being used in current and future efforts to secure covered transportation;

(6) a strategy and timeline for the Department, the Department of Transportation, other appropriate Federal agencies and private entities to research and develop new technologies for securing covered transportation;

(7) measurable goals, including objectives, mechanisms, and a schedule for enhancing the security of covered transportation;

(8) a framework for resuming the operation of covered transportation in the event of an act of terrorism and prioritizing resumption of such operations;

(9) a description of current and future public outreach and educational initiatives designed to inform the public on how to prevent, prepare for, respond to, and recover from a terrorist attack on covered transportation; and

(10) a process for coordinating covered transportation security strategies and plans, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order: Strengthening Surface Transportation Security dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning railroad security dated September 28, 2006, and the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concering Public Transportation Security dated September 8, 2005.

(b) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—Nothing in this section shall prevent the Secretary from using existing plans and strategies, including those developed or implemented pursuant to section 114(t) of title 49, United States Code, or Homeland Security Presidential Directive–7, in meeting the requirements of subsection (a).

SEC. 102. ASSIGNMENT OF PROVIDERS OF COVERED TRANSPORTATION TO RISK-BASED TIERS.

(a) ASSIGNMENT.—The Secretary shall assign each provider of covered transportation to one of the not less than three risk-based tiers established by the Secretary.

(b) PROVISION OF INFORMATION.—The Secretary may request, and the provider of covered transportation shall provide, information necessary for the Secretary to assign a provider of covered transportation to the appropriate tier under subsection (a).

(c) NOTIFICATION.—Not later than 60 days after the date a provider of covered transportation is assigned to a tier under this section, the Secretary shall notify the provider of the tier to which the provider is assigned and the reasons for such assignment.

(d) HIGH- AND MEDIUM-RISK TIERS.—At least two of the tiers established by the Secretary under this section shall be tiers designated for high- and medium-risk providers of covered transportation.

SEC. 103. RAIL AND PUBLIC TRANSPORTATION ASSESSMENTS AND PLANS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall issue regulations that—

(1) require each provider of covered transportation assigned to a high- or medium-risk tier under section 102—

(A) to conduct a vulnerability assessment in accordance with subsections (b) and (c); and

(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with this section that addresses security performance requirements under subsection (f); and

(2) establish standards, and guidelines for vulnerability assessments under subsection (c) and security plans under subsection (d) and for developing and implementing such security plans.

(3) establish a security program for providers of covered transportation not assigned to a high- or medium-risk tier under section 102, including a process for providers to conduct vulnerability assessments and prepare and implement security plans, as determined appropriate by the Secretary.

(b) DEADLINE FOR SUBMISSION.—Not later than 6 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for a provider of covered transportation assigned to a high- or medium-risk tier shall be completed and submitted to the Secretary for review and approval.

(c) VULNERABILITY ASSESSMENTS.—

(1) REQUIREMENTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide technical assistance and guidance to providers of covered transportation in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of a provider of covered transportation assigned to a high- or medium-risk tier under section 102 include, at a minimum—

(A) identification and evaluation of critical covered transportation assets and infrastructures of the provider, including platforms, stations, bus and intermodal terminals, tunnels, bridges, switching and storage areas, and information systems;

(B) identification of the threats to those assets and infrastructures;

(C) identification of the security weaknesses of the covered transportation in—

(i) physical security;

(ii) passenger and cargo security;

(iii) programmable electronic devices, computers, or other automated systems which are used in providing the transportation;

(iv) alarms, cameras, and other protection systems;

(v) communications systems, including dispatching services and mobile service equipment systems, to provide access to emergency services in underground fixed guideway systems;

(vi) utilities;

(vii) emergency response planning;

(viii) employee training; and

(ix) such other matters as the Secretary determines appropriate; and

(D) identification of redundant and backup systems required to ensure the continued operations of critical elements of the covered transportation in the event of an attack or other incident, including disruption of commercial electric power or communications network.

(2) THREAT INFORMATION.—A provider of covered transportation conducting a vulnerability assessment under this section shall incorporate in the assessment any threat information provided by the Secretary and other sources.

(d) SECURITY PLANS.—

(1) REQUIREMENTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide technical assistance and guidance to providers of covered transportation in preparing and implementing security plans under this section and shall require that each security plan of each provider of covered transportation assigned a high- or medium-risk under section 102 include, at a minimum—

(A) identification of a security coordinator having authority—

(i) to implement security actions under the plan;

(ii) to coordinate security improvements described in sections 105, 106, and 107; and

(iii) to receive immediate communications from appropriate Federal officials regarding covered transportation security;

(B) plans for periodic exercises under section 110 that include participation by local law enforcement agencies and emergency responders as appropriate;

(C) a list of needed capital and operational improvements such as those described in sections 105, 106, and 107;

(D) procedures to be implemented or used by the provider in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities;

(E) identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;

(F) a strategy and timeline for conducting training under section 109, including recurrent training and periodic unannounced exercises for employees of the provider to be carried out under the plan to prevent, prepare for, or respond to a terrorist attack;

(G) enhanced security measures to be taken by the provider when the Secretary declares a period of heightened security risk;

(H) plans for redundant and backup systems required to ensure the continued operation of critical covered transportation elements of the provider in the event of a terrorist attack or other incident;

(I) plans for locating, including by covert electronic devices, shipments of railroad cars transporting security sensitive materials or nuclear waste so that, if the assets are lost or stolen, the provider or law enforcement authorities may locate, track, and recover the assets;

(J) a strategy for implementing enhanced security for shipments of security sensitive materials under section 124; and

(K) such other actions or procedures as the Secretary determines are appropriate to address the covered transportation security of the provider to a terrorist attack.

(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.

(3) CONSISTENCY WITH OTHER PLANS.—The Secretary, in consultation with the Secretary of Transportation, shall ensure that each security plan under this section is consistent with the requirements of the National Strategy for Rail and Public Transportation Security described in section 101.

(e) PROVIDED BY SECRETARY.—The Secretary shall provide, in a timely manner to the maximum extent practicable under applicable authority and in the interest of national security, to the provider of the covered transportation threat information that is relevant to the provider when preparing and submitting vulnerabilities and security plans, including an assessment of the most likely method that could be used by terrorists to exploit weaknesses in the covered transportation security and the likelihood of success by such terrorists.

(f) SECURITY PERFORMANCE REQUIREMENTS.—The Secretary shall, by regulation, establish security performance requirements for the security plans required for providers of covered transportation. The regulations shall—

(1) require separate and increasingly stringent security performance requirements for security plans as the level of risk associated with the tier increases; and

(2) permit each provider of covered transportation submitting a security plan to select a combination of security measures that satisfy the security performance requirements established by the Secretary under this subsection.

(g) DEADLINE FOR REVIEW PROCESS.—Not later than 12 months after the date of the issuance of the regulations under subsection (a), the Secretary, in consultation with the Secretary of Transportation, shall—

(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (b);

(2) require amendments to any security plan that does not meet the requirements of this section, including the regulations issued under subsection (a);

(3) approve any vulnerability assessment or security plan that meets the requirements of this section, including such regulations; and

(4) review each security plan periodically thereafter.

(h) INTERIM SECURITY MEASURES.—The Secretary, in consultation with the Secretary of Transportation, shall require, during the period before the deadline established under subsection (b), each provider of covered transportation required to submit a security plan under subsection (b) to implement any necessary interim security measures to deter, mitigate, and respond to, to the maximum extent practicable, a transportation security incident with respect to the covered transportation or a substantive threat of such an incident until the security plan of the provider is approved.

(i) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to require the disclosure of a vulnerability assessment or a security plan of a provider of covered transportation to the extent that such information is exempted from mandatory disclosure under section 552 of title 5, United States Code.

(2) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section shall affect any obligation of the provider of covered transportation to submit or make available information to covered transportation employees, nonprofit employee labor organizations, or a Federal, State, or local government agency under, or otherwise to comply with, any other law.

(3) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(4) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a provider of covered transportation under any other law.

(j) PENALTIES.—

(1) ADMINISTRATIVE PENALTIES.—

(A) IN GENERAL.—The Secretary may impose an administrative penalty of not more than $100,000 for failure to comply with this section, including regulations issued under subsection (a).

(B) NOTICE AND OPPORTUNITY TO REQUEST HEARING.—Before imposing a penalty under subparagraph (A), the Secretary shall provide to the person against whom the penalty is to be imposed—

(i) written notice of the proposed penalty; and

(ii) the opportunity to request, not later than 30 days after the date on which the person receives the notice, a hearing on the proposed penalty.

(C) REGULATIONS.—The Secretary may issue regulations establishing the procedures for administrative hearings and appropriate review of penalties imposed under this Act, including deadlines.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—The Secretary may bring an action in a United States district court against any provider of covered transportation that violates or fails to comply with this Act, including regulations issued under subsection (a), or a security plan approved by the Secretary under this section.

(B) RELIEF.—In any action under this Act, a court may issue an order for injunctive relief and may impose a civil penalty of not more than $75,000 for each day on which a violation occurs or a failure to comply continues.

(3) CRIMINAL PENALTIES.—A provider of covered transportation who intentionally violates

this section, including regulations issued under subsection (a), shall be fined not more than $50,000 for each day of such violation, imprisoned for not more than 2 years, or both.

(k) EXISTING PROCEDURES, PROTOCOLS AND STANDARDS.—

(1) DETERMINATION.—In response to a petition by a provider of covered transportation or at the discretion of the Secretary, the Secretary may recognize existing procedures, protocols, and standards of a provider of covered transportation that the Secretary determines to meet all or part of the requirements of this section, including regulations issued under subsection (a), regarding vulnerability assessments and security plans.

(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of a provider of covered transportation satisfy all of the requirements of this section, including regulations issued under subsection (a), the provider may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.

(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of a provider of covered transportation satisfy only part of the requirements of this section, including regulations issued under subsection (a), the Secretary may accept those submissions, but shall require submission by the provider of any additional information relevant to vulnerability assessments and security plans of the provider to ensure that the remaining requirements of this section are fulfilled.

(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or standards of a provider of covered transportation under this subsection do not satisfy the requirements of this section, including regulations issued under subsection (a), the Secretary shall provide to such provider a written notification that includes an explanation of the reasons why the determination could not be made.

(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—

(A) to review the vulnerability assessment and security plan submitted by a provider of covered transportation under this section; and

(B) to approve or disapprove each submission on an individual basis.

(l) PERIODIC REVIEW BY PROVIDER OF COVERED TRANSPORTATION REQUIRED.—

(1) SUBMISSION OF REVIEW.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (b) is submitted, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), the provider of covered transportation who submitted the vulnerability assessment or security plan shall also submit to the Secretary a review of the adequacy of the vulnerability assessment or security plan that includes a description of any material changes made to the vulnerability assessment or security plan.

(2) REVIEW OF REVIEW.—Not later than 180 days after the date on which a review is submitted, the Secretary shall review the review and notify the provider of covered transportation submitting the review of the Secretary's approval or disapproval of such review.

(m) SHARED FACILITIES.—The Secretary, in consultation with the Secretary of Transportation, may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent 2 or more providers of covered transportation have shared facilities (such as tunnels, bridges, or stations, or facilities) that are geographically close or otherwise co-located.

(n) FERRY EXEMPTION.—This section does not apply to any ferry system for which a vulnerability assessment and security plan is required pursuant to chapter 701 of title 46, United States Code.

(o) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall submit a report to the appropriate congressional committees regarding the feasibility of implementing name-based checks against terrorist watch lists for all National Railroad Passenger Corporation, hereinafter referred to as ''Amtrak'' passengers.

SEC. 104. INFORMATION SHARING PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop and submit to the appropriate congressional committees a railroad, public transportation, and over-the-road bus information sharing plan to ensure the development of both tactical and strategic intelligence products pertaining to the threats and vulnerabilities to covered transportation for dissemination to Federal, State, and local agencies, tribal governments, and appropriate stakeholders.

(b) CONTENT OF PLAN.—The plan submitted under subsection (a) shall include—

(1) a description of how intelligence analysts in the Transportation Security Administration are coordinating with other intelligence analysts in the Department and other Federal, State, and local agencies;

(2) reasonable deadlines for the completion of any organizational changes within the Department to accommodate implementation of the plan; and

(3) a description of resource needs for fulfilling the plan.

(c) UPDATES.—

(1) CERTIFICATION OF IMPLEMENTATION.—After the plan is submitted under subsection (a), the Secretary shall certify to the appropriate congressional committees when the plan has been implemented.

(2) ANNUAL REPORTS.—After the Secretary provides the certification under paragraph (1), the Secretary shall provide a report to the appropriate congressional committees each year thereafter on the following:

(A) The number and brief description of each railroad, public transportation, and over-the-road bus intelligence report created and disseminated under the plan.

(B) The classification of each report as tactical or strategic.

(C) The numbers of different government, law enforcement, and public or private sector partners who the Department provided with each intelligence product.

(d) ANNUAL SURVEYS.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of railroad, public transportation, and over-the-road bus intelligence reports created and disseminated under the plan and include the results of the survey as part of the corresponding annual report provided under subsection (c)(2).

(e) CLASSIFICATION OF MATERIAL.—To the greatest extent possible, the Department shall provide appropriate stakeholders with information in an unclassified format.

(f) SECURITY CLEARANCES.—The Department shall assist the appropriate Federal, State, regional, local, and tribal authorities, in addition to appropriate stakeholders, in obtaining the security clearances needed to receive classified covered transportation security information as necessary if this information cannot be disseminated in an unclassified format.

SEC. 105. RAIL SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for making grants to eligible entities for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant under this section shall use the grant funds for one or more of the following:

(1) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades at railroad facilities.

(2) Technologies to reduce the vulnerability of rail cars.

(3) Passenger railroad station security redevelopment and capital improvement projects that the Secretary determines enhance rail station security.

(4) Security improvements to passenger railroad stations and other railroad transportation infrastructure.

(5) Tunnel protection systems.

(6) Evacuation improvements.

(7) Inspection technologies, including verified visual inspection technologies using hand-held readers and discs.

(8) Communications equipment, including equipment that is interoperable with Federal, State, and local agencies and tribal governments.

(9) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(10) Surveillance equipment.

(11) Cargo or passenger screening equipment.

(12) Railroad inspection facilities and related infrastructure at United States international borders, including additional side railroad track necessary for passenger and freight train inspection.

(13) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.

(14) Global positioning or tracking and recovery equipment.

(15) Redundant critical operations control systems.

(16) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 109 and training developed by universities and institutions of higher education and by nonprofit employee labor organizations, for front-line railroad employees.

(17) Live or simulated exercises described in section 110.

(18) Overtime reimbursement for additional security personnel during periods of heightened security as determined by the Secretary.

(19) Public awareness campaigns for enhanced rail security.

(20) Operational costs for personnel assigned to full-time security or counterterrorism duties related to rail transportation.

(21) Such other security improvements as the Secretary considers appropriate.

(c) SECURITY IMPROVEMENT PRIORITIES.—In establishing guidelines for applications for grants under this section, the Secretary shall establish a list in order of priority regarding uses of funds for grant recipients under this section.

(d) MULTIYEAR AWARDS.—Pursuant to this section, the Secretary may issue multi-year grants for not longer than a 5-year period.

(e) LETTERS OF INTENT.—

(1) ISSUANCE.—The Secretary may issue a letter of intent to a recipient of a grant under this section, to commit funding from future budget authority of an amount, not more than the Federal Government's share of the project's cost, for a capital improvement project.

(2) SCHEDULE.—The letter of intent under this subsection shall establish a schedule under which the Secretary will reimburse the recipient for the Federal Government's share of the project's costs, as amounts become available, if the recipient, after the Secretary issues that letter, carries out the project without receiving amounts under a grant issued under this section.

(3) NOTICE TO SECRETARY.—A recipient that has been issued a letter of intent under this section shall notify the Secretary of the recipient's intent to carry out a project before the project begins.

(4) NOTICE TO CONGRESS.—The Secretary shall transmit to the appropriate congressional committees a written notification at least 3 days before the issuance of a letter of intent under this subsection.

(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Federal Government under section 1501 of title 31, United States Code, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(6) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this section in the same fiscal year as the letter of intent is issued.

(f) ELIGIBILITY.—

(1) IN GENERAL.—Eligible entities for a grant under this section may include State, local, and tribal governmental entities, Amtrak, infrastructure owners, including railroad carriers, private entities, and public-private entities, or their designees.

(2) PROJECT ELIGIBILITY.—A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a rail security plan developed, submitted to, and approved by the Secretary.

(g) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a grant for a project under this section shall be for 80 percent of the net cost of the project.

(2) SMALL PROJECT EXCEPTION.—If a grant under this section is for a project with a net cost of $25,000 or less, the Federal share for the grant shall be for 100 percent of such cost.

(3) NATIONAL SECURITY EXCEPTION.—If the Secretary determines, upon written notice to the appropriate congressional committees, that a higher Federal share for a grant under this section is necessary to respond to an urgent threat to national security, the Secretary may increase the Federal share for the grant to up to 100 percent of the net cost of the project.

(4) APPLICABILITY.—This subsection shall only apply to freight rail carriers.

(h) SUBJECT TO CERTAIN STANDARDS.—The Secretary shall require a recipient of a grant under this section and section 108 to comply with the standards of section 24312 of title 49, United States Code, as in effect on January 1, 2007, with respect to the project in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of that title.

(i) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used—

(1) to supplant State or local funds; and

(2) to make any State or local government cost-sharing contribution under any other law.

(j) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of grant funds.

(k) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary, in consultation with the Secretary of Transportation, shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, or disadvantaged businesses as contractors or subcontractors to the extent practicable.

(l) MONITORING.—The Secretary shall be responsible for monitoring the manner in which the grants are used.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $600,000,000 for each of fiscal years 2008 through 2011 for making grants under this section.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 106. PUBLIC TRANSPORTATION SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for making grants to an eligible public transportation designated recipient for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant under subsection (a) shall use the grant funds for one or more of the following:

(1) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades.

(2) Security improvements to stations and other public transportation infrastructure.

(3) Tunnel protection systems.

(4) Evacuation improvements.

(5) Inspection technologies, including verified visual inspection technologies using hand-held readers and discs.

(6) Communications equipment, including mobile service equipment to provide access to emergency services in an underground fixed guideway system.

(7) Chemical, biological, or radiological or explosive detection, including canine patrols for such detection.

(8) Surveillance equipment.

(9) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.

(10) Global positioning or tracking and recovery equipment.

(11) Redundant critical operations control systems.

(12) Live or simulated exercises described in section 110.

(13) Public awareness campaigns for enhanced public transportation security.

(14) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 109 and training developed by universities and institutions of higher education and by nonprofit employee labor organizations, for front-line public transportation employees.

(15) Overtime reimbursement for additional security personnel during periods of heightened security as determined by the Secretary.

(16) Operational costs for personnel assigned to full-time security or counterterrorism duties related to public transportation.

(17) Such other security improvements as the Secretary considers appropriate.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Eligible entities for a grant under this section may include public transportation agencies and State, local, and tribal governmental entities that provide security or counterterrorism related services to public transportation.

(2) PROJECT ELIGIBILITY.—A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a public transportation security plan developed, submitted to, and approved by the Secretary.

(d) SECURITY IMPROVEMENT PRIORITIES.—In establishing guidelines for applications for grants under this section, the Secretary shall establish a list in order of priority regarding uses of funds for grant recipients under this section.

(e) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant provided under this section shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code, under effect on January 1, 2007, and such other terms and conditions as are determined necessary by the Secretary.

(f) LIMITATION ON USES OF FUNDS.—Grants made under this section may not be used—

(1) to supplant State or local funds; and

(2) to make any State or local government cost-sharing contribution under any other law.

(g) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of the grant funds.

(h) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary, in consultation with the Secretary of Transportation, shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, or disadvantaged businesses as contractors or subcontractors to the extent practicable.

(i) MONITORING.—The Secretary shall be responsible for monitoring the manner in which the grants are used.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to make grants under this section—

(A) $775,000,000 for fiscal year 2008;

(B) $825,000,000 for fiscal year 2009;

(C) $880,000,000 for fiscal year 2010; and

(D) $880,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 107. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for making grants for eligible private operators providing transportation by an over-the-road bus for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant received under subsection (a) shall use the grant funds for one or more of the following:

(1) Constructing and modifying terminals, garages, facilities, or over-the-road buses to increase their security.

(2) Protecting or isolating the driver of an over-the-road bus.

(3) Acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise and for information links with government agencies.

(4) Installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities.

(5) Establishing and improving an emergency communications system linking drivers and over-the-road buses to the recipient's operations center or linking the operations center to law enforcement and emergency personnel.

(6) Implementing and operating passenger screening programs for weapons and explosives.

(7) Public awareness campaigns for enhanced over-the-road bus security.

(8) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 109 and training developed by universities and institutions of higher education and by nonprofit employee labor organizations, for front-line over-the-road bus employees.

(9) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(10) Overtime reimbursement for additional security personnel during periods of heightened security as determined by the Secretary.

(11) Live or simulated exercises described in section 110.

(12) Operational costs for personnel assigned to full-time security or counterterrorism duties related to over-the-road bus transportation.

(13) Such other improvements as the Secretary considers appropriate.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Eligible entities for a grant under this section may include over-the-road bus providers and State, local, and tribal governmental entities that provide security or counterterrorism related services to over-the-road bus providers.

(2) PROJECT ELIGIBILITY.—A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further an over-the-road bus security plan developed, submitted to, and approved by the Secretary.

(d) SECURITY IMPROVEMENT PRIORITIES.—In establishing guidelines for applications for grants under this section, the Secretary shall establish a list in order of priority regarding uses of funds for grant recipients under this section.

(e) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant made under this section shall be subject to the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as are determined necessary by the Secretary.

(f) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to—

(1) supplant State or local funds for activities; and

(2) make any State or local government cost-sharing contribution under any other law.

(g) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary and the Secretary of Transportation on the use of such grant funds

(h) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary, in consultation with the Secretary of Transportation, shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, and disadvantaged businesses as contractors or subcontractors to the extent practicable.

(i) MONITORING.—The Secretary shall be responsible for monitoring the manner in which the grants are used.

(j) AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to make grants under this section—

(A) $12,000,000 for fiscal year 2008; and

(B) $25,000,000 for each of fiscal years 2009 through 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 108. FIRE AND LIFE SAFETY IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for making grants to Amtrak, for the purpose of carrying out projects to make fire and life safety improvements to Amtrak tunnels on the Northeast Corridor the following amounts:

(1) For the 6 tunnels in New York City, New York, to provide ventilation, electrical, and fire safety technology improvements, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $25,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009;

(C) $25,000,000 for fiscal year 2010; and

(D) $25,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac Tunnel and the Union Tunnel in Baltimore, Maryland, to provide adequate drainage and ventilation, communication, lighting, standpipe, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(3) For the Union Station tunnels in the District of Columbia to provide ventilation, communication, lighting, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to this section shall remain available until expended.

(c) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary of Transportation shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, or disadvantaged businesses as the contractors or subcontractors to the extent practicable.

SEC. 109. SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall—

(1) develop security training programs to prepare all railroad, public transportation, and over-the-road bus workers, including front-line employees for potential threat conditions; and

(2) issue detailed guidance for the program.

(b) CONSULTATION.—The Secretary shall develop the guidance under subsection (a)(2) in consultation with—

(1) appropriate law enforcement, fire service, security, and terrorism experts;

(2) representatives of providers of covered transportation; and

(3) nonprofit employee labor organizations representing railroad, public transportation, over-the-road bus workers, and fire fighter workers.

(c) PROGRAM ELEMENTS.—The guidance developed under subsection (a)(2) shall require security training programs described in subsection (a) to include, at a minimum, elements to address the following:

(1) Determination of the seriousness of any occurrence or threat.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself, including using nonlethal defense devises.

(4) Evacuation procedures for passengers and workers, including individuals with disabilities.

(5) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(6) Recognition and reporting of dangerous substances and suspicious packages, persons, and situations.

(7) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on-scene interaction with such emergency response providers.

(8) Operation and maintenance of security equipment and systems.

(9) Any other subject the Secretary considers appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 60 days after the Secretary issues guidance under subsection (a)(2) in final form, each provider of covered transportation shall develop a security training program in accordance with the guidance developed under subsection (2) and submit the program to the Secretary for approval.

(2) APPROVAL.—Not later than 60 days after receiving a security training program under this subsection, the Secretary shall approve the program or require the provider of covered transportation that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the guidance requirements.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program under this subsection, the provider of covered transportation that developed the program shall complete the training of all workers covered under the program.

(4) UPDATES.—The Secretary shall periodically review and update as appropriate the training guidance issued under subsection (a)(2) to reflect new or changing security threats and require providers of covered transportation to revise their programs accordingly and provide additional training to their workers.

(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Department of Homeland Security Appropriations Act of 2007 (6 U.S.C. 748).

(f) FERRY EXEMPTION.—This section does not apply to any ferry system for which training is required to be conducted pursuant to section 70103 of title 46, United States Code.

SEC. 110. SECURITY EXERCISES.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for conducting security exercises for covered transportation for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism involving covered transportation.

(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) employees and managers of providers of covered transportation;

(3) governmental and nongovernmental emergency response providers and law enforcement personnel, including railroad and transit police; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) REQUIREMENTS.—The Secretary, in consultation with the Secretary of Transportation, shall ensure that the program—

(1) consolidates all existing security exercises for covered transportation administered by the Department and the Department of Transportation;

(2) requires, on a periodic basis, at the facilities a provider of covered transportation, exercises to be conducted that are—

(A) scaled and tailored to the needs of the facilities, including individuals with disabilities;

(B) live, in the case of the most at-risk facilities to a terrorist attack;

(C) coordinated with appropriate officials of covered transportation providers;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences; and

(E) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(3) provides that exercises described in paragraph (2) will be—

(A) evaluated against clear and consistent performance measures;

(B) assessed to learn best practices, which shall be shared with appropriate Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad and transit police, and appropriate stakeholders; and

(C) followed by remedial action in response to lessons learned;

(4) includes exercises involving covered transportation at or near the international land borders of the United States and in coordination with international stakeholders;

(5) involves individuals in neighborhoods around the infrastructure of a provider of covered transportation; and

(6) assists State, local, and tribal governments and providers of covered transportation in designing, implementing, and evaluating exercises that conform to the requirements of paragraph (2).

(d) REMEDIAL A÷CTION MANAGEMENT PROGRAM.—The Secretary shall utilize the remedial action management program of the Federal Emergency Management Agency to—

(1) identify and analyze each exercise conducted under the program for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the program;

(3) monitor the implementation of lessons learned and best practices by participants in the program; and

(4) conduct remedial action tracking and long-term trend analysis.

(f) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Department of Homeland Security Appropriations Act of 2007 (6 U.S.C. 748).

(g) FERRY SYSTEM EXEMPTION.—This section does not apply to any ferry for which drills are required to be conducted pursuant to section 70103 of title 46, United States Code.

SEC. 111. SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a research and development program for the purpose of improving the security of covered transportation.

(b) ELIGIBLE PROJECTS.—The research and development program may include projects—

(1) to reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances including the development of technology to screen passengers in large numbers at peak commuting times with minimal interference and disruption;

(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;

(3) to develop improved freight railroad technologies, including—

(A) technologies for sealing or modifying railroad tank cars;

(B) automatic inspection of railroad cars;

(C) communication-based train controls;

(D) signal system integrity at switches;

(E) emergency response training, including training in a tunnel environment;

(F) security and redundancy for critical communications, electrical power, computer, and train control systems; and

(G) technologies for securing bridges and tunnels;

(4) to test wayside detectors that can detect tampering;

(5) to support enhanced security for the transportation of security sensitive materials by railroad;

(6) to mitigate damages in the event of a cyberattack; and

(7) to address other vulnerabilities and risks identified by the Secretary.

(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary shall—

(1) ensure that the research and development program is consistent with the National Strategy for Rail and Public Transportation Security developed under section 101; and

(2) to the greatest extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security related initiatives, including research being conducted by—

(A) the National Academy of Sciences;

(B) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;

(C) the Technical Support Working Group;

(D) other Federal departments and agencies; and

(E) other Federal and private research laboratories, research entities, and universities and institutions of higher education including, Historically Black Colleges or Universities, and Hispanic Serving Institution or Tribal University, with the capability to conduct both practical and theoretical research and technical systems analysis on subjects that include bridge, tunnel, blast, and infrastructure protection;

(3) carry out any research and development project authorized by this section through a reimbursable agreement with the appropriate agency or entity official, if the agency or entity—

(A) is currently sponsoring a research and development project in a similar area; or

(B) has a unique facility or capability that would be useful in carrying out the project;

(4) award grants, cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in subsection (c)(2) and shall adopt necessary procedures, including audits, to ensure that awards made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary; and

(5) make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with owners and operators of freight and intercity passenger rail and over-the-road bus facilities willing to contribute both physical space and other resources.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

(1) $50,000,000 for fiscal year 2008;

(2) $50,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010; and

(4) $50,000,000 for fiscal year 2011.

Such sums shall remain available until expended.

SEC. 112. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against, including by a denial, suspension, or revocation of a security clearance or by any other security access determination, if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road-bus security, which the covered individual reasonably believes constitutes a threat to rail, public transportation, or over-the-road-bus security, or which the covered individual reasonably believes constitutes fraud, waste, or mismanagement of Government funds intended to be used for rail, public transportation, or over-the-road-bus security, if the information or assistance is provided to or the investigation is conducted by—

(A) by a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. app.; Public Law 95–452);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate misconduct);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road bus security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to rail public transportation, or over-the-road bus security.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c)—

(A) for covered individuals who are employees of the Department or the Department of Transportation, by filing a complaint with the Merit Systems Protection Board;

(B) for contractors or subcontractors of the Department or Department of Transportation, by filing a complaint with their respective Inspector General;

(C) for all other covered individuals, by filing a complaint with the Secretary of Labor; and

(D) if the Secretary of Labor, Merit System Protection Board, or the respective Inspector General has not issued a final decision not later than 180 days after the filing of the complaint, or in the event that a final order or decision is issued by the Secretary of Labor, Merit System Protection Board, or the respective Inspector General, whether within the 180-day period or thereafter, when, not later than 90 days after such an order or decision is issued, bringing an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and then, at the request of either party to such action, be tried by the court with a jury.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 1 year after the date on which the violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

(2) DAMAGES.—Relief for an action under subsection (b)(1) shall include remedies under subparagraphs (A) through (C) and if appropriate, may include subparagraph (D) of such subsection—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any backpay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees; and

(3) POSSIBLE RELIEF.—Relief from an action under paragraph (1) may include punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) USE OF STATE SECRETS PRIVILEGE.—If the Government, in a court of competent jurisdiction, asserts as a defense the privilege commonly referred to as the ''state secrets privilege'' then—

(1) the parties will act expeditiously to settle the case and the court shall grant the parties 60 days by which to reach settlement of the pending matter to avoid disclosure of any sensitive government information, including classified or sensitive intelligence information. The parties may certify to the court that settlement cannot be reached before the end of the 60-day period;

(2) if the parties cannot settle the matter and the parties continue to litigate the matter, the

parties and court shall apply special procedures in order to protect classified or sensitive intelligence information in a manner consistent with sections 1 through 10 of the Classified Information and Procedures Act, and shall adhere to the Classified Information Procedures Act (18 U.S.C. App.; Public Law 96–456; 4 Stat. 2025); and

(3) if, in any action brought under subsection (b)(1), the Government asserts the state secrets privilege and the assertion of such privilege either is frivolous, without merit, or is asserted and causes undue delay or hardship to the plaintiff, or prevents the plaintiff from establishing a prima facie case in support of the plaintiff's claim or from rebutting an affirmative defense, then the court shall enter judgment for the plaintiff and shall determine the relief to be granted.

(e) CRIMINAL PENALTIES.—

(1) IN GENERAL.—It shall be unlawful for any person employing a covered individual to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) REPORTING REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall submit to the appropriate congressional committees an annual report on the enforcement of paragraph (1).

(B) CONTENTS.—Each such report shall—

(i) identify each case in which formal charges under paragraph (1) were brought;

(ii) describe the status or disposition of each such case; and

(iii) in any actions under subsection (b)(1) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED INDIVIDUAL.—The term ''covered individual'' means an employee of—

(A) the Department;

(B) the Department of Transportation;

(C) a contractor or subcontractor; and

(D) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) and who is a provider of covered transportation.

(2) LAWFUL.—The term ''lawful'' means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful.

(3) CONTRACTOR.—The term ''contractor'' means a person who has entered into a contract with the Department, the Department of Transportation, or a provider of covered transportation.

(4) EMPLOYEE.—The term ''employee'' means—

(A) with respect to an employer referred to in paragraph (1)(A) or (1)(B), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in paragraph (1)(A), (1)(B), or (1)(C) any officer, partner, employee, or agent.

(5) SUBCONTRACTOR.—The term ''subcontractor''—

(A) means any person, other than the contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department, the Department of Transportation, or a provider of covered transportation; and

(B) includes any person who offers to furnish or furnishes general supplies to the Federal contractor or a higher tier subcontractor.

(6) PERSON.—The term ''person'' means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

SEC. 113. INCREASE IN SURFACE TRANSPORTATION SECURITY INSPECTORS.

(a) IN GENERAL.—The Secretary shall increase the total number of positions for full-time surface transportation security inspectors of the Department so that by December 31, 2010, the total number of such positions is at least 600.

(b) QUALIFICATIONS.—Surface transportation security inspectors hired by the Secretary shall have at least 1 year or equivalent experience in conducting inspections and investigations and engaging in testing security systems and any other qualifications that the Secretary determines appropriate.

(c) ROLES AND RESPONSIBILITIES.—The Secretary, in consultation with the Secretary of Transportation and appropriate State, local, and tribal officials, shall develop a standard operating procedure clearly defining the relationship between—

(1) surface transportation security inspectors of the Department and safety inspectors of the Department of Transportation; and

(2) State, local, and tribal law enforcement officers and other law enforcement personnel, including railroad and public transportation police.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary. Such sums shall remain available until expended.

SEC. 114. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—There is in the Department of Homeland Security a National Domestic Preparedness Consortium.

(b) MEMBERS.—The National Domestic Preparedness Consortium that identifies, develops, tests, and delivers training to State, local, and tribal emergency response providers, provides onsite and mobile training at the performance and management and planning levels, and facilitates the delivery of awareness level training by the training partners of the Department shall consist of—

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University;

(5) the National Exercise, Test, and Training Center, Nevada Test Site; and

(6) the Transportation Technology Center in Pueblo, Colorado.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary—

(1) to at least maintain the funding level of fiscal year 2007 for each member of the National Domestic Preparedness Consortium listed in subsection (b) in existence prior to the inclusion of the Transportation Technology Center in the Consortium; and

(2) in fiscal years 2008 through 2011, increase the funding level for each member of the National Domestic Preparedness Consortium to not less than 3 percent of the amount made available for the preceding fiscal year.

SEC. 115. AUTHORIZATION OF VISIBLE INTERMODAL PROTECTION RESPONSE TEAMS.

The Secretary, acting through the Administrator of the Transportation Security Administration, is authorized to develop Visible Intermodal Protection Response (referred to in this section as ''VIPR'') teams designed to augment security for any mode of transportation at any location within the United States. In forming a VIPR team, the Secretary—

(1) may use any asset of the Department, including Federal air marshals, surface transportation security inspectors, canine detection teams, and advanced screening technology;

(2) has the discretion to determine, consistent with ongoing security threats, when a VIPR should be deployed, as well as the duration of the deployment in coordination with local security and law enforcement officials; and

(3) prior to deployments, shall consult with local security and law enforcement officials in the jurisdiction where the VIPR Team is planned to deploy, to develop and agree upon the appropriate operating protocols and in order to educate those officials regarding the mission of the VIPR teams.

SEC. 116. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish a National Transportation Security Center of Excellence at an institution of higher education to conduct research and education activities, and to develop or provide professional security training, including the training of rail and public transportation employees and rail and public transportation-related professionals, with emphasis on utilization of intelligent transportation systems, technologies, and architectures.

(b) CRITERIA.—The Secretary shall designate the Center according to the following selection criteria:

(1) The demonstrated commitment of the institution to transportation security issues.

(2) The use of and experience with partnerships with other institutions of higher education, Federal laboratories, or other nonprofit laboratories.

(3) Capability to conduct both practical and theoretical research and technical systems analysis.

(4) Utilization of intelligent transportation system technologies and architectures.

(5) Ability to develop professional security training programs.

(6) Capability and willingness to conduct education of transportation security professionals.

(7) Such other criteria as the Secretary may designate.

(c) CONSORTIUM.—

(1) EXPERIENCE.—The Consortium shall include universities and institutions of higher education that have existing transportation programs.

(2) CERTAIN INCLUSIONS.—At least two of the consortium colleges and universities associated with the National Transportation Security Center of Excellence shall be an Historically Black College or University, an Hispanic Serving Institution, Tribal University, even if the primary institution is one of the aforementioned institutions of higher education.

(3) DEGREE PROGRAM.—Of the universities selected under paragraph (2), at least one shall have an established degree and an advanced degree program in transportation studies.

(d) TRAINING.—If the consortium does not include the National Transit Institute, the Consortium shall work with the National Transit Institute on training programs.

(e) FUNDING.—The Secretary shall provide such funding as is necessary to the National Transportation Security Center of Excellence established under subsection (a) to carry out this section.

SEC. 117. TSA PERSONNEL LIMITATIONS.

Any statutory limitation on the number of employees in the Transportation Security Administration does not apply to employees carrying out this Act.

SEC. 118. HOMELAND SECURITY GRANTS.

Notwithstanding any provision of this Act, all grants distributed for security-related purposes pursuant to this Act, shall be administered on the basis of risk by the Secretary as the lead Federal official on transportation security.

SEC. 119. THREAT ASSESSMENT SCREENING.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement a threat assessment screening program, including name-based checks against terrorist watch lists and immigration status check, for all employees of covered transportation, that is the same as the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (Friday, April 28, 2006)).

SEC. 120. BACKGROUND CHECKS FOR COVERED INDIVIDUALS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BACKGROUND CHECKS.—The term ''background check'' means a check of the following:

(A) Relevant criminal history databases.

(B) In the case of an alien (as defined in the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), the relevant databases to determine the status of the alien under the immigration laws of the United States.

(2) COVERED INDIVIDUALS.—The term ''covered individual'' means an employee of—

(A) an employer, within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)), who is a provider of covered transportation; or

(B) a contractor or subcontractor of such an employer.

(b) REDRESS PROCESS.—If a provider of covered transportation conducts background checks in order to satisfy any rules, regulations, directives, or other guidance issued by the Secretary to protect covered transportation from the threat of terrorism, the provider of covered transportation shall provide an adequate redress process.

(c) STANDARDS FOR REDRESS PROCESS.—

(1) IN GENERAL.—The Secretary shall ensure that each provider of covered transportation implements a redress process in accordance with subsection (b) for covered individuals adversely impacted by a background check described in subsection (b).

(2) STANDARDS.—The redress process shall be modeled after the appeals and waiver process established for hazmat drivers and transportation workers at ports, as required by section 1515 of title 49, Code of Federal Regulations.

(3) COMPONENTS.—The redress process shall include the following:

(A) A waiver process that will allow a covered individual to demonstrate, through rehabilitation, or facts surrounding the conviction or other mitigating factors, that the individual is not a security risk.

(B) An appeal process during which a covered individual will have an opportunity to demonstrate that the individual does not have a disqualifying conviction either by—

(i) correcting outdated underlying court records;

(ii) proving mistaken identity; or

(iii) establishing that the conviction cannot serve as the basis for an adverse employment decision in accordance with the limitations contained in subsection (d).

(C) A proceeding providing an independent review.

(D) A process to ensure compliance with the requirements of this section.

(4) PROCEEDINGS PROVIDING AN INDEPENDENT REVIEW.—A covered individual who requests a proceeding under paragraph (3)(C) shall have the right to have waiver and appeal decisions heard by an independent decisionmaker with the ability to order reinstatement expeditiously or provide other remedy.

(5) PREVIOUS BACKGROUND CHECKS.—A covered individual subjected to and adversely affected by a background check conducted by a provider of covered transportation (or a contractor or subcontractor of such a provider), in the period beginning on June 23, 2006, and ending on the date of enactment of this Act, to satisfy any rules, regulations, directives, or other guidance issued by the Secretary to protect covered transportation from the threat of terrorism shall have an immediate right to a proceeding with an independent decisionmaker to determine if the adverse action was in compliance with this section and shall have a right to immediate reinstatement or other remedy if the background check fails to comply with this section.

(d) LIMITATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), any rule, regulation, directive, or other guidance issued by the Secretary regarding background checks of covered individuals shall prohibit an employer from making an adverse employment decision, including removal or suspension, with respect to a covered individual based on—

(A) a felony conviction that occurred 7 or more years ago;

(B) a conviction of any offense for which the individual was released from incarceration 5 or more years ago; or

(C) any felony not listed in section 1572.103 of title 49, Code of Federal Regulations.

(2) EXCEPTIONS.—The limitations contained in paragraph (1) shall not apply to a covered individual who has been convicted of any of the following:

(A) Treason (or conspiracy to commit treason).

(B) Espionage (or conspiracy to commit espionage).

(C) Sedition (or conspiracy to commit sedition).

(D) Any crime listed in chapter 113B of title 18, United States Code (or conspiracy to commit such a crime).

(e) NO PREEMPTION OF FEDERAL OR STATE LAW.—Nothing in this section shall be construed as preempting a Federal, State, or local law that requires criminal history background checks of covered employees.

(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.

SEC. 121. TASK FORCE ON DISQUALIFYING CRIMES.

(a) ESTABLISHMENT.—The Secretary shall establish a task force to review the lists of crimes that disqualify individuals from certain transportation-related employment under current regulations of the Transportation Security Administration and assess whether such lists of crimes are accurate indicators of a terrorism security risk.

(b) MEMBERSHIP.—The task force shall be composed of representatives of appropriate industries, including representatives of nonprofit employee labor organizations, and Federal agencies.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the task force shall transmit to the Secretary and Congress a report containing the results of the review, including recommendations for a common list of disqualifying crimes and the rationale for the inclusion of each crime on the list.

SEC. 122. PENALTIES.

(a) REGULATIONS AND ORDERS OF THE SECRETARY.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) GENERAL CIVIL PENALTIES AND ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) APPLICATION.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 701 of title 46 and this title (other than chapter 449) (in this subsection referred to as an 'applicable provision of this title'). Penalties for violation of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 449 are provided under chapter 463.

''(2) GENERAL CIVIL PENALTIES.—

''(A) MAXIMUM CIVIL PENALTIES.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under an applicable provision of this title.

''(B) SEPARATE VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

''(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under an applicable provision of this title. The Secretary of Homeland Security shall give written notice of the finding of a violation and the penalty.

''(B) CIVIL ACTIONS TO COLLECT PENALTIES.—In a civil action to collect a civil penalty imposed by the Secretary under this paragraph, the issues of liability and the amount of the penalty may not be reexamined.

''(C) EXCLUSIVE JURISDICTION OF DISTRICT COURTS.—Notwithstanding subparagraph (A) of this paragraph, the district courts of the United States have exclusive jurisdiction of a civil action involving a penalty that the Secretary initiates if—

''(i) the amount in controversy is more than—

''(I) $400,000 if the violation was committed by a person other than an individual or small business concern; or

''(II) $50,000 if the violation was committed by an individual or small business concern;

''(ii) the action is in rem or another action in rem based on the same violation has been brought; or

''(iii) another action has been brought for an injunction based on the same violation.

''(D) MAXIMUM CIVIL PENALTIES IMPOSED BY THE SECRETARY.—The maximum civil penalty the Secretary may impose under this paragraph is—

''(i) $400,000 if the violation was committed by a person other than an individual or small business concern; or

''(ii) $50,000 if the violation was committed by an individual or small business concern.

''(E) NOTICE AND OPPORTUNITY TO REQUEST HEARING.—Before imposing a penalty under this section the Secretary shall provide to the person against whom the penalty is to be imposed—

''(i) written notice of the proposed penalty; and

''(ii) the opportunity to request, not later than 30 days after the date on which the person receives the notice, a hearing on the proposed penalty.

''(4) COMPROMISE AND SETOFF.—

''(A) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this subsection.

''(B) SETOFF.—The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

''(5) INVESTIGATIONS AND PROCEEDINGS.—The provisions set forth in chapter 461 shall be applicable to investigations and proceedings brought under this subsection to the same extent that they are applicable to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

''(6) NONAPPLICATION.—

''(A) PERSONS SUBJECT TO PENALTIES DETERMINED BY THE SECRETARY OF DEFENSE.—Paragraphs (1) through (4) of this subsection do not apply to the following persons, who shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee:

''(i) The transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility.

''(ii) A member of the Armed Forces of the United States when performing official duties.

''(iii) A civilian employee of the Department of Defense when performing official duties.

''(B) POSTAL SERVICE; DEPARTMENT OF DEFENSE.—In this subsection, the term 'person' does not include—

''(i) the United States Postal Service; or

''(ii) the Department of Defense.

''(7) SMALL BUSINESS CONCERN DEFINED.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).''.

(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code, is amended by striking ''or another requirement under this title administered by the Under Secretary of Transportation for Security''.

SEC. 123. SCHOOL BUS TRANSPORTATION SECURITY.

(a) SCHOOL BUS SECURITY THREAT ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a report, including a classified report, as appropriate, containing a comprehensive threat assessment of the threat of a terrorist attack on the Nation's school bus transportation system in accordance with the requirements of this section.

(b) CONTENTS OF THREAT ASSESSMENT.—The assessment shall include—

(1) an assessment of the Nation's school bus transportation system, including publicly and privately operated systems;

(2) the security threats to the assets and systems;

(3) an assessment of actions already taken by operators to address identified security vulnerabilities by both private and publicly operated systems;

(4) an assessment of additional actions and investments necessary to improve the security of the Nation's school children traveling on school buses;

(5) an assessment of whether additional legislation or Federal programs are needed to provide for the security of children traveling on school buses; and

(6) an assessment of the psychological and economic impacts of an attack on school buses.

(c) CONSULTATION.—In conducting the threat assessment, the Secretary shall consult with administrators and officials of school systems, representatives of the school bus industry, including both public and privately operated systems, public safety and law enforcement officials, and nonprofit employee labor organizations representing school bus drivers.

SEC. 124. ENHANCED SECURITY MEASURES FOR SHIPMENTS OF SECURITY SENSITIVE MATERIALS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall issue regulations to require enhanced security measures for shipments of security sensitive materials.

(b) DEFINITIONS.—

(1) SECURITY SENSITIVE MATERIAL.—The Secretary shall designate a material, or a group or class of material, in a particular amount and form as security sensitive when the Secretary determines that transporting the material in commerce poses a significant risk to national security due to the potential use of the material in an act of terrorism. In making such a designation, the Secretary shall consider the following:

(A) A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in section 173.403 of title 49, Code of Federal Regulations, in a motor vehicle, railcar, or freight container.

(B) More than 25 kilograms (55 pounds) of a division 1.1, 1.2, or 1.3 of section 173.5 of title 49, Code of Federal Regulations (explosive) material in a motor vehicle, rail car, or freight container;

(C) More than one liter (1.06 quart) per package of a material poisonous by inhalation, as defined in section 171.8 of title 49, Code of Federal Regulations, that meets the criteria for hazard zone A, as specified in section 173.116(a) or section 173.133(a) of title 49, Code of Federal Regulations.

(D) A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (68 cubic feet) for solids.

(E) A shipment in other than a bulk packaging of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class under the provisions of section 172.521B of title 49, Code of Federal Regulations.

(F) A select agent or toxin regulated by the Centers for Disease Control and Prevention under part 73 of title 42, Code of Federal Regulations.

(G) A quantity of hazardous material that requires placarding under the provisions of subpart F of part 172 of title 49, Code of Federal Regulations.

(2) AREA OF CONCERN.—For purposes of this section, the term ''area of concern'' means a geographic region designated by the Secretary as commanding special consideration with respect to the security of the transportation of security sensitive materials, which shall include high threat urban areas as determined by the Secretary.

(3) STORAGE PATTERN.—The term ''storage pattern'' is defined as the conditions of storage, including—

(A) location of cars in railyards or on railroad-controlled leased tracks;

(B) type of storage (such as bulk transfer or not);

(C) typical types and numbers of security sensitive material cars stored in close proximity (in ranges);

(D) population density;

(E) average length of time cars are stored, attended or unattended; and

(F) security measures present, including physical security measures, secure handoffs and nearest available safe havens for storage in case of heightened threat conditions.

(4) MOST SECURE.—The term ''most secure route or storage pattern'' means the route or storage pattern that best reduces the risk, including consequences, of a terrorist attack on a shipment of security sensitive material that is transported through or near an area of concern.

(c) COMPILATION OF ROUTE AND STORAGE PATTERN INFORMATION FOR RAIL CARRIERS TRANSPORTING SECURITY SENSITIVE MATERIALS.—Not later than 90 days after the end of each calendar year, a rail carrier shall compile commodity data by route and storage pattern, a line segment or series of line segments as aggregated by the rail carrier. Within the rail carrier selected route, the commodity data shall identify the geographic location of the route and storage pattern and the total number of shipments by United Nations identification number for security sensitive materials and storage patterns along the routes.

(d) RAIL TRANSPORTATION ROUTE AND STORAGE PATTERN ANALYSIS FOR SECURITY SENSITIVE MATERIALS.—For each calendar year, a rail carrier shall provide a written analysis of the security risks for the transportation routes and storage patterns, identified in the commodity data collected as required by subsection (c). The security risks present shall be analyzed for the route, railroad facilities, railroad storage facilities, private storage facilities, and areas of concern along or in proximity to the route.

(e) ALTERNATIVE ROUTE AND STORAGE PATTERN ANALYSIS FOR SECURITY SENSITIVE MATERIALS.—

(1) By the end of each calendar year, a rail carrier shall—

(A) identify to the Department practical alternative routes and storage patterns that will avoid areas of concern for each of the transportation routes or facilities it used to ship or store security sensitive materials through or near areas of concern in the last calendar year; and

(B) perform a security risk assessment of the alternative route or storage pattern for comparison to the route and storage pattern analysis specified in subsection (d).

(2) The analysis shall include the following:

(A) Identification of security risks for alternative route or storage pattern.

(B) Comparison of those risks identified in subparagraph (A) to the primary rail transportation route or storage pattern.

(3) Rail carriers transporting security sensitive materials must consider the availability of interchange agreements or systems of tracks and facilities owned by other operators when determining whether an alternate route for transporting the security sensitive materials to avoid areas of concern is practical.

(4) An alternate route or storage facility that will avoid an area of concern may be considered by the rail carrier to be impractical if the shipment originates in or is destined for the area of concern, or if there would be no harm beyond the property of the rail carrier transporting the shipment or storage facility storing the shipment in the event of a successful terrorist attack on the shipment.

(f) ALTERNATIVE ROUTE AND STORAGE PATTERN SELECTION FOR SECURITY SENSITIVE MATERIALS.—A carrier shall use the analysis required by subsections (d) and (e) to select the most secure route and storage pattern to be used in moving the materials specified in subsection (b).

(g) REVIEW.—Not less than once every 5 years, the analyses route and storage pattern selection determinations required under subsections (c), (d), (e), and (f) shall include a comprehensive, system-wide review of all operational changes, infrastructure modifications, traffic adjustments, changes in the nature of the areas of concern located along or in proximity to the route, or other changes affecting the security of the movements of the materials specified in subsection (b) of this section that were implemented during the 5-year period.

SEC. 125. TECHNOLOGY STANDARDS AND CLEARINGHOUSE TO IMPROVE SECURITY OF COVERED TRANSPORTATION.

(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology and the Director of the Domestic Nuclear Detection Office (for radiological and nuclear detection technologies and training), in consultation with the Director of the National Institute of Standards and Technology and other appropriate Federal agencies, as appropriate, shall establish a standards program to support the development, promulgation, and updating as necessary of national voluntary consensus standards for performance, testing, use, and training with respect to technologies that will improve the security of covered transportation in order to meet the security plan requirements under section 103(d)(1) and the security performance requirements under section 103(f).

(b) EQUIPMENT STANDARDS.—

(1) REQUIREMENTS.—The standards for the performance, use, and validation of equipment developed under subsection (a) shall be designed to assist Federal, State, local, and tribal government and nongovernment emergency response providers, other components of the Department,

providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders in acquiring and implementing technologies to prevent, prepare for, mitigate against, and respond to acts of terrorism on covered transportation. Such standards—

(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

(B) shall take into account, as appropriate, new types of terrorism threats which may target covered transportation and responsibilities of the Department that may not have been contemplated when such existing standards were developed;

(C) shall focus on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety;

(D) shall facilitate deployment of the systems to the field and include concept of operations;

(E) shall consider human factors science; and

(F) shall cover all appropriate uses of the equipment.

(2) CATEGORIES OF EQUIPMENT.—In carrying out paragraph (1), the Secretary shall specifically consider national voluntary consensus standards for the performance, use, and validation of the following categories of equipment:

(A) Physical security equipment, including surveillance cameras, alarm systems, access/intrusion control, motion detection, barriers such as fences, impact resistant doors, bomb-resistant trash receptacles, and personnel and vehicle identification systems.

(B) Interoperable communications equipment, including wireless and wireline voice, video, and data networks.

(C) Information technology, including position locating and tracking systems.

(D) Cybersecurity equipment, including biometric authentication systems, network and personal firewalls and other authentication technologies.

(E) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

(F) Operational and search and rescue equipment, including canines and scene control and safety equipment such as first aid kits.

(G) Explosive mitigation devices and explosive detection and analysis equipment.

(H) Chemical, biological, radiological, and nuclear detection equipment.

(I) Decontamination equipment.

(J) Noninvasive inspection and screening systems.

(K) Medical and pharmaceutical supplies.

(L) Other terrorism incident prevention equipment.

(M) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate to improve the security of covered transportation.

(3) CERTIFICATION AND ACCREDITATION.—The Secretary, in carrying out this subsection, and in coordination with the Director of the National Institute of Standards and Technology, may support the certification of equipment and the accreditation of laboratories to conduct testing and evaluation.

(c) TRAINING STANDARDS.—

(1) REQUIREMENTS.—The standards for the training developed under subsection (a) shall be designed to enable Federal, State, local, and tribal government and nongovernment emergency response providers, other Department personnel, providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders to use equipment effectively and appropriately in carrying out their responsibilities to secure covered transportation. Such standards shall prioritize—

(A) enabling appropriate stakeholders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats on covered transportation, including threats from chemical, biological, radiological, and nuclear weapons and explosive devices capable of inflicting significant human casualties, and other potentially catastrophic emergencies; and

(B) familiarizing appropriate stakeholders with the proper use of equipment, including the capabilities and limitations of equipment and conditions in which the equipment is expected to operate.

(2) CATEGORIES OF ACTIVITIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of activities:

(A) Regional planning.

(B) Joint exercises.

(C) Information analysis and sharing.

(D) Decision making protocols for incident response and alarms.

(E) Emergency notification of affected populations.

(F) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

(G) Screening and patrolling procedures.

(H) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that training standards are consistent with the principles of all hazards emergency preparedness.

(d) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

(1) the National Institute of Standards and Technology;

(2) the American Public Transportation Association;

(3) the National Fire Protection Association;

(4) the National Association of County and City Health Officials;

(5) the Association of American Railroads;

(6) the American Bus Association;

(7) the Association of State and Territorial Health Officials;

(8) the American National Standards Institute;

(9) the National Institute of Justice;

(10) the Inter-Agency Board for Equipment Standardization and Interoperability;

(11) the National Public Health Performance Standards Program;

(12) the National Institute for Occupational Safety and Health;

(13) ASTM International;

(14) the International Safety Equipment Association;

(15) the Emergency Management Accreditation Program; and

(16) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

(e) TECHNOLOGY CLEARINGHOUSE TO ENHANCE THE SECURITY OF COVERED TRANSPORTATION.—

(1) IN GENERAL.—The Secretary shall utilize the Technology Clearinghouse established under section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) to facilitate the identification, acquisition, and deployment of technology, equipment, and training for use by Federal, State, local, and tribal agencies, emergency response providers, other components of the Department, providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders to prevent, prepare for, mitigate against, respond to, or recover from acts of terrorism on covered transportation.

(2) ELEMENTS OF THE TECHNOLOGY CLEARINGHOUSE.—Activities in carrying out paragraph (1) shall include—

(A) identifying available technologies that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, the private sector, or foreign governments and international organizations, and reviewing whether such technologies may be useful in assisting appropriate stakeholders to prevent, prepare for, mitigate against, respond to, or recover from acts of terrorism on covered transportation; and

(B) communicating to Federal, State, local, and tribal agencies, emergency response providers, other components of the Department, providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders the availability of such technologies, as well as—

(i) the technology's specifications and concept of operations;

(ii) satisfaction of appropriate equipment and training standards developed under subsections (a) and (b);

(iii) relevant grants available from the Department to purchase or train with such technologies; and

(iv) whether the Secretary has designated a product, equipment, service, device, or technology under subparagraph (A) as a qualified antiterrorism technology pursuant to the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (6 U.S.C. 441 et seq.).

(3) COORDINATION.—The Secretary shall ensure that the technology clearinghouse activities conducted through the Under Secretary for Science and Technology are coordinated with appropriate components of the Department including the Domestic Nuclear Detection Office, the Transportation Security Administration, the Office of Infrastructure Protection, the Office of Grants and Training, and the Federal Emergency Management Agency.

(4) AGREEMENTS.—The Secretary may enter into memoranda of understandings or agreements with other Federal agencies, foreign governments, and national and international organizations as appropriate, in order to maximize the availability of such technologies and information through the Technology Clearinghouse.

SEC. 126. RAIL TANK CAR SECURITY TESTING.

(a) RAIL TANK CAR VULNERABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary shall assess the likely methods of a deliberate attack against a rail tank car used to transport toxic-inhalation-hazard materials, and for each method assessed, the degree to which it may be successful in causing death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, or public welfare.

(2) THREATS.—In carrying out paragraph (1), the Secretary shall consider the most current threat information as to likely methods of a successful attack on a rail tank car transporting toxic-inhalation-hazard materials, and may consider the following:

(A) An improvised explosive device placed along the tracks.

(B) An improvised explosive device attached to the rail car.

(C) The use of shoulder-fired missiles.

(D) The use of rocket propelled grenades.

(E) The use of mortars or high-caliber weapons.

(3) PHYSICAL TESTING.—In developing the assessment required under paragraph (1), the Secretary shall conduct physical testing of the vulnerability of rail tank cars used to transport toxic-inhalation-hazard materials to different methods of a deliberate attack, using technical information and criteria to evaluate the structural integrity of railroad tank cars.

(4) REPORT.—Not later than 30 days after the completion of the assessment under paragraph (1), the Secretary shall provide to the appropriate congressional committees a report, in the appropriate format, on such assessment.

(b) RAIL TANK CAR DISPERSION MODELING.—

(1) IN GENERAL.—The Secretary, acting through the National Infrastructure Simulation and Analysis Center, shall conduct air dispersion modeling analysis of a release of the contents of a single rail tank car of toxic-inhalation-hazard materials in at least three high-threat urban areas in the United States.

(2) CONSIDERATIONS.—The analysis under this subsection shall take into account the following considerations:

(A) A deliberate attack on a rail tank car transporting toxic-inhalation-hazard materials, including the most likely means of attack and the resulting dispersal rate.

(B) Different times of day, to account for differences in population size and density in the urban area, as well as differences in cloud coverage over the affected regions.

(C) Historically accurate wind speeds, temperatures and directions.

(D) The difference between a rail tank car in motion and a stationary rail tank car.

(E) Emergency response procedures by local officials, including the availability of medical countermeasures to treat exposures to toxic-inhalation-hazard materials.

(F) Any other considerations the Secretary believes would develop an accurate, plausible dispersion model for toxic-inhalation-hazard materials released from a rail tank car as a result of a terrorist act.

(3) CONSULTATION.—In conducting the dispersion modeling under paragraph (1), the Secretary shall consult with the appropriate State, local, and tribal officials of the high-threat urban area selected, and with other Federal agencies as appropriate.

(4) INFORMATION SHARING.—Upon completion of the analysis required under paragraph (1), the Secretary shall share the information developed with the appropriate stakeholders within each high-threat urban area selected, given appropriate information protection provisions as may be required by the Secretary.

(5) REPORT.—Not later than 30 days after completion of all dispersion analyses under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report detailing the Secretary's conclusions and findings in an appropriate format.

SEC. 127. RAIL RADIOLOGICAL AND NUCLEAR DETECTION.

(a) PROTOTYPE.—Not later than one year after the date of enactment of this Act, the Domestic Nuclear Detection Office shall begin testing and evaluation of prototype systems to detect nuclear or radiological materials in rail security venues, including spectroscopic technologies.

(b) STRATEGY.—Upon successful developmental testing and evaluation of such radiation detection technologies at Domestic Nuclear Detection Office test facilities, as well as extensive testing and evaluation in operational environments, the Domestic Nuclear Detection Office shall, in coordination with Customs and Border Protection and the Transportation Security Administration, ensure appropriate training, operations, and response protocols are established and, shall develop a deployment strategy to detect nuclear or radiological materials arriving in or transporting through the United States by rail. Such strategy shall consider the integration of radiation detection technologies with other nonintrusive inspection technologies, including imagery and density scanning, in order to utilize existing rail examination facilities and further strengthen border security.

(c) REPORT TO CONGRESS.—Not later than September 30, 2008, the Domestic Nuclear Detection Office shall transmit to Congress a report. Such report shall—

(1) describe the progress of testing and evaluation under subsection (a); and

(2) in coordination with U.S. Customs and Border Protection and the Transportation Security Administration, describe the development of a strategy under subsection (b).

(d) IMPLEMENTATION.—The Domestic Nuclear Detection Office, U.S. Customs and Border Protection, and the Transportation Security Administration shall begin implementation of the strategy developed under subsection (b) after verification of systems performance.

SEC. 128. REQUIREMENT TO PROVIDE PREFERENCE TO QUALIFIED ANTI-TERRORISM TECHNOLOGIES.

In using grant funds provided under this Act to purchase products, equipment, services, devices, or technologies to be employed in the implementation of any security plan required under this Act, a grant recipient shall, to the extent practicable, give preference to products, equipment, services, devices, and technologies that the Secretary has designated as qualified anti-terrorism technologies under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (subtitle G of title VIII of the Homeland Security Act of 2002; 6 U.S.C. 441 et seq.), if the grant recipient determines that such a product, equipment, service, device, or technology meets or exceeds the requirements of the security plan.

SEC. 129. PROMOTING LIABILITY PROTECTIONS FOR PROVIDERS OF COVERED TRANSPORTATION AND RELATED TECHNOLOGIES.

The Secretary shall work with providers of covered transportation to identify for procurement products, equipment, services, devices, and technologies to be employed in the implementation of security plans required under this Act, that are designated by the Secretary as qualified anti-terrorism technologies under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (subtitle G of title VIII of the Homeland Security Act of 2002; 6 U.S.C. 441 et seq.) or may otherwise be eligible for liability protections.

SEC. 130. INTERNATIONAL RAIL SECURITY PROGRAM.

(a) NON-INTRUSIVE INSPECTION EQUIPMENT.—For the purpose of checking in-bound rail shipments to the United States for undeclared passengers or contraband, including terrorists or weapons, including weapons of mass destruction, the Secretary shall—

(1) deploy, where practicable, non-intrusive inspection imaging equipment at locations where rail shipments cross an international border to enter the United States; or

(2) implement alternative procedures to check such rail shipments at locations where the deployment of non-intrusive inspection imaging equipment is determined to not be practicable.

(b) ADVANCED FILING OF SECURITY DATA.—

(1) IN GENERAL.—The Secretary shall—

(A) identify and seek the submission of additional data elements for improved high-risk targeting related to the movement of cargo through the international supply chain utilizing a railroad prior to importation into the United States; and

(B) analyze the data provided pursuant to in paragraph (1) to identify high-risk cargo for inspection.

(2) INTERNATIONAL SUPPLY CHAIN DEFINED.—For purposes of this subsection, the term ''international supply chain'' means the end-to-end process for shipping goods to or from the United States beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.

SEC. 131. TERRORIST WATCHLIST AND IMMIGRATION STATUS REVIEW AT HIGH-RISK TRANSPORTATION SITES.

The Secretary shall require each provider of covered transportation, including contractors and subcontractors, assigned to a high-risk tier under section 102 to conduct checks of their employees against available terrorist watchlists and immigration status databases.

TITLE II—SECURE TRANSPORTATION THROUGH INCREASED USE OF CANINE DETECTION TEAMS

SEC. 201. INCREASING THE NUMBER OF CANINE DETECTION TEAMS FOR TRANSPORTATION SECURITY.

(a) MINIMUM REQUIREMENT.—The Secretary shall coordinate with owners and providers of covered transportation systems to ensure that canine detection teams are deployed at each high-risk transportation system to provide continuous coverage if the Secretary considers it necessary. Each canine detection team—

(1) shall be trained to detect explosives, and, to the greatest extent possible, chemical and biological weapons; and

(2) may be deployed to alternate sites to provide additional coverage during times of increased risk or due to specific threat information, as determined by the Secretary.

(b) INCREASE.—The Secretary shall coordinate with owners and providers of covered transportation systems to increase the number of trained canine detection teams deployed at the Nation's high-risk rail and mass transit systems by not less than 10 percent each fiscal year for fiscal years 2008 through 2012. Each canine detection team shall be trained to detect explosives, and, to the greatest extent possible, chemical and biological weapons.

SEC. 202. NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM INCREASE.

(a) INCREASE IN TEAMS.—The National Explosives Detection Canine Team Program of the Transportation Security Administration may train up to an additional 100 canine detection teams per year but shall train at least the following numbers of additional teams:

(1) 50 in fiscal year 2008.
(2) 55 in fiscal year 2009.
(3) 60 in fiscal year 2010.
(4) 66 in fiscal year 2011.
(5) 73 in fiscal year 2012.

(b) DEPLOYED THROUGHOUT COUNTRY.—The canine detection teams authorized under this section shall be deployed across the country to strengthen the security of covered transportation systems, including buses, subway systems, ferries, and passenger rail carriers.

(c) REPORT.—Not later than 90 days after the date of the enactment of this section, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the personnel and resource needs to fulfill the requirements of this section.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 203. TRANSPORTATION SECURITY ADMINISTRATION BREEDING PROGRAM INCREASE.

(a) TSA PUPPY PROGRAM.—The Transportation Security Administration Puppy Program shall work to increase the number of domestically bred canines to help meet the increase in demand for canine detection teams authorized in section 202 while preserving the current quality of canines provided for training.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this section, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the personnel and resource needs to fulfill the requirements of this section.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–74. Each amendment may be offered only in the order

printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–74.

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

Section 2(2)(E), strike ''railroad and transit cars'' and insert ''railroad cars, public transportation cars and buses, and over-the-road buses''.

Section 2(6)(B), strike ''the public transportation designated recipient providing the transportation'' and insert '' the designated recipient''.

Section 2(14), strike the period after ''over-the-road bus'' and insert ''—''.

After section 2, insert the following:

SEC. 3. NO PREEMPTION OF STATE LAW.

(a) NO PREEMPTION OF STATE LAW.—Nothing in section 20106 of title 49, United States Code, preempts a State cause of action, or any damages recoverable in such an action, including negligence, recklessness, and intentional misconduct claims, unless compliance with State law would make compliance with Federal requirements impossible. Nothing in section 20106 of title 49, United States Code, confers Federal jurisdiction of a question for such a cause of action.

(b) SECRETARIAL POWER.—Section 20106 of title 49, United States Code, preempts only positive laws, regulations, or orders by executive or legislative branch officials that expressly address railroad safety or security. The Secretary and the Secretary of Transportation have the power to preempt such positive enactments by substantially subsuming the same subject matter, pursuant to proper administrative procedures.

Section 101(a), strike '', in consultation with the Secretary of Transportation,''.

Section 103, strike '', in consultation with the Secretary of Transportation,'' each place it appears, except subsection (o).

Section 103(c)(1), strike ''high-or'' and insert ''high- or''.

Section 103(e), strike ''vulnerabilities and security plans''and insert ''a vulnerability assessment and security plan''.

Section 103(k)(3)—

(1) strike ''those submissions'' and insert ''such submission''; and

(2) strike ''vulnerability assessments and security plans'' and insert ''the vulnerability assessment and security plan''.

Section 103(o), strike '', hereinafter referred to as 'Amtrak' ''.

Section 104(a), strike '', in consultation with the Secretary of Transportation,''.

Section 105(a), strike '', in consultation with the Secretary of Transportation,''.

Section 105(b)(2), strike ''rail'' and insert ''railroad''.

Section 105(b)(3), strike ''redevelopment and''.

Section 105(b)(4), insert '', including stations and other railroad transportation infrastructure owned by State or local governments'' before the period.

Section 105(b)(12) insert ''security'' before ''inspection'' each places it appears.

Section 105(b)(16), strike ''front-line railroad employees'' and insert ''railroad employees, including front-line employees''.

Strike section 105(c) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

Section 105—

(1) strike subsection (f);

(2) redesignate subsections (d) through (m) as subsections (g) through (o), respectively;

(3) insert after subsection (c), as amended, the following:

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation jointly shall monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a rail security plan.

Section 105(j), as redesignated (relating to standards)—

(1) strike ''The Secretary shall require a'' and insert ''A'';

(2) after ''108'' insert ''shall be required''; and

(3) strike ''Amtrak'' and insert ''the National Railroad Passenger Corporation''.

Section 105(m), as redesignated (relating to guidelines)—

(1) strike '', in consultation with the Secretary of Transportation,''; and

(2) strike ''recipients of grants under this section'' the first place it appears and insert '', to the extent that recipients of grants under this section use contractors or subcontractors, such recipients''

Section 105 strike subsection (n), as redesignated.

Section 105, redesignate subsection (o), as redesignated, as subsection (n).

Section 106, strike '', in consultation with the Secretary of Transportation,'' each place it appears.

Section 106(b)(2), insert '', including stations and other public transportation infrastructure owned by State or local governments'' before the period.

Section 106(b)—

(1) redesignate paragraphs (10) through (17) as paragraphs (11) through (18), respectively; and

(2) after paragraph (9) insert the following:

(10) Purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels.

Section 106(b)(15), as redesignated—

(1) strike ''front-line'' before ''public''; and

(2) insert '', including front-line employees'' after ''employees''.

Section 106(b)(16), as redesignated, after ''reimbursement'' insert '', including reimbursement of State, local, and tribal governments for costs,''.

Section 106(b)(17), as redesignated, after ''costs'' insert '', including reimbursement of State, local, and tribal governments for costs''.

At the end of section 106(b), strike paragraph (18), as redesignated, and insert the following:

(18) Such other security improvements as the Secretary considers appropriate, including security improvements for newly completed public transportation systems that are not yet operable for passenger use.

Section 106—

(1) strike subsections (c) and (d);

(2) redesignate subsections (e) through (j) as subsections (g) through (l), respectively; and

(3) insert after subsection (b) the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A designated recipient is eligible for a grant under this section if the recipient has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a public transportation security plan.

Section 106, subsection (g), as redesignated (relating to terms and conditions), strike ''under effect'' and insert ''as in effect''.

Section 106, subsection (j), as redesignated (relating to guidelines), strike ''recipients of grants under this section'' the first place it appears and insert '', to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall''.

Section 106, strike subsection (k), as redesignated (relating to monitoring).

Section 106, redesignate subsection (l), as redesignated (relating to authorization of appropriations), as subsection (k).

Section 107, strike '', in consultation with the Secretary of Transportation,'' each place it appears.

Section 107(b)(1), insert: '', including terminals and other over-the-road bus facilities

owned by State or local governments'' before the period.

Section 107(b)(8) strike—

(1) strike ''front-line'' before ''over-the-road''; and

(2) insert '', including front-line employees'' after ''employees''.

Section 107(b)(10), after ''reimbursement'' insert ''including reimbursement of State, local, and tribal governments for costs,''.

Section 107(b)(12), after ''costs'' insert '', including reimbursement of State, local, and tribal governments for such costs.''.

Section 107—

(1) redesignate subsections (e) through (j) as subsections (g) through (l), respectively; and

(2) strike subsections (c) and (d) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days of making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.

Section 107, subsection (i), as redesignated (relating to annual reports), after ''funds'' insert a period.

Section 107, subsection (j), as redesignated (relating to guidelines), strike ''recipients of grants under this section the first place it appears'' and insert ''to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall''.

Section 107, strike subsection (k) as redesignated (relating to monitoring).

Section 107, redesignate subsection (l), as redesignated (relating to authorization), as subsection (k).

Section 108(a), strike ''Amtrak'' the first place it appears and insert ''the National Railroad Passenger Corporation''.

Section 108(c) strike ''recipients of grants under this section'' the first place it appears and insert '', to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall''.

Section 109(a), strike '', in consultation with the Secretary of Transportation,''

Section 109(a)(1), insert a comma after ''employees''.

Section 109(b)(3) strike ''and fire fighter workers'' and insert ''or emergency response personnel''.

Section 109(c)(9), strike ''Any other subject'' and insert ''Other security training activities that''.

Section 109(d)(1), strike ''in final form''.

Section 109(d)(2), insert ''proposal'' after ''training program''.

Section 109(d)(3), insert ''proposal'' after ''training program''.

Section 109(d)(4), insert ''as necessary'' after ''workers''.

Section 110(a), strike '', in consultation with the Secretary of Transportation,''.

Section 110(c), strike '', in consultation with the Secretary of Transportation,''.

Section 110(c)(1), insert ''working jointly with the Secretary of Transportation,'' before ''consolidates''.

Section 111(b)(3) strike ''freight''.

Section 111(b), strike ''and'' at the end of paragraph (6), redesignate paragraph (7) as paragraph (8), and insert the following after paragraph (6):

(7) to assess the vulnerabilities and risks associated with new rail and public transportation construction projects prior to their completion; and

Section 111(c)(2)(E)—

(1) strike ''including,'' and insert '', including''; and

(2) strike ''Institution or Tribal University'' and insert ''Institutions or Tribal Universities''.

Strike section 112 of the bill and insert the following (and make all necessary technical and conforming changes):

SEC. 112. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against, including by a denial, suspension, or revocation of a security clearance or by any other security access determination, if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road-bus security, which the covered individual reasonably believes constitutes a threat to rail, public transportation, or over-the-road-bus security, or which the covered individual reasonably believes constitutes fraud, waste, or mismanagement of Government funds intended to be used for rail, public transportation, or over-the-road-bus security, if the information or assistance is provided to or the investigation is conducted by—

(A) by a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road bus security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to rail public transportation, or over-the-road bus security.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may—

(A) in the case of a covered individual who is employed by the Department or the Department of Transportation, seek relief in accordance with—

(i) the provisions of title 5, United States Code, to the same extent and in the same manner as if such individual were seeking relief from a prohibited personnel practice described in section 2302(b)(8) of such title; and

(ii) the amendments made by section 112A;

except that, if the disclosure involved consists in whole or in part of classified or sensitive information, clauses (i) and (ii) shall not apply, and such individual may seek relief in the same manner as provided by section 112B;

(B) in the case of a covered individual who is a contractor or subcontractor of the Department or the Department of Transportation, seek relief in accordance with section 112B; and

(C) in the case of any other covered individual, seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1)(C) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1)(C) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1)(C) shall be commenced not later than 1 year after the date on which the violation occurs.

(3) DE NOVO REVIEW.—With respect to a complaint under paragraph (1)(C), if the Secretary of Labor has not issued a final decision within 180 days after the filing of the complaint (or, in the event that a final order or decision is issued by the Secretary of Labor, whether within the 180-day period or thereafter, then, not later than 90 days after such an order or decision is issued), the covered individual may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(c) REMEDIES.—

(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1)(C) shall be entitled to all relief necessary to make the covered individual whole.

(2) DAMAGES.—Relief in an action under subsection (b)(1)(C) (including an action described in subsection (b)(3)) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(3) POSSIBLE RELIEF.—Relief in an action under subsection (b)(1)(C) may include punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) USE OF STATE SECRETS PRIVILEGE.—

(1) If, in any action for relief sought by a covered individual in accordance with the provisions of subsection (b)(1)(A), (B), or (C), the Government agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the ''state secrets privilege'', and if the assertion of such privilege prevents the covered individual from establishing an element in support of the covered individual's claim, the court shall resolve the disputed issue of fact or law in favor of the covered individual, provided that, in an action brought by a covered individual in accordance with the provisions of subsection (b)(1)(A) or (B), an Inspector General investigation under section 112B has resulted in substantial confirmation of that element, or those elements, of the covered individual's claim.

(2) In any case in which the Government agency asserts the privilege commonly referred to as the ''state secrets privilege'', whether or not an Inspector General has conducted an investigation with respect to the alleged discrimination, the head of the Government agency involved shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the covered individual, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

(e) CRIMINAL PENALTIES.—

(1) IN GENERAL.—It shall be unlawful for any person employing a covered individual described in subsection (b)(1)(C) to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any such covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) REPORTING REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall submit to the appropriate congressional committees an annual report on the enforcement of paragraph (1).

(B) CONTENTS.—Each such report shall—

(i) identify each case in which formal charges under paragraph (1) were brought;

(ii) describe the status or disposition of each such case; and

(iii) in any actions under subsection (b)(1)(C) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) NO PREEMPTION.—Nothing in this section, section 112A, or section 112B preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section, section 112A, or section 112B shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section, section 112A and section 112B may not be waived by any agreement, policy, form, or condition of employment.

(h) DEFINITIONS.—In this section, section 112A and section 112B, the following definitions apply:

(1) COVERED INDIVIDUAL.—The term ''covered individual'' means an employee of—

(A) the Department;

(B) the Department of Transportation;

(C) a contractor or subcontractor; and

(D) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) and who is a provider of covered transportation.

(2) LAWFUL.—The term ''lawful'' means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful.

(3) CONTRACTOR.—The term ''contractor'' means a person who has entered into a contract with the Department, the Department of Transportation, or a provider of covered transportation.

(4) EMPLOYEE.—The term ''employee'' means—

(A) with respect to an employer referred to in paragraph (1)(A) or (1)(B), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in paragraph (1)(C) or (1)(D), any officer, partner, employee, or agent.

(5) SUBCONTRACTOR.—The term ''subcontractor''—

(A) means any person, other than the contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department, the Department of Transportation, or a provider of covered transportation; and

(B) includes any person who offers to furnish or furnishes general supplies to the contractor or a higher tier subcontractor.

(6) PERSON.—The term ''person'' means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

Section 113(c), strike ''the Secretary of Transportation and''.

Section 116(b), strike ''designate the Center'' and insert ''select an institution of higher education to operate the National Transportation Security Center of Excellence''.

Section 116(c)—

(1) redesignate paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) insert after the subsection heading the following:

(1) CONSORTIUM.—The institution of higher education selected under subsection (b) shall execute agreements with other institutions of higher education to develop a consortium to assist in accomplishing the goals of the Center.

Section 116(c)(3), as redesignated, insert ''or'' before ''Tribal''.

Section 116, strike ''Consortium'' each place it appears and insert ''consortium''.

Section 118, after ''risk'' strike all that follows through ''security''.

Section 120(d)(1), strike ''any rule'' and all that follows through ''an employer'' and insert the following: ''if an employer performs background checks to satisfy any rule, regulation, directive, or other guidance issued by the Secretary regarding background checks of covered individuals, the employer shall be prohibited''.

Section 123(a), strike ''the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives'' and insert ''the appropriate congressional committees''.

Section 124, strike ''railcar'' and insert ''railroad car'' each place it appears.

Section 124(b)(1), strike subparagraph (B) and insert the following:

(B) More than 25 kilograms (55 pounds) of a division 1.1, 1.2, or 1.3 explosive, as defined in section 173.50 of title 49, Code of Federal Regulations, in a motor vehicle, rail car, or freight container.

Section 124(b)(3)(A), strike ''railyards'' and insert ''railroad yards''.

Section 124(f), insert ''railroad'' before ''carrier''.

Section 125(d)—

(1) redesignate paragraph (16) as paragraph (17);

(2) in paragraph (15), strike ''and'' after the semicolon; and

(3) after paragraph (15), insert the following:

(16) nonprofit employee labor organizations; and

Section 124(f), insert ''railroad'' before ''carrier''.

Section 125 at the end, insert the following:

(f) SAVINGS PROVISION.—An action of the Secretary or the Secretary of Transportation under this Act is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

Section 126(a)(1), ''The Secretary shall'' and insert ''The Secretary and the Secretary of Transportation shall jointly''.

Section 126(a)(2), strike ''the Secretary shall'' and insert ''the Secretary and the Secretary of Transportation shall jointly''.

Section 126(a)(3), insert ''and the Secretary of Transportation'' after ''Secretary''.

Section 126(b)(3), insert ''and the Secretary of Transportation'' after ''Secretary''.

Section 128, strike ''shall'' and insert ''should''.

Section 128, insert ''(a) PREFERENCE.—'' before ''In''.

Section 128 at the end, insert the following:

(b) SAVINGS PROVISION.—Nothing in this section shall affect grant recipient requirements pursuant to section 5323(j) of title 49, United States Code, section 24305(f) of title 49, United States Code, and the Buy American Act (41 U.S.C. 10).

Section 130(a), strike ''undeclared passengers or contraband, including''.

Section 130 at the end, insert the following:

(c) USE OF TRANSPORTATION DATA.—In carrying out this subsection, the Secretary shall make use of data collected and maintained by the Secretary of Transportation.

Section 131, strike the text and insert the following: ''In carrying out section 119, the Secretary shall require each provider of covered transportation, including contractors and subcontractors, assigned to a high-risk tier under section 102 to submit the names of their employees to the Secretary to conduct checks of their employees against available terrorist watchlists and immigration status databases.''.

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. 132. REVIEW OF GRANT-MAKING EFFICIENCY.

(a) ANNUAL STUDY.—The Comptroller General of the United States shall conduct an annual study for each of the first 3 years after the enactment of this title regarding the administration and use of the grants awarded under sections 105, 106, and 107 of this title, including—

(1) the efficiency of the division of the grant-making process, including whether the

Department of Transportation's role in distributing, auditing, and monitoring the grant funds produces efficiency compared to the consolidation of these responsibilities in the Department of Homeland Security;

(2) whether the roles of the Department of Homeland Security and the Department of Transportation in the administration of the grants permit the grants to be awarded and used in a timely and efficient manner and according to their intended purposes;

(3) the use of grant funds, including whether grant funds are used for authorized purposes.

(b) REPORT.—The Comptroller General of the United States shall submit an annual report to the appropriate congressional committees on the results of the study for each of the first 3 years after enactment of this title, including any recommendations for improving the administration and use of the grant funds awarded under sections 105, 106, and 107.

SEC. 133. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out sections 101, 103, 104, 105, 106, 107, 109, 110, 111, 113, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 201 of this Act are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107–71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Railroad Security, dated September 28, 2006; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Public Transportation Security, dated September 8, 2005; and any subsequent agreements between the Department of Homeland Security and the Department of Transportation.

Section 201(a), strike ''ensure that canine detection teams are deployed'' and insert ''encourage the deployment of canine detection teams''.

Section 201(b), strike ''to increase'' and insert ''to encourage an increase in''.

Strike ''rail carrier'' and insert ''railroad carrier'' each place it appears in the bill.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, before I begin, I ask unanimous consent that the amendment be modified with the text I have placed at the desk.

The Acting CHAIRMAN. Is there objection to the modification?

Mr. MICA. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I am not sure of the provisions of the offering that have been made by the gentleman. I was wondering if I could inquire as to the content of his modification.

Mr. THOMPSON of Mississippi. Actually, Mr. Chairman, it was a drafting error on the whistleblower proceedings. And if you would look at it, it clearly was Legislative Counsel's error, and we are really just trying to correct the language.

Mr. MICA. Mr. Chairman, will the gentleman yield for further inquiry?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, it is my understanding that in fact the way that the amendment is now drawn, the original Thompson amendment offered as amendment No. 1 was in fact flawed and that this would correct that flaw; and the intent that is in the Thompson amendment that would be of a negative impact would be removed by the correction that you are now offering.

Mr. THOMPSON of Mississippi. Mr. Chairman, I understand that Mr. DAVIS, as well as Mr. WAXMAN, are in agreement with the correction, because it is really the language from their whistleblower bill that we are trying to make sure that is consistent with what we have.

The Acting CHAIRMAN. Does the gentleman from Florida withdraw his reservation?

Mr. MICA. I do have a reservation. I will have to object.

The Acting CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Mississippi.

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Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I noted earlier, H.R. 1401 is an important milestone in protecting our Nation's rail and public transportation systems.

Since its introduction, however, Chairman OBERSTAR and Chairman WAXMAN have worked with me to improve the bill and satisfy a number of concerns they had. I am proud that my colleagues and I were able to put aside jurisdictional squabbles that plagued our committees in the past two Congresses. By working together, we came up with compromise language that is good for the Nation and good for Congress.

I want to thank Chairman WAXMAN for the assistance he and his staff gave me on improving whistleblower protections for transportation workers. The manager's amendment strengthens the protections for Federal employees and contractors.

As revised, the protections more closely resemble those found in H.R. 985, the Whistleblower Protection Enhancement Act. Members may recall that H.R. 985 overwhelmingly passed the House 2 weeks ago.

I also have worked closely with Chairman OBERSTAR to clarify the roles and responsibilities of the Departments of Homeland Security and Transportation under this bill. The two agencies will have the same responsibilities established in the various laws, executive orders, and MOUs already governing their relationship.

Additionally, in order to improve efficiency, we will create a new relationship between the Departments to manage the rail, public transportation, and bus security grants created by this bill. For all three grants, the Homeland Security Department will be responsible for determining the requirements for recipients of grants, including application requirements; determining who receives the grants; determining the uses for the grant funds; and establishing priorities for uses of funds.

Transportation will be responsible for distributing grant funds to those recipients as directed by Homeland Security. Both agencies will jointly monitor and audit the use of grant funds.

I believe that this cooperative relationship will create efficiencies. Allowing Transportation to be the ''Western Union'' for grants is consistent with the recommendation of the American Public Transportation Association.

I am proud to have worked side by side with Chairman OBERSTAR to ensure that our Nation's security needs are met in an efficient and effective manner.

Since its creation in the 108th Congress, the Committee on Homeland Security has had to compete with other committees just to get things done. Good bills were stalled or held up too long because of jurisdictional squabbles. Not this Congress. I thank Chairman OBERSTAR for his help. By working together, I think we can demonstrate that the 110th Congress is a do-something Congress, not a Congress of competing jurisdictions.

I urge all of my colleagues to support this amendment and make this a Congress that acts to better protect our rail and public transportation system.

Mr. Chairman, I enter the following for purposes of explaining my request for unanimous consent to correct a technical drafting error that resulted in the omission from the Manager's Amendment of two sections clearly referenced throughout the Manager's Amendment, specifically referred to below as sections 112A and 112B.

The two sections listed below are not essential to making this section of the underlying bill operative, but, while the bill and section are still operational, the bill would be further clarified if the following sections were included. I am disappointed that my unanimous consent request was objected to, apparently for mere partisan advantage. As such, at conference, I plan to work with Chairman WAXMAN of the Oversight and Government Reform Committee to offer this language as it represents a compromise between myself and Chairman WAXMAN. I worked with Chairman WAXMAN to make the provisions of H.R. 1401 similar to those in H.R. 985, which is the bipartisan whistleblower protection bill that overwhelmingly passed the House on March 14. Below is the technical amendment that should have been made today:

SEC. 112A. WHISTLEBLOWER PROVISIONS RELATING TO CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) If, in the case of a covered individual described in the provisions of section 112(b)(1)(A) of the Rail and Transportation Security Act of 2007 seeking relief (in accordance with such provisions) from any discrimination described in section 112(a) of such Act, no final order or decision is issued by the Board within 180 days after the date on which a request for such relief has been duly submitted (or, in the event that a final order or decision is issued by the Board, whether within that 180-day period or thereafter, then, within 90 days after such final order or decision is issued, and so long as such covered individual has not filed a petition for judicial review of such order or decision under subsection (h))—

''(A) such covered individual may, after providing written notice to the Board, bring an action at law or equity for de novo review in the appropriate United States district court, which shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury; and

''(B) in any such action, the court—

''(i) shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate, including any relief described in subsection (g).

An appeal from a final decision of a district court in an action under this paragraph may, at the election of the covered individual, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

''(2) For purposes of this subsection, the term 'appropriate United States district court', as used with respect to any alleged discrimination, means the United States district court for the district in which the such discrimination is alleged to have occurred, the judicial district in which the employment records relevant to such discrimination are maintained and administered, or the judicial district in which resides the covered individual allegedly affected by such discrimination.

''(3) This subsection applies with respect to any appeal, petition, or other request for relief duly submitted to the Board, whether pursuant to section 1214(b)(2), the preceding provisions of this section, section 7513(d), or any otherwise applicable provisions of law, rule, or regulation.''.

(b) REVIEW OF MSPB DECISIONS.—Section 7703(b) of such title 5 is amended—

(1) in the first sentence of paragraph (1), by striking ''the United States Court of Appeals for the Federal Circuit'' and inserting ''the appropriate United States court of appeals''; and

(2) by adding at the end the following:

''(3) For purposes of the first sentence of paragraph (1), the term ' appropriate United States court of appeals' means the United States Court of Appeals for the Federal Circuit, except that in the case of any discrimination to which section 1221(k) applies, such term means the United States Court of Appeals for the Federal Circuit and any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court for purposes of such discrimination.''.

(c) COMPENSATORY DAMAGES.—Section 1221(g)(1)(A)(ii) of such title 5 is amended by striking ''changes.'' and inserting ''changes (as well as, in any case of discrimination covered by section 112 of the Rail and Public Transportation Security Act of 2007, compensatory damages, including attorney's fees, interest, reasonable expert witness fees, and costs).''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1221(h) of such title 5 is amended by adding at the end the following:

''(3) Judicial review under this subsection shall not be available with respect to any decision or order as to which a covered individual has filed a petition for judicial review under subsection (k).''.

(2) Section 7703(c) of such title 5 is amended by striking ''court.'' and inserting ''court, and in the case of discrimination described in section 112 of the Rail and Public Transportation Security Act of 2007 brought under any provision of law, rule, or regulation described in section 1221(k)(3), the covered individual involved shall have the right to de novo review in accordance with section 1221(k).''.

SEC. 112B. WHISTLEBLOWER PROVISIONS RELATING TO CERTAIN FEDERAL CONTRACTORS.

(a) INVESTIGATION OF COMPLAINTS.—A covered individual described in subsection (b)(1)(B) of section 112 who believes that such individual has been subjected to discrimination prohibited by such section may submit a complaint to the Inspector General and the head of the contracting agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the covered individual and to the head of the contracting agency.

(b) REMEDY.—

(1) Within 180 days of the filing of the complaint, the head of the contracting agency shall, taking into consideration the report of the Inspector General under subsection (a) (if any), determine whether the covered individual has been subjected to discrimination prohibited by section 112, and shall either issue an order denying relief or shall take one or more of the actions described in subparagraphs (A) through (C) of section 315(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(c)(1)).

(2) If the head of the contracting agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the covered individual may bring an action at law or equity for de novo review to seek any relief described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2) of title 5, United States Code), which shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(3) A covered individual adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any relief determined under paragraph (1), may obtain judicial review of such order in the United States court of appeals for the circuit in which the discrimination is alleged to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement any relief by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

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

Mr. KING of New York. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I yield myself 1 minute; and I reluctantly oppose the manager's amendment.

The first basic reason is, when the original legislation was passed out of our committee, we would have had funding going directly to police agencies, the police departments who actually do security work. Now the money will have to go through the carriers, and the police will have to seek reimbursement from them. This is an added level of bureaucracy we don't need. It will impede a well-coordinated and structured security response. For that reason alone, I have to oppose it.

Also, by having a bifurcated rent distribution system between DOT and DHS, to me this goes against the letter and the spirit of the 9/11 Commission. For those basic reasons, I reluctantly oppose the manager's amendment.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the ranking member of the Transportation Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman and Members of the House, again, I wish that this bill could truly have been crafted in a bipartisan manner.

I have to speak against the manager's amendment because the sponsor of the manager's amendment just stood and admitted to a flaw that is in the bill. Again, this is a lesson to all of us that if we craft these pieces of important legislation, we put partisan politics aside. This isn't the place for partisan politics. This is a national security issue critical to the survival of our people. If we put those aside and we work together on this, we wouldn't find ourselves tied in this little legislative knot that they are trying to figure out: Should we pass this flawed manager's amendment?

The bad news is that the flawed provision in section 3 of the manager's amendment allows every State to effectively override safety rules. That is the great part of this system, that the minority and the majority work together and craft legislation and we find some flaws and make some improvements, and we were denied that. The T&I side was denied even one amendment.

That is why I opposed the rule, and that is why I am going to oppose the manager's amendment, and that is why I am going to oppose this bill.

I will go back and tell folks in my district, I did not vote for this, and it was $7 billion, not because I didn't want to provide security, but I wanted to make sure that their hard-earned

money was well spent and we didn't pass in an arbitrary fashion, ignore the rights of the majority and the minority, legislation that would benefit this country, especially in the situation we find ourselves with the terrorist threats we have seen.

We don't want a Madrid or a London, but I don't want politics to override what should be good legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. How much time is left, Mr. Chairman?

The Acting CHAIRMAN. Two minutes.

Mr. LATOURETTE. I want to thank Mr. KING for yielding.

I listened very carefully to the colloquy between someone I have the greatest respect for in the entire Congress, Chairman OBERSTAR, and the gentleman from North Dakota. We had the gentleman from North Dakota and some of his constituents and people from the American Association for Justice before the committee.

I happen to believe that anybody who is injured as a result of fault by another person should have his or her day in court and should be compensated when that is required. But the problem we have with section 3, section 3 undoes decades of Federal preemption when safety matters are concerned on the Nation's railroads, and the situation that we are going to find ourselves in is the one that Mr. SHUSTER described: States will be free to pass 50 different sets of safety regulations, and trains are going to have to stop at the border and comply with this, that or the other thing.

If section 3 simply said what happened in Minot, North Dakota, is horrible and those people should have their day in court to have the ability to seek compensation, I would be the first one to support it.

I am afraid, however, and with as much respect as I have for the chairman of the committee, Mr. OBERSTAR, when the title of the document, section 3, is ''No Preemption of State Law'' it is going to have an unintended consequence. It is going to undo the fabric of our Nation's rail system. I think for that reason alone, notwithstanding whatever Mr. MICA had to say, for that reason alone, we should have come together in a bipartisan way, recognizing the strengthens of both the Homeland Security and the Transportation and Infrastructure Committee, and gotten this right.

This, in my opinion, is a ham-handed approach that should be defeated.

Mr. THOMPSON of Mississippi. Mr. Chairman, I am prepared to close at this time.

Mr. KING of New York. Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the balance of my time to the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR.

The Acting CHAIRMAN. The gentleman from Minnesota is recognized for 90 seconds.

Mr. OBERSTAR. Again, I want to express my great appreciation to the chairman of the Homeland Security Committee with whom I have worked very diligently and cooperatively. He is a man of great personal integrity and legislative honor and has worked vigorously to produce a splendid rail and public transportation security bill.

There has been some discussion about how the grants will be administered. We had testimony before our committee from the Nation's transit agencies and through their national organization. The American Public Transit Association told our committee they prefer to work with the DOT and Federal Transit Administration and grant administration. They have had experience with them. FTA knows the operational aspect of transit. They know the security side of transit. They can combine the two with less complexity and more efficiency than the Department of Homeland Security, which is just getting started, with a huge new bureaucracy, as we have learned, with over 206,000 people. So that part is working well and will work well in the language that we have agreed upon.

Again, let me just come back to the preemption issue. Read the words, believe the words, ''no preemption of State law.'' That's what it says. That's what it means. I strongly support the manager's amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I want to call to your attention a problem which has been slowly developing based on recent court cases, and why it is necessary for Congress to rectify the situation. Courts are ignoring congressional intent and leaving Americans injured by the negligence of the railroads without any remedies.

The Federal Rail Safety Act (FRSA) was enacted in 1970 to create a system of minimum safety standards to improve railroad safety and reduce accidents. Congress intended for these federal standards to be a floor, and expressly granted states the authority to pass stronger safety laws.

Now some courts are ignoring congressional intent and denying Americans grievously injured in railroad accidents their rights under state law, even when it is undisputed that the cause of the accident was the railroad's wrongdoing. By preempting state law, these courts are leaving injured Americans with no remedy at all—since FRSA itself does not provide a remedy or cause of action for victims.

The residents of Minot, North Dakota and others similarly injured should have their day in court. One only needs to look at the tragedy in Minot, North Dakota to see the impact of these court decisions on real people. On January 31, 2002, 31 railroad cars derailed near the city of Minot, North Dakota, releasing over 200,000 gallons of the deadly gas, anhydrous ammonia. The dense cloud of toxic fumes engulfed the town of Minot causing one death and injuring hundreds of people. If this tragedy had happened in a big city or even in the middle of the day (instead of 2:00 a.m.) countless more people would be killed or injured.

Among the various causes of the derailment was the failure of a so-called temporary joint bar that had been left in this substandard track for over 20 months. In addition, the track itself was old, worn out and poorly maintained—not even meeting the minimum standards under FRSA. The Canadian Pacific Railroad admitted that it was responsible for the derailment, but argued that it could not be held accountable because FRSA preempted state law claims.

The federal court dismissed the claims brought under state law on the basis of federal preemption, admitting that ''such a result is unduly harsh and leaves the Plaintiffs no remedy for this tragic accident.'' *Mehl* v. *Canadian Pacific Railway*, 417 F. Supp. 2d 1104, 1120 (D.N.D. 2006).

Unfortunately, this isn't a problem limited to one court. Court decisions in Minnesota and Massachusetts have left victims of negligence with no recourse for their injuries. See, e.g., *Kalan Enterprises, LLC* v *BNSF Railway Co.*, 415 F. Supp. 2d 977 (D. Minn. 2006); *Ouellette* v. *Union Tank Car Co.*, 902 F. Supp. 5 (D. Mass 1995).

Congress mut act now before more Americans lose their right to a remedy, and that is why we have chosen to add technical language to the Rail Security bill to alleviate this problem on a timely basis. Over 200 claims pending in Minnesota state court have been removed to federal court by Canadian Pacific. The railroad is arguing that all claims against it should be dismissed based on preemption under the FRSA. Oral argument on the railroad's motion to dismiss has been scheduled for May 15th so it's imperative to clarify that the FRSA does not preempt state remedies in order to prevent an additional travesty of justice.

The language would clarify that the purpose of the FRSA was and is to set uniform minimum safety standards, and that an expansive application of preemption to deprive accident victims' access to state remedies is a misapplication of the law.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LATOURETTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. ARCURI

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–74.

Mr. ARCURI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ARCURI:

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. ___. ASSESSMENT AND REPORT.

(a) STUDY.—The Secretary, in coordination with the Secretary of Transportation, shall assess the safety and security vulnerabilities of placing high voltage direct current electric transmission lines along active railroad rights-of-way. In conducting the assessment, the Secretary shall, at a minimum, evaluate the risks to local inhabitants and to consumers of electric power transmitted by those lines, associated with a train collision or derailment that damages such electric transmission lines.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit the results of the assessment in subsection (a) to the appropriate congressional committees as defined in this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. ARCURI. Mr. Chairman, my amendment to H.R. 1401, the Rail and Public Transportation Security Act, would address an important issue surrounding our Nation's efforts to expand electric power to major urban areas, and that is, of course, the safety issue.

On the morning of March 12, 2007, a CSX freight train derailed approximately 34 cars near Oneida, New York. Reports indicate there was an evacuation covering a 1-mile radius. Luckily, there were no reported deaths or injuries. However, a large fire occurred at the scene, and residents and emergency responders reported hearing secondary explosions. CSX provided information that there were 40 tank cars carrying liquid petroleum gas in the train. What's more, the derailment closed the New York State Thruway for several hours, requiring traffic to be detoured miles out of the way.

Prior to this incident, there were 18 train derailments in western New York between January, 2005, and September, 2006, which further suggests the condition of New York State's freight railways are in need of serious attention and repair.

While this concern continues to trouble the people of New York, a private company is seeking to build a 190-mile high-voltage direct current transmission line from the town of Marcy in Oneida County, located in my district, to the town of New Windsor in Orange County in Mr. JOHN HALL's district.

The company estimates that more than 90 percent of the proposed primary and alternative routes will follow existing rights-of-way, both along railroad tracks and natural gas lines. The transmission line would consist of 135-foot-tall towers and be operated with a rated power flow of 1,200 megawatts. A portion of the proposed route follows the New York Susquehanna & Western Railway right-of-way, which would run through some of the more heavily populated cities and towns in upstate New York. This is a situation where the consequences and risk are not only unknown but wholly unnecessary.

□ 1615

For these reasons, my amendment to H.R. 1401 would require the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to conduct an assessment of the safety and security vulnerabilities of placing high voltage direct current electric transmission lines along active railroad rights-of-way.

The assessment shall, at a minimum, evaluate the risks to local inhabitants and consumers of electric power transmitted by those lines, associated with a train collision or derailment that damages such electric transmission lines.

It is no secret that as our cities continue to grow they will need more energy, and I fully support addressing that need; but meeting that need must be done in a safe and a responsible way.

To this end, my amendment simply requires the Departments of Homeland Security and Transportation to take a hard look at our existing rail infrastructure and assess the security vulnerabilities so that we can avoid further electric power interruptions and preserve the safety of our constituents.

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

Mr. KING of New York. Mr. Chairman, I would claim the time in opposition, even though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I would just say to the gentleman from New York, I commend him for his amendment and I appreciate his concerns. My only thought is that these seem to be primarily safety concerns, as opposed to security, and there are already so many reporting requirements on the Department of Homeland Security that I am reluctant to request another report from the Department of Homeland Security.

Having said that, as this legislation goes forward, I would just ask the gentleman to work with us as it goes to conference in the event that after speaking with the Secretary and the Department that they do consider this a burden and perhaps refine it.

With that, I have no objection to it. I just would ask the gentleman if he would work with us as the process goes forward.

Mr. ARCURI. If the gentleman would yield, I thank the gentleman, yes.

Mr. KING of New York. I thank the gentleman.

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

Mr. ARCURI. Mr. Chairman, may I inquire as to how much time we have remaining.

The Acting CHAIRMAN. The gentleman from New York (Mr. ARCURI) has 2 minutes remaining.

Mr. ARCURI. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I thank my colleague from New York for offering this important amendment. I am honored to speak in support of it.

America's railways and power lines are key critical infrastructure. So when proposals would locate them together, it only makes sense for DHS and DOT to give them serious scrutiny.

In the State of New York, the homeland security stakes are particularly high. Yet a private company continues to pursue eminent domain authority to install the massive New York Regional Interconnect along rail routes, through environmentally sensitive areas, and over the objections of local residents.

In their hurry to get NYRI up and running, the company has pushed forward a plan that would put a 1,200 megawatt line on 135-foot towers near numerous rail lines. In western New York, there have been 19 derailments since 2005. The potential recipe for disaster is clear here.

There is also a matter of precedent that this amendment would help to clarify. By passing this amendment, this body can say that in projects in New York and around the country that we will not endorse putting special for-profit eminent domain provisions above the security of our citizens, the sanctity of our environment or the rights of our landowners.

I urge my colleagues to support this amendment.

Mr. ARCURI. Mr. Chairman, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to indicate that the committee majority supports Mr. ARCURI's very thoughtful method to protect those individuals along those very difficult byways dealing with these particular power lines.

Mr. ARCURI. Mr. Chairman, as I said, my amendment simply requires the Departments of Homeland Security and Transportation to take a hard look at our existing rail infrastructure and assess the security vulnerabilities so that we can avoid further electric power interruptions, while at the same time ensuring the health and safety of our citizens residing near high voltage power lines.

I urge my colleagues on both sides of the aisle to support this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–74.

Mr. COHEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COHEN:

At the end of title I, add the following:

SEC. _____. ALTERNATIVE MATERIAL SOURCES.

The Secretary of Transportation, in consultation with the Secretary, shall establish a program to coordinate with State and local governments to minimize the need for transportation of toxic inhalation hazardous materials by rail.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I yield myself as much time as necessary to make this presentation.

I rise today to offer an amendment to H.R. 1401, the Rail and Public Transportation Security Act. My amendment would call for the Department of Transportation to coordinate with related agencies as well as State and local governments to seek efforts that will minimize the transport of toxic inhalation hazardous materials.

Never has the danger of transporting hazardous materials been more clear than in this post-9/11 age. While rail is clearly the safest means of transport for such materials, we must work to ensure this transit is as secure, efficient and is as considerate towards the safety of our communities as possible. The U.S. Naval Research Lab has said an attack on such a rail car could kill 100,000 people.

Additionally, in 2005 testimony before the Senate Committee on Homeland Security and Government Affairs, the administration's deputy homeland security adviser at the time, Richard A. Falkenrath, told Congress in 2005 that ''toxic-by-inhalation industrial chemicals present a mass-casualty terrorist potential rivaled only by improvised nuclear devices, certain acts of bioterrorism, and the collapse of large, occupied buildings.'' Railroads carry 105,000 carloads of toxic chemicals a year and 1.6 million carloads of other hazardous materials such as explosives and radioactive items.

In mid-January of this year, several train cars carrying flammable liquid derailed and exploded south of Louisville, Kentucky, shutting down a nearby highway and forcing evacuations of nearby homes, businesses and a school, according to local authorities. Two years earlier, a train crash in South Carolina caused a release of chlorine gas resulting in deaths, injuries, and forcing the evacuation of people from the surrounding areas. Most recently, there was a Union Pacific derailment of 28 cars in Henderson County, Texas.

In the wake of these recent derailments, State and local officials nationwide have begun examining their regulatory authority over the transportation of hazardous materials by rail. Several localities nationwide have either introduced or enacted absolute bans on the transportation of certain toxic substances from trains that travel through their areas.

This action has prompted litigation from the rail industry due to alleged violations of the U.S. Constitution's commerce clause and Federal statutes concerning the transportation of hazardous materials. Rail companies fear such laws would force them to extend the travel of hazardous cargo by hundreds of miles around cities with the unintended effect of transferring the risk to other localities. This consensus amendment addresses the concerns of both rail companies and community advocates by seeking to cut the transport of these hazardous materials all together.

In a June 2006 statement before the House Transportation and Infrastructure Committee, the president and CEO of the Association of American Railroads made several recommendations intended to reduce the risks associated with the manufacture and transport of highly hazardous materials. Among these recommendations was ''examining whether and how railroads can utilize coordinated routing arrangements to safely reduce hazmat transportation'' as well as ''examining whether hazmat consumers can source hazmat from closer suppliers.''

My amendment would simply call upon the Department of Transportation to follow this recommendation by coordinating with localities to allow consumers to obtain TIH materials with the intended consequence of minimizing the time and frequency such materials are routed through our communities.

Last July, the Memphis Commercial Appeal identified train cars carrying chlorine, 2-Dimethylaminoethyl acrylate, acetone cyanohydrin, nickel carbonyl, and several other toxic inhalation hazard cargoes over a 2-day period in or near residential areas of Memphis. Not only hard to pronounce but very difficult to inhale I am sure of the things we would rather not inhale or pronounce. All of these chemicals are listed as potentially lethal if inhaled.

City council members and other community leaders in Memphis are calling on the Federal Government for assistance in deterring the transport of these materials through their residential areas.

Mr. Chairman, I am proud to support this amendment and support this legislation and current efforts under way to improve the safety of our rail system. To further ensure the safety of our railways, as well as the local communities they serve, I call upon my colleagues to pass this amendment.

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

The Acting CHAIRMAN. Who claims time in opposition?

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I understand the intent of the gentleman offering the amendment; but, unfortunately, upon reading it, it is obvious that this is a do-good amendment that either does nothing or does harm.

The reason I say that is that the subject the gentleman wishes to cover in this amendment is covered by the base bill already which will be retained if, in fact, we pass the manager's amendment.

Section 124 of the bill, pages 84, 85, 86, 87, 88, 89 and 90, take into effect what the gentleman is talking about. This is the Markey amendment which was worked out in committee on a bipartisan basis in some detail to work with the problem that you have, the security-sensitive materials, that encompasses security-sensitive materials, which includes within its universe toxic inhalation hazardous materials.

The issue is, what do we do with the fact that we need some of these products as far as our society goes now but that they would also provide an opportunity for terrorists to utilize them for damage to a particular community? So we crafted a very careful amendment that allows for consideration of the needs here on the economic side and the harm done.

The way the gentleman has written his amendment, it requires the Secretary of Transportation to establish a program to minimize the need for transportation of toxic inhalation hazardous materials by rail only, by rail only. We looked at that requirement to have the Secretary come up with rules and regulations that were to take into consideration the total threat, the total need here. So by the gentleman's own amendment, we may be required to minimize the travel on rail, which will maximize the travel on our highways. Now, I do not think the gentleman believes that necessarily makes it safer, or on our barges.

This amendment, as drafted so narrowly, would require us to undercut much of what we have done in the base bill as a result of working on a bipartisan basis with Mr. MARKEY in an area of concern that he has expressed often on the floor and in committee hearing after committee hearing.

That is why I say either it does nothing and, therefore, is harmless or if, in fact, it does something, and there is mandatory language in here requiring the Secretary of Transportation, he shall establish such a program, requires him to move in only one direction which may, in fact, make it more dangerous overall.

One of the things we learned in our hearings was that you have to consider the entirety of the threat out there, the entirety of the universe of possible options. The gentleman denies the Secretary to do that by requiring that it minimize the transit of toxic inhalation hazardous materials by rail only,

and it undercuts what we have done in a very, very I think informed way, detailed way, talking about storage patterns, talking about rail transportation routes, talking about the analysis of these storage patterns and then requires a compilation of that information and analysis of that information and consideration of that information and then informed judgment, not something like this which says, you know, you have to do it only one way.

So, as I say, I understand what the gentleman has said. It sounds good when you first look at it; but if you really look at what it means, it is going to tie the Secretary's hands to move in a particular direction that may or may not allow us to be safer than we are today; and for that reason, I would hope that we would vote this down.

If the gentleman would like to work with us on a bipartisan basis, as I did with Mr. MARKEY before, that would be superior to this. This unfortunately, as I say, is a do-good amendment which either does nothing or does harm to the interests of this bill as presented by our committee on a bipartisan basis.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from Tennessee.

Mr. COHEN. Thank you. It is my understanding that the Markey amendment dealt with a study. This does not deal with a study.

Mr. DANIEL E. LUNGREN of California. No, no. I take my time back. The Markey amendment does not just deal with a study. Read the Markey amendment. It starts with a study. Then it requires the Secretary to come forward with regulations. Then it requires certain action on the part of all the parties involved. It is not just a mere study. Working that hard on it, I frankly do not appreciate you trying to say that it is just a study. That is not true whatsoever.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. First of all, the gentleman knows that we look forward in our committee to work on this issue dealing with trucks. I would say that the distinguished gentleman from Tennessee's amendment does not push it off to trucks. It only wants to reduce chemicals.

I thank the gentleman for yielding.

□ 1630

The Acting CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–74.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CASTLE:

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. _____. STUDY OF FOREIGN RAIL SECURITY PRACTICES.

The Secretary shall—

(1) study select foreign rail security practices, and the cost and feasibility of implementing selected best practices that are not currently used in the United States, including—

(A) implementing covert testing processes to evaluate the effectiveness of rail system security personnel;

(B) implementing practices used by foreign rail operators that integrate security into infrastructure design;

(C) implementing random searches or screening of passengers and their baggage; and

(D) establishing and maintaining an information clearinghouse on existing and emergency security technologies and security best practices used in the passenger rail industry both in the United States and abroad; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing covert testing, practices for integrating security in infrastructure design, random searches or screenings, and an information clearinghouse to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives not later than 1 year after the date of enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman I yield myself such time as I may consume.

I rise to offer an important amendment to the legislation before us today.

As many of my colleagues have noted, terrorists are increasingly targeting rail and transit systems throughout the world. The recent bombings in India, London and Madrid are clear evidence of this dangerous trend.

While the concept of rail security is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks, and I have long believed in the importance of leveraging this experience to improve our own system.

In 2003, I asked the Government Accountability Office to undertake an in-depth study of foreign rail security practices. Over the course of several months, a GAO team visited 13 different foreign rail systems, and a subsequent report identified many innovative measures to secure rail systems, many of which are currently being used in the U.S.

Most significantly, however, the GAO report identified four important foreign rail security practices that are not currently being used to any great extent in the United States.

First, the report found that other nations have improved the vigilance of their security staff by performing daily unannounced events, known as covert testing, to gauge responsiveness to incidents such as suspicious packages or open emergency doors.

Similarly, two of the thirteen foreign operators interviewed by GAO also reported success using some form of random screening to search passengers and baggage for bombs and other suspicious materials. This practice has been used sporadically in the U.S., including in New York City following in the 2005 London bombings, but has never been implemented for any continuous period of time.

The GAO also noted that many foreign governments maintain a national clearinghouse on security technologies and best practices. Such a government-sponsored database would allow rail operators to have one central source of information on the merits of rail security technology, like chemical sensors and surveillance equipment.

Finally, while GAO noted that the Department of Transportation has taken steps to encourage rail operators to consider security when renovating or constructing facilities, many foreign operators are still far more advanced when it comes to incorporating aspects of security into infrastructure design.

For example, this photograph here to my left of the London Underground demonstrates several security upgrades, such as vending machines with sloped tops to reduce the likelihood of a bomb being placed there, clear trash bins, and netting throughout the station to prevent objects from being left in recessed areas. As you can see, the London stations are also designed to provide security staff with clear lines of sight to all areas of the station, including underneath benches and ticket machines.

The British government has praised these measures for deterring terrorist attacks. In one incident their security cameras recorded IRA terrorists attempting to place an explosive device inside a station. According to London officials, due to infrastructure design and improvements, the terrorists were deterred when they could not find a suitable location to hide the device inside the station.

While the GAO acknowledged that deploying these four practices in this

country may be difficult, in fact, random screening may pose many challenges, it is clear that these foreign security techniques deserve greater consideration. Therefore, the amendment I am offering today would take steps to improve rail and transit security by requiring the Secretary of Homeland Security to study the cost and feasibility of implementing these practices and submit a report making recommendations to the Homeland Security Committee and Transportation Committee within one year of enactment.

Mr. Chairman, recent attacks on rail and transit throughout the world underscores the importance of acting now to upgrade security here at home. My amendment will make certain that we are knowledgeable and consider all available options when it comes to ensuring the safety and security of our rail system.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition. I am not opposed, but I would claim the time.

The Acting CHAIRMAN. Without objection, the gentlelady is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

I believe this is a thoughtful amendment. The committee believes this adds to the legislation on the floor. We should look into security practices used by other countries that have experience with attacks on rail and mass transit systems.

This timeframe, the month of March, sadly commemorates the tragedy in Madrid. Certainly we are well aware of the London train bombings. Their insight, their recovery, their instructions would be very important. This study should include an evaluation of practices such as covert testing, security measures built into infrastructure and random searches of passengers and baggage.

When GAO testified before our committee, we learned that, while we share many rail security practices with other countries such as customer awareness, canine teams, limited passenger and baggage screening and technology upgrades, there were many practices that we haven't fully vetted. It makes sense to learn what we can from our neighbors who have already done a lot of work in this area.

I know that this is a tough challenge. This bill, I believe, answers a lot of the concerns about the massiveness of rail travel and passenger travel and all that goes into securing that particular travel.

Looking at what our neighbors are doing and what other countries are doing, Mr. CASTLE, I think it provides us an added road map for a complicated process which really impacts certain areas of our country more so than others. The Northeast corridor, of course, deserves our fullest measure of support when it comes to passenger travel for the numbers of systems that are here.

I ask my colleagues to support it.

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

Mr. CASTLE. Mr. Chairman, I will just take a moment.

First, let me first thank very much the distinguished Congresswoman from Texas for her very kind words about the amendment. I am a strong believer, as you have indicated as well, that when there are good ideas out there that we should borrow these ideas. I believe this is something we should do.

I don't mean to burden Homeland Security with studies, but to me this is a relatively simple study matter and something which I think will ultimately provide greater safety to people in this country.

Hopefully, all can support this amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I simply ask my colleagues to support this amendment.

I thank the gentleman for his thoughtful contribution to this bill.

I support Mr. CASTLE's amendment.

We should look into security practices used by other countries that have experience with terrorist attacks on rail and mass transits systems.

This study should include an evaluation of practices such as covert testing, security measures built into infrastructure, and random searches of passengers and baggage.

When GAO testified before our committee, we learned that while we share many rail security practices with other countries, such as customer awareness, canine teams, limited passenger and baggage screening, and technology upgrades, there were many practices that we haven't fully vetted.

It makes sense to learn what we can from our neighbors who have already done a lot of work in this area.

I ask that my colleagues support this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–74.

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SESSIONS:

At the end of title I, insert the following new section:

SEC. 132. USE OF FUNDS BY AMTRAK.

None of the funds appropriated pursuant to this Act, except pursuant to section 108, may be used by Amtrak for any of the 10 long-distance routes of Amtrak that have the highest cost per seat/mile ratios according to the September 2006 Amtrak monthly performance report, unless the Secretary has transmitted to Congress a waiver of the requirement under this section with respect to a route or portion of a route that the Secretary considers to be critical to homeland security.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment is a straightforward attempt to prevent any further taxpayer money from being spent to place additional unnecessary cost on Amtrak's 10 least profitable routes.

I would like to talk a little bit about what this amendment does not do.

This amendment does not remove any currently appropriated funds.

This amendment does affect the 10 routes that are affected by the amendment that currently cost the taxpayer $161 million per year and will continue to cost the taxpayers $161 million if it is enacted.

This amendment does not affect the funds made available in section 108, which would be used to upgrade and improve the Northeast corridor tunnels in New York City, Baltimore, and Washington, D.C.

This amendment does not tie the hands of the administration, because it provides the Secretary of the Department of Homeland Security with the flexibility to waive this provision should that Secretary deem that a security upgrade on one of these most unprofitable routes, or even a partial part of it, would be deemed to be critical to Homeland Security.

What this amendment does, and it does it very simply, is stop adding unnecessary costs to the 10 worst routes that already cost Amtrak $161 million a year. The worst route in Amtrak's system, called the Sunset Limited, which runs from New Orleans to Los Angeles, had a net loss of $20.4 million last year, or, on a cost basis to taxpayers, 25.5 cents per seat for every mile of that journey.

The tenth worst route in Amtrak's system is the City of New Orleans, which runs from Chicago to New Orleans, which had a net loss of $9 million last year, or a cost to taxpayers of 10.4 cents per seat for every mile of that trip.

This amendment seeks to prevent further good taxpayer dollars from being thrown after bad by limiting the costs on these already unprofitable routes.

All in all, it says that if Amtrak wants to compete for the $4 billion worth of funds made available under this Act, they must ensure that they are being used for routes that cost the taxpayer less than 10.4 cents per seat over every single mile, a hurdle that is hardly unreasonable.

This amendment will provide fiscal discipline and accountability to a system that has already received over $30

billion in taxpayer subsidies over its lifetime.

My amendment is supported by the National Taxpayers Union, Citizens Against Government Waste and Americans for Tax Reform, which are three of the most prominent groups committed to monitoring the effective use of taxpayer dollars.

On behalf of fiscal discipline, I don't know if there is anything that's possible that they could want to support on behalf of taxpayers that would be more. I encourage all of my colleagues to support my amendment.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, March 27, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: Soon you will have the opportunity to vote on an amendment to H.R. 1401, the Rail and Public Transportation Security Act of 2007, that will be offered by Rep. Pete Sessions (R–Texas). This amendment will prevent Amtrak from using any of the appropriated funds in the bill, except those noted in Section 108, from being used for any of the top ten revenue losing long-distance routes that were noted in Amtrak's September 2006 monthly performance report. On behalf of the more than 1.2 million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I ask that you support this amendment.

Amtrak has failed to produce a profit since its inception in 1971 and still has not met the Congressional deadline of December 2, 2002 to achieve self-sufficiency. As a result, it has become a black hole for taxpayer dollars. Fewer and fewer people are using the rail service due to less costly and more efficient alternatives, yet everyone pays for Amtrak through their taxes. This amendment will ensure that tax dollars will not be used to prop up non-profitable Amtrak routes and that the money will be used in appropriate areas in order to provide greater protection and safety for our nation's public transportation. It does provide a waiver from this provision if the Secretary of Homeland Security believes a route or a portion of an Amtrak route is critical to homeland security.

All votes on H.R. 1401 will be among those considered in CCAGW's 2007 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

AMERICANS FOR TAX REFORM,
Washington, DC, March 26, 2007.

Hon. LOUISE M. SLAUGHTER,
Chairwoman, Committee on Rules,
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: On behalf of Americans for Tax Reform (ATR), I urge you to make in order as part of the rule the amendment offered by Congressman Pete Sessions (R–TX) to H.R. 1401, the "Rail and Public Transportation Security Act of 2007." This amendment ensures the correct and effective allocation of appropriations for homeland security in H.R. 1401.

H.R. 1401 was created to increase protection of America's rail and public transportation. Congressman Sessions' amendment helps close loopholes that could be exploited by Amtrak to increase revenue on the least profitable of its lines. Congressman Sessions makes clear that Amtrak may petition for use of the funds on these rail lines if it is a matter of homeland security.

Year after year taxpayers send Amtrak millions of dollars in funding for projects and improvements that routinely fall short of expectations. The funds in this bill have been created to aid American transportation organizations in making their services safer and more secure, not to help an archaic railway.

Many amendments have been proposed to H.R. 1401 in an effort to make the legislation stronger and more effective. By allowing the Sessions amendment to be attached to H.R. 1401, you send a clear message that the funds included in this bill are for making America safer, not for helping Amtrak's bottom line.

Sincerely,

GROVER NORQUIST,
President.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 26, 2007.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU urges all Members to vote "yes" on the amendment offered by Rep. Pete Sessions to the Rail and Public Transportation Security Act of 2007 (H.R. 1401) that would prohibit funds in the bill from being used by Amtrak for any of the 10 worst revenue-losing long-distance routes. Amtrak has received more than $30 billion in taxpayer subsidies during its lifetime, yet it continues to lose money due to poor management practices and insulation from real-world competitive business pressures. In fact, a 2005 Reason Foundation commentary noted that one unprofitable crosscountry route operated by Amtrak lost $466 per passenger in 2004! Rep. Sessions' amendment would put an end to this kind of fiscal foolishness by stopping Amtrak from throwing good taxpayer money after bad.

Roll call votes on the Sessions Amendment will be included in our annual Rating of Congress.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlelady from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this is a baffling, puzzling amendment. I ask the question of my colleagues, what is one life worth? What is one life worth that travels along the Nation's transit corridors, the intense Northeast corridor that deals with Amtrak long distance routes, 2 million people?

The Sessions amendment would prohibit any grant funds appropriated pursuant to this Act to be used by Amtrak for making necessary safety or security improvements along 10 Amtrak routes, with the exceptions of some of those in some of the more intense areas of New York, Baltimore and Union Station. Many of these routes provide central transportation services to rural areas. Some of them enabled Amtrak to bring water and food to the people of New Orleans during Hurricane Katrina and to hurricane victims.

The question is, what is one life worth that is using this system? What is our responsibility as Members of the United States Congress and the Homeland Security Committee?

I believe this is both a bad amendment but a puzzling amendment, and I would ask my colleagues to oppose this amendment so that we can truly have a rail security bill that secures all of the transit system that needs that coverage.

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

Mr. SESSIONS. Mr. Chairman, so that the gentlewoman from Texas is not confused, I will repeat what we have said. The routes that we have selected, the 10 most unprofitable routes, do not have enough people on them to support this additional security and additional necessary things that would come under the billions of dollars of this bill.

My amendment is straightforward. It allows the management of Amtrak to be able to reallocate those resources where there are a lot of people, namely, the east coast and the west coast, rather than providing all these new security concerns all across the country that has little to no passengers, that is unprofitable.

I am trying to allow Amtrak and the management, including the people who live in the east coast and the west coast, to be able to get the full measure of the security enhancements that would be necessary.

I am trying to allow the men and women, the management of Amtrak, to be able to run their own business where the allocation of resources should be made.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentlelady has 3½ minutes.

Ms. JACKSON-LEE of Texas. Let me just simply say to the gentleman, so that I will clarify any suggestion of my confusion, we have 3.5 million passengers who are riding Amtrak. One of the routes the gentleman wants to eliminate is from Texas to California. I believe the gentleman is from Texas. The idea is, Mr. Chairman, to make sure we have a system that is integrated, safe; and there are security provisions to make the network safe, the network that travels to the east coast, the network that travels to California, the network that travels to the Northwest.

That is the idea of the rail bill, to ensure that we now have coverage and the opportunity for security where we previously did not, to avoid London and to avoid Madrid.

It is now my pleasure to be able to yield to the distinguished chairman of the Transportation Committee, Mr. OBERSTAR, for such time as he might consume.

□ 1645

Mr. OBERSTAR. I thank the Chair of the subcommittee for yielding.

And I respect very much the gentleman from Texas (Mr. SESSIONS). He is a very devout fiscal conservative. But, unfortunately, this language, as I read his amendment, would make very vulnerable those persons who travel Amtrak routes that don't yield as much revenue to Amtrak as those on

the east coast or the west coast. The Silver Service Palmetto carries 457,000 passengers. The Silver Meteor goes from New York, Philadelphia, Wilmington, all the way to Ft. Lauderdale, 273,000 passengers. The Capitol Limited, Chicago to Washington, Pittsburgh, Cleveland, Toledo, nearly 200,000 passengers. The City of New Orleans, from Chicago to New Orleans, 175,000 passengers a year. You are saying that they should be vulnerable, but not others in more densely run lines. I think that is inappropriate.

Mr. SESSIONS. Will the gentleman yield?

Mr. OBERSTAR. I would like to yield, but unfortunately I have committed time to the gentlewoman from Florida, Chair of the Rail Subcommittee to whom, the gentlewoman controls the time, if I may yield further to her.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his eloquent statement.

Let me yield 1 minute to the distinguished chairman of the Subcommittee on Rails on the Transportation Committee.

Ms. CORRINE BROWN of Florida. This amendment jeopardizes the safety and security of over 2 million Amtrak passengers and is a huge step backwards in protecting the Nation's transportation infrastructure from harm.

Amtrak was a first responder during Hurricane Katrina, delivering food and supplies and helping to evacuate thousands of gulf region residents when President Bush and his administration were nowhere to be found. Now they are becoming a key part in each State's future evacuation plan.

I was in New York City shortly after September 11 when the plane leaving JFK airport crashed into the Bronx. Along with many of my other colleagues in both the House and the Senate, I took Amtrak back to Washington. I realized once again just how important Amtrak is to the American people and how important it is for this Nation to have alternate modes of transportation.

Vote ''no'' on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will close by simply saying that we have asked the question and it has been answered: What is one life worth?

Amtrak is part of a system. You break the security of one part of the system, Mr. Chairman, you break the security of the entire system. This amendment is important for breaking that. It is not important for making this bill work.

I ask my colleagues to oppose the Sessions amendment so that the network of Amtrak will have a secure and safe system for those that travel on it.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–74.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:
Strike section 203.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike funding in the bill for the TSA puppy breeding program, the increase that is slated to take place in section 203 of the underlying bill.

The Transportation Security Administration, or TSA, has a puppy program that puts government in the role of being the breeder of bomb-sniffing dogs. This is clearly a role for the private sector.

There are literally hundreds, or thousands perhaps, private contractors that perform this function. It seems laughable to me that the Federal Government needs to be in the business of breeding dogs for any purpose.

Some will defend the role of bomb-sniffing dogs. I don't question the importance of the work that these animals do. It is important. It is needed. It is certainly necessary.

What I am questioning is whether or not the Federal Government ought to be in the business of breeding dogs. This is something that the private sector does a lot more effectively.

I would ask any American who has been to the airport, any airport at any time recently, if they believe that the TSA is so efficient in what they do that they have somehow found new efficiencies in dog breeding and that this is something that they ought to be spending their time doing. I would venture to say, no, that they ought to spend their time in doing the tasks that they have been given and not expanding their reach further into this business.

How much this will cost the average American taxpayer is unclear. In the bill it simply says ''such sums as may be necessary.'' I think that we should, if there is a figure, it ought to be there rather than a simple ''such sums as may be necessary.'' We have no idea how expensive this program may become.

Mr. Chairman, I reserve the balance of my time and look forward to hearing the justification for this program.

The Acting CHAIRMAN. Who claims time in opposition?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, again, let me simply say that we are speaking about an existing program. We know that throughout our security system the FBI, Customs and Border Protection, we use bomb-sniffing dogs. And this is a program that already exists. It strikes the increase in TSA's, Transportation Security Administration's, already-existing program, domestic canine breeding program that is called for in this bill.

Interestingly enough, this was added by Mr. ROGERS, MIKE ROGERS of our committee, of Alabama. This was added in the markup because he is the ranking member on our Management and Personnel Subcommittee. He understands the need for these canines. It was accepted in a spirit of bipartisanship.

The TSA canine teams are a key part of the equation in keeping our traveling public secure, and we all support expanding this program.

I ask one person in here, when they see dogs coming to be part of the security team, how many people want to reject that canine team that is very effective in determining whether something heinous and horrific is going to act, even on this very campus in the United States Congress.

I ask my colleagues to oppose the amendment.

Mr. Chairman, I reserve my time.

Mr. FLAKE. Mr. Chairman, I appreciate the discussion on this. As I said, nobody is questioning, certainly not me, the need to have bomb-sniffing dogs. The FAA has had programs since 1972. Those programs have continued.

But in 1999 the FAA, and as later taken up by the TSA, got into the business of dog breeding. All this amendment says is, don't go any further.

I have yet to hear a justification why the Federal Government needs to be in the business of dog breeding.

Mr. ROGERS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Alabama.

Mr. ROGERS of Alabama. One of the main reasons is we don't have the capacity domestically to breed these dogs. Of the dogs that we use in TSA now, about 420, only about 15 percent, are bred in the domestic program here. We have to go overseas to European sources for these dogs because you can't just use any kind of dogs. They have to have particular breeds that have skill sets and the ability to sniff a variety of not only drugs but explosives, and we can't get them domestically.

And I find it odd that I am on the other side of this issue because I am the one that is usually criticized for

advocating more contracting out. But the fact is domestically we just do not have the capacity to provide these dogs that we need in TSA or in other areas, CBP, Secret Service or in DOD. DOD is obtaining the majority of its dogs from European sources as well. I think that is unacceptable as Americans.

Mr. FLAKE. Reclaiming my time, I have here a list of many, many companies that perform this function already that offer canine support services in the private sector.

I still don't know why the Federal Government is in the business. I haven't heard justification, and I don't think we can take it at face value. I will bet if you go to the private contractors here they would say there is enough. There are plenty of people in the private sector that are doing this.

Why is the Federal Government competing with the private sector? Why are we in the business?

I can guarantee you that TSA hasn't found efficiencies that people in the private sector already know.

Mr. ROGERS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Alabama.

Mr. ROGERS of Alabama. The interesting thing about TSA, I have been over to, the last couple of years, most of the breeding and training programs for canines in this country. And the interesting thing about TSA is they have the most stellar breeding program because they are genetically breeding a dog that is particularly useful in transportation settings at detecting explosives and being on its feet for long periods of time.

The contractors you are talking about, you can buy dogs in this country. Not the breeds that we need. That is the problem. If we could, I would be on your side of this amendment. We can't. That is why currently we are obtaining over 80 percent of our dogs from European sources. And they are private sources, by the way.

Mr. FLAKE. Mr. Chairman, I simply have a hard time believing that there aren't sufficient private sector contractors out there. And if the Federal Government needs to set some standards and say we will only take dogs or companies that are licensed this way or that way, they can do that. But to get in the business of competing is simply wrong.

I would urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me yield 1½ minutes to the distinguished subcommittee Chair on the Transportation Committee and a member of the Homeland Security Committee, Mr. DEFAZIO of Oregon.

Mr. DEFAZIO. Mr. Chairman, the simple answer to Mr. FLAKE is, this saves the taxpayers money. And I know that is a concern to the gentleman.

We have here certified breeding stock that was donated to the Government of the United States of America by the Australian Customs Service that has a great line of dogs that are easily trained and have a low failure rate once they reach maturity.

The gentleman obviously doesn't know much about dogs. And in fact, I would say there might even be a security risk. There are not a lot of breeders in the U.S. who are training for this specific purpose. In fact, many police agencies now have to buy their dogs from Germany.

Remember the Hamburg cell? Do you want them infiltrating our dog program, maybe with secret German commands that we don't know? I mean, come on. This is a national security issue, to have a little fun with the gentleman.

But the point is, these dogs are great stock. It is less expensive. They go to a foster home for a year. That isn't a year that you would have to pay for with a breeder, and then they get their final training. They have a very low failure rate. That again saves money for the program.

We are saving money here. We are providing a vital service. The gentleman doesn't strike the previous section of the bill, 201, which requires a dramatic increase in dogs for the program, which is fully warranted because they are extraordinarily effective deterrents, and they are very good at detecting problems, explosives, drugs and other contraband.

So I would say that the gentleman really should withdraw his amendment if he is interested in saving the taxpayers money. Privatization for private profits' sake is not the way to serve our taxpayers and our security well in this matter.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would be delighted to yield 30 seconds to the distinguished Chair of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. Mr. Chairman, the godfather of security dogs, the gentleman from Indiana (Mr. BURTON), would probably be surprised at this debate unfolding this afternoon.

When I was Chair of the Aviation Subcommittee, we were doing a major security act, he came to me with this idea of using dogs as a supplement to security, and I agreed to it. We included the language, and it has proceeded now to this stage of breeding special dogs that have staying power and the ability to cleanse their system of previously inhaled items in order to sustain the work of security.

The gentleman's amendment is misguided.

□ 1700

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, let me just make two points.

There is nobody on our committee who is more dedicated to this issue than Mr. ROGERS. There is also no one in the Congress who I know that is more dedicated to contracting out than Mr. ROGERS, his dedication on this issue and the fact that we have to realize that it is more important to know the value of something rather than just the price. The fact is, this is a situation where both the price and the value call for us to go forward with this program. This is an issue of Homeland Security. We can trivialize it. We can have some fun with it. But the fact is it is a very, very important issue. So I ask for defeat of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the ranking member of the subcommittee, Mr. ROGERS.

Mr. ROGERS of Alabama. Mr. Chairman, I do want to go back to one question the gentleman from Arizona had, and that was the cost. Roughly, we are spending about $500,000 on this TSA breeding and training program. It trains about 50 dogs a year now. It can double that capacity with this.

This breeding is very important, particularly at this facility because it is on the cutting edge. I would urge this Congress to recognize how significant it is that we are able to produce this kind of dog here, and I would tell you that I have also been a big advocate on the DOD side as well of our trying to create more breeding programs domestically. I would like to see them be private, frankly, but we don't have that capacity right now that can put the standard of quality of dogs out that we need so that we don't have to rely on foreign sources for these dogs. Because I can assure you we are not getting the first quality and the quantity that we need.

So I would urge my colleagues to vote against this amendment. It is truly a matter of national security both in TSA and I think in DOD.

Ms. JACKSON-LEE of Texas. Mr. Chairman, to close, let me just thank Mr. ROGERS for the underlying language and make the point again that this is a question of security and to contract out, privatize the breeding of these dogs and/or to use foreign-bred dogs may raise a question in terms of source, resource, and utilization.

This is good language in this bill that allows TSA to continue its program, particularly since we are expanding rail security and therefore needing the increase in the canine breed.

I would ask my colleague to defeat the Flake amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–74.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. FLAKE:

Strike section 107 and redesignate the succeeding sections accordingly and conform the table of contents.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike section 107 of the underlying bill. This section authorizes $87 million for a new Homeland Security grant program for private bus companies.

I and some of my colleagues have expressed concern about what we see as Homeland Security grant waste. It is everywhere in the country. It is in my district. It is in virtually every district across the country.

I pointed out in a recent meeting that in my own district there is some Homeland Security funding going to things like synchronization of street lights. It shouldn't come from the Federal Government. It needs to be done, should be done, by local governments. In this case, this is activity that should be done by the private companies themselves.

We have seen Homeland Security grants in recent years go to protect mushroom festivals, lawn mower races, investigations into bingo halls, and puppet show performances. There seems to be no end to the waste. Yet now we are going to authorize a new Homeland Security grant program to go to private bus operators like the Hampton Jitney?

For those who have not ridden on the Hampton Jitney, it is a private bus service that brings wealthy East Side Manhattanites to their beach homes in the Hamptons. The Hampton Jitney and other private bus companies such as Greyhound and Peter Pan Bus Lines have received Homeland Security grant dollars under the Intercity Bus Security Grant program in 2005.

This is corporate welfare, pure and simple. These are for-profit enterprises that should not be underwritten by the taxpayer.

This amendment to eliminate this wasteful spending is supported by an array of taxpayer groups across the country. I would urge its adoption.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly oppose this amendment striking the bus security grant provided in this bill.

The underlying jurisdiction of this particular subcommittee and Homeland Security includes responsibility of over-the-road buses. We plan to look even more extensively at the necessary security requirements of making sure that people who travel in bus transportation likewise deserve the coverage and security that we can provide. More people ride over-the-road buses and more communities and destinations are served by those buses than any other form of intercity passenger transportation.

Jitney-type buses are not the only forms of buses, but they are part of the bus transportation of this country. Buses and bus terminals have been the targets of suicide bombers in countries like Iraq, Israel, Pakistan, and elsewhere in the world. The question for the Homeland Security Department and the Homeland Security Committee is to be preventative in front of the tragedy, not behind it. This legislation is to get us in front, to look at areas that we have not looked at before.

Worldwide over the last 80 years, 47 percent of surface transportation terrorist attacks have involved buses. We have seen the horrific tragedy. We have seen the loss of lives, the loss of lives of children. We must invest the money needed to protect bus passengers; and I believe the gentleman's amendment may be well-intended but, frankly, underestimates the need of security measures for buses and undermines the bill.

I would ask my colleagues to oppose this amendment.

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

Mr. FLAKE. Mr. Chairman, let me point out that in 2005 I mentioned there is already an Intercity Bus Security Grant award program. Under this program, since 2005, Academy Express LLC has received $267,279; Greyhound Lines has received $5,471,365; Trans-Bridge Lines, $466,611.

How do you decide which private sector business gets the grant and which ones don't? What about a group like, as I mentioned, the Hampton Jitney? It is hardly a model of an intercity where it is just taking people that can't afford to ride the bus. It goes to the Hamptons. Yet we are subsidizing that.

Here is another one. It is called the Hampton Luxury Liner. This is another one that would qualify, that would be eligible to receive grants under this program. They advertise complimentary snacks, complimentary beverage, a feature movie. The latest periodicals, newspapers, and magazines are handed out to those patrons who ride those bus lines, yet they will be eligible to receive grants, taxpayer money, to subsidize their business.

Why are we doing this kind of corporate welfare? Where are those who stand against corporate welfare? When are they going to stand up and say, enough is enough, we shouldn't be doing this? We are wasting too much money in the Homeland Security program that should be actually spent in threat-based programs where there are real, actual threats, instead of simply spread around by formula or favor around the country.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 2 minutes to the distinguished subcommittee Chair of the Transportation Committee, Mr. DEFAZIO.

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding.

First, to correct the gentleman, it is not a new program. It is an ongoing program.

However, we are going to add an element. No longer will it just be competitive. It will be risk-based.

Now, he is true. On the Republican watch, when they controlled the House, the Senate, and the White House, there were scandalous and wasteful expenditures of funds by the early startup of the Department of Homeland Security, which actually I opposed creating that giant new bureaucracy. I thought we could have done it in a much more effective way.

However, I serve on the committee now that has jurisdiction over that. We are cleaning up the mess you guys created. This is a risk-based program. It is competitive.

Now, are we are telling the 800 million people a year who ride buses in the U.S. they are third or fourth class? The gentleman says it is a private undertaking; they shouldn't even be able to get risk-based competitive grants. Well, would you abandon aviation security, too? That is also a private industry. Rail? Well, most of that is private, with the exception of Amtrak. All of maritime is private, so I guess we will sort of abandon the ports.

If you follow that principle to its illogical conclusion, we would not spend public taxpayer dollars to defend any mode of transportation in this country, with very narrow exceptions. That is not the criteria that we need to apply here: risk-based, competitive.

Now, what happened after 9/11? How did people get around the country? We need alternate modes.

An important Federal official was here on 9/11. He had to get back to Oregon. He took Amtrak. Other people took the bus system. So you have got to understand redundancy. You have got to understand risk. And, hopefully, we will provide the oversight that was lacking before to make sure that we don't have any more of those scandalous things that he talked about. Those are the past. That was on the all-Republican watch. We will do better.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I applaud the talk about cleaning up the extravagant spending in the past. I applaud it. I just don't see it. I just wish that you would say, all right, this was a scandal.

We gave out millions and millions of dollars to private bus companies and others. Yet how are we going to fix it? We are going to create a new authorized program, a new one on top of this.

Instead of saying, let's go in and find the waste, fraud, and abuse that was there before, we are not doing that. We are adding a new program.

What this amendment does is simply strikes funding for the new authorization so we don't do more. If we do need these expenditures that are risk-based, then let's take out the formula funding that we are already doing.

If you are in the majority and you have the power to do it, please don't blame those in the past. I have no brief for what we did before. I didn't vote for the creation of the Department. But if there is waste and abuse, let's take care of it. Let's not add to it. And that is what we are seeking to do with this amendment. Don't go any further.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will be happy to yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, in response to the gentleman from Arizona, we have added the risk element which wasn't there previously. And he is right. We are still confronted with the Bush administration. But I feel that the new TSA administrator is the best we have ever had, and let's give him the tools he needs to do his job properly. Risk-based, competitive grants. If he doesn't find there is risk in the intercity bus service, then he shouldn't give out the grants. I think he will find plenty of meritorious, risk-based, competitive grants that will help better protect the traveling public in this vital mode of transportation.

Mr. FLAKE. Mr. Chairman, let me close by saying we are already spending millions and millions, tens of millions of dollars on programs to make sure that bus travel and other modes of transportation travel are safe. Let's not add another program so that the Hampton Jitney and other private sector businesses can continue to receive this kind of corporate welfare. We can't keep doing this. We have a massive deficit and a huge debt. When are we going to say, let's stop authorizing new programs like this?

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I will just finish. I will say again, let's not authorize a new program when we concede that there is considerable waste in the current program.

To say that we simply can't address what is in the past, these programs are continuing forward. Let's simply say, let's take from this formula, the money that is distributed by formula and favor, and apply it toward the real risks out there, rather than creating new authorization for new spending on programs that can be taken care of elsewhere.

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

Ms. JACKSON-LEE of Texas. Let me close, Mr. Chairman.

Mr. FLAKE has one philosophy about security, and that is narrow and let us not move forward. The underlying bill makes a whole new statement to America, that we are planning on reviewing those areas that are failing in security and improve them.

Has anyone heard of the eighth grade school bus trip, where children fill up a long-distance bus going somewhere that you hope your children will return from?

□ 1715

That is what we are trying to improve, the tragedy that may occur when people are using over-the-road buses. This is what this program is. It is not a program of waste; it is based on risk. As well, we are holding TSA accountable in the utilization of funds.

This is a bad amendment that undermines the new idea, which is to make sure that all aspects of America's security are both reviewed and provided resources so we can do the right thing and move forward with the right program that is fiscally responsible, but also provides the security necessary.

This amendment undermines the underlying bill and certainly takes away the necessary security for over-the-road buses. I ask my colleagues to oppose this amendment.

I strongly oppose this amendment striking the bus security grants provided in this bill.

More people ride over-the-road buses, and more communities and destinations are served by those buses, than any other form of intercity passenger transportation.

Buses and bus terminals have been the targets of suicide bombers in Iraq, Israel, Pakistan and elsewhere in the world.

Worldwide, over the last 80 years, 47% of surface transportation terrorist attacks have involved buses.

We must invest the money needed to protect bus passengers.

I encourage my colleagues to vote against this amendment.

The Acting CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting Chairman. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. LYNCH

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–74.

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. LYNCH:

At the end of section 109, add the following:

(g) REPORTING REQUIREMENTS.—Not later than one year after the issuance of guidelines under subsection (a)(2), the Secretary shall conduct a survey regarding the satisfaction of workers regarding the effectiveness and adequacy of the training programs. In addition, the Secretary shall submit a report to the appropriate congressional committees regarding the results of the survey and the progress of providers of covered transportation in meeting the requirements of paragraphs (1) and (3) of subsection (d).

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chairman, I want to begin by thanking Chairman BENNIE THOMPSON, Chairman OBERSTAR, Ranking Member MICA, and Ranking Member PETER KING for their great work on this bill.

This amendment actually strengthens the worker training requirements contained in H.R. 1401, the Rail and Public Transportation Security Act, by ensuring that Congress is kept informed of the progress that must be made in rail and mass transportation providers providing basic security training to their front line workers.

Specifically, this amendment would require the Secretary of Homeland Security within 1 year of issuing the worker training guidance mandated by section 109 of this bill to submit a comprehensive progress report to Congress on the steps that rail and mass transit entities have taken to meet the bill's worker-training requirements.

Notably, this report must also include the result of a worker survey conducted by the Department on whether our front line rail workers and mass transit employees have actually received basic security training.

Mr. Chairman, this amendment stems from the reluctance on the part of the Department of Homeland Security and the rail industry carriers to make worker training a priority.

Back in November, Chairman THOMPSON and I addressed the National Rail Symposium here in Washington, a rail security conference attended by rail workers, union representatives, industry experts, and transportation scholars. The symposium marked the release of a key rail security study prepared by the National Rail College which noted that our Nation's rail workers continue to lack basic and necessary emergency and anti-terrorism training.

The National Labor College study came on the heels of a 2005 Rail Worker Safety Report prepared by the International Brotherhood of Teamsters Rail Security Conference based on over 4,000 surveys completed by the members of the Brotherhood of Locomotive Engineers and Trainmen and the Brotherhood of Maintenance of Way employees. Regrettably, that report revealed that 84 percent, of rail workers

surveyed had not received any terrorism prevention training within the last year, and that 64 percent had not ever been trained in their railroad emergency response plan.

Mr. Chairman, reports that our locomotive engineers, our train crews, conductors, track workers, bridge and building trade employees, our electricians and all other front line rail employees have not received basic security training, are particularly troubling, given that the pattern of terrorist activity around the globe continues to be markedly centered on rail and mass transit.

You can follow the pattern of attacks, Mr. Chairman. Whether it be in 1995 with the sarin gas attacks in Tokyo, the 1995 attacks by the Algerian rebels in Paris, the 2004 suicide bombings of the Moscow metro rail car by Chechen separatists, the 2004 Madrid train bombings, the 2005 London train bombings, or recently the 2006 Mumbai train bombings, terrorists have indicated that this is a preferred area of terrorism, and there is no indication that there is any let-up here. Their willingness to execute bold attacks on rail and transit systems worldwide continues.

Yet despite these lessons learned, our rail and mass transit workers still lack basic and necessary security training, and since 9/11 we have spent over $24 billion on aviation security versus less than $600 million on rail and transit. The Rail Security Summit that we had in Boston not long ago revealed the fact that very few of these workers have been trained at all.

Accordingly, I urge my colleagues to support this amendment, as well as the main bill, bipartisan legislation that is the result of good work on the part of Chairman THOMPSON, again Ranking Member KING of the Homeland Security Committee, as well as Chairman OBERSTAR and also Mr. MICA, the ranking member of the Transportation Committee.

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

The Acting CHAIRMAN. Who claims the time in opposition?

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, this is a worthy amendment. We need information of this nature. In hearings that I conducted last year as the Chair of the relevant subcommittee and in hearings we have had this year, we have had conflicting bits of information from those in management and those representing labor as to the length and breadth of the training programs that are available and that have been actually implemented. We never got a definitive answer in that regard, even though we requested it from both sides.

Therefore, this amendment I think will be of benefit not only to the Department, but to those of us in this body such that we might be able to make a determination as to the extent and effectiveness, as well as adequacy, of the security training programs that we have been told are already in effect, but now that are specifically required under section 109 of this bill.

Under this amendment, the Secretary would submit to us a report on the results of the survey and the progress of the providers of the covered transportation, and that is something that we have been lacking in the past. So I thank the gentleman for this amendment.

This bill requires mandatory security training programs for all rail, mass transit and over-the-road bus employees and requires that the employers provide such training within 1 year of the issuance of regulations. In order for us to exercise our proper oversight, this information is necessary. In order for us to put forth appropriate prodding with respect to both the employers and the employees in this regard, I think this survey will be very, very beneficial.

Having said that with reference to the specifics of this, let me just remark on some things that have been said on this floor about where we have been previous to this bill.

The fact of the matter is that those of us on this committee, on a bipartisan basis, for at least the last 3 years I have been here, and I have been assured before that with the select committee, we have worked to try and respond in an appropriate way to the threats coming from 9/11 and the things that we have learned subsequent to 9/11. It is true that in the immediate response to 9/11 the administration and the Congress worked together and in some ways pushed money out the door without a risk-based analysis.

That has changed over the last number of years. There has been a commitment on a bipartisan basis in this committee and on this floor and in the Senate and in the conference in all the bills that we have passed that a risk-based assessment is necessary for a strategy for our tactics and our grants. Now, I will say I think we are more enlightened on this side of the Capitol than maybe some of our friends over in the other body in terms of how we make sure that we are dedicated to a risk-based analysis, but we have been going forward with that.

Also I would like to say with respect to the administration, Secretary Chertoff, his number two, his number three and the head of TSA, have all committed themselves publicly and privately and I think in their actions to a risk-based analysis.

We are all in this together. I don't think there is any disagreement on the risk-based analysis being absolutely essential to tactics, to strategy, and to grants. It is in this bill, as it should be; it was in the bills that we passed over the last 2 years, as it should have been; and it is in the actions of the current administration.

So I just wanted to make that clear. I believe the gentleman's amendment will be helpful in gauging the progress made in terms of training in this very serious area and giving us the kind of information necessary so that we can make informed judgments in the years ahead.

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

Mr. LYNCH. Mr. Chairman, just on the point of the risk analysis and the risk-based strategy here, I do want to note that in our rail conference, our summit on rail security, at one point I did ask the union representative of Amtrak and some of the train crews that were present where they worked. They explained they are the train crews that travel on the trains that go beneath New York City. They run the Northeast corridor from basically Boston to Washington, D.C.

I asked them if they had been trained on evacuation procedures in the tunnels beneath New York City and they explained to me that, no, they had not been trained on evacuating train passengers from the maze of tunnels beneath New York City. I think reason and experience would agree that that is something that would be included in our risk-based strategy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, we support the amendment offered by the gentleman from Massachusetts.

Training is a critical component of my bill.

We specifically added training language to the bill because I knew that our Nation's rail, public transportation and over-the-road bus employees were not receiving the necessary security training.

Representative LYNCH's amendment goes one step further—it mandates a survey of the satisfaction of workers regarding the effectiveness and adequacy of the training.

I urge my colleagues to support this amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. THOMPSON of Mississippi.

Amendment by Mr. COHEN of Tennessee.

Amendment by Mr. SESSIONS of Texas.

Amendment by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered

by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 199, answered ''present'' 1, not voting 14, as follows:

[Roll No. 194]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Boyda (KS)

NOT VOTING—14

Andrews
Campbell (CA)
Carson
Cuellar
Davis, Jo Ann
Honda
Kanjorski
Kingston
Lampson
McKeon
Millender-McDonald
Reynolds
Sullivan
Udall (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1752

Messrs. MILLER of North Carolina, COURTNEY, and CLEAVER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 188, not voting 13, as follows:

[Roll No. 195]

AYES—237

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis

Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Andrews
Carson
Davis, Jo Ann
Donnelly
Graves
Jones (OH)
Kanjorski
Kingston
Lamborn
Lampson
Millender-McDonald
Sires
Udall (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that less than 2 minutes remain in this vote.

□ 1800

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. GRAVES. Mr. Chairman, on rollcall No. 195, I put my card in the machine but was inadvertently not recorded. I should have been recorded as a "no."

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 299, not voting 9, as follows:

[Roll No. 196]

AYES—130

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Ramstad
Reichert
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Westmoreland
Wilson (SC)
Young (AK)

NOES—299

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—9

Andrews
Carson
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Millender-McDonald
Radanovich
Udall (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes left to vote.

□ 1808

Mr. ELLISON and Mr. JACKSON of Illinois changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 332, not voting 8, as follows:

[Roll No. 197]

AYES—98

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blunt
Boehner
Bonner
Boyda (KS)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dingell
Duncan
Ehlers
Everett
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Giffords
Gingrey
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Mack
Manzullo
McCarthy (CA)
McCrery
McHenry
McKeon
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pence
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (OH)
Wilson (SC)

NOES—332

Abercrombie
Ackerman
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
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Murphy, Patrick
Murphy, Tim
Murtha
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Payne
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Peterson (MN)
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Pomeroy
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Price (NC)
Pryce (OH)
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Rangel
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Renzi
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Rodriguez
Rogers (AL)
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Ross
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ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1815

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. SOLIS) having assumed the chair, Mr. SNYDER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes, pursuant to House Resolution 270, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Madam Speaker, I demand a re-vote on the Thompson and the Cohen amendments.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment reported from the Committee of the Whole?

The Clerk will redesignate the first amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

Section 2(2)(E), strike ''railroad and transit cars'' and insert ''railroad cars, public transportation cars and buses, and over-the-road buses''.

Section 2(6)(B), strike ''the public transportation designated recipient providing the transportation'' and insert'' the designated recipient''.

Section 2(14), strike the period after ''over-the-road bus'' and insert ''—''.

After section 2, insert, the following:

SEC. 3. NO PREEMPTION OF STATE LAW.

(a) NO PREEMPTION OF STATE LAW.—Nothing in section 20106 of title 49, United States Code, preempts a State cause of action, or any damages recoverable in such an action, including neglignce, recklessness, and intentional misconduct claims, unless compliance with State law would make compliance with Federal requirements impossible. Nothing in section 20106 of title 49, United States Code, confers Federal jurisdiction of a question for such a cause of action.

(b) SECRETARIAL POWER.—Section 20106 of title 49, United States Code, preempts only positive laws, regulations, or orders by executive or legislative branch officials that expressly address railroad safety or security. The Secretary and the Secretary of Transportation have the power to preempt such positive enactments by substantially subsuming the same subject matter, pursuant to proper administrative procedures.

Section 101(a), strike '', in consultation with the Secretary of Transportation,''.

Section 103, strike '', in consultation with the Secretary of Transportation,'' each place it appears, except subsection (o).

Section 103(c)(1), strike ''high-or'' and insert ''high- or''.

Section 103(e), strike ''vulnerabilities and security plans''and insert ''a vulnerability assessment and security plan''.

Section 103(k)(3)—

(1) strike ''those submissions'' and insert ''such submission''; and

(2) strike ''vulnerability assessments and security plans'' and insert ''the vulnerability assessment and security plan''.

Section 103(o), strike '', hereinafter referred to as 'Amtrak' ''.

Section 104(a), strike '', in consultation with the Secretary of Transportation,''.

Section 105(a), strike '', in consultation with the Secretary of Transportation,''.

Section 105(b)(2), strike ''rail'' and insert ''railroad''.

Section 105(b)(3), strike ''redevelopment and''.

Section 105(b)(4), insert '', including stations and other railroad transportation infrastructure owned by State or local governments'' before the period.

Section 105(b)(12) insert ''security'' before ''inspection'' each places it appears.

Section 105(b)(16), strike ''front-line railroad employees'' and insert ''railroad employees, including front-line employees''.

Strike section 105(c) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

Section 105—

(1) strike subsection (f);

(2) redesignate subsections (d) through (m) as subsections (g) through (o), respectively;

(3) insert after subsection (c), as amended, the following:

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation jointly shall monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a rail security plan.

Section 105(j), as redesignated (relating to standards)—

(1) strike ''The Secretary shall require a'' and insert ''A'';

(2) after ''108'' insert ''shall be required''; and

(3) strike ''Amtrak'' and insert ''the National Railroad Passenger Corporation''.

Section 105(m), as redesignated (relating to guidelines)—

(1) strike '', in consultation with the Secretary of Transportation,''; and

(2) strike ''recipients of grants under this section'' the first place it appears and insert '', to the extent that recipients of grants under this section use contractors or subcontractors, such recipients''.

Section 105 strike subsection (n), as redesignated.

Section 105, redesignate subsection (o), as redesignated, as subsection (n).

Section 106, strike '', in consultation with the Secretary of Transportation,'' each place it appears.

Section 106(b)(2), insert '', including stations and other public transportation infrastructure owned by State or local governments'' before the period.

Section 106(b)—

(1) redesignate paragraphs (10) through (17) as paragraphs (11) through (18), respectively; and

(2) after paragraph (9) insert the following:

(10) Purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels.

Section 106(b)(15), as redesignated—

(1) strike ''front-line'' before ''public''; and

(2) insert '', including front-line employees'' after ''employees''.

Section 106(b)(16), as redesignated, after ''reimbursement'' insert '', including reimbursement of State, local, and tribal governments for costs,''.

Section 106(b)(17), as redesignated, after ''costs'' insert '', including reimbursement of State, local, and tribal governments for costs'' .

At the end of section 106(b), strike paragraph (18), as redesignated, and insert the following:

(18) Such other security improvements as the Secretary considers appropriate, including security improvements for newly completed public transportation systems that are not yet operable for passenger use.

Section 106—

(1) strike subsections (c) and (d);

(2) redesignate subsections (e) through (j) as subsections (g) through (l), respectively; and

(3) insert after subsection (b) the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(t) ELIGIBILITY.—A designated recipient is eligible for a grant under this section if the recipient has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a public transportation security plan.

Section 106, subsection (g), as redesignated (relating to terms and conditions), strike ''under effect'' and insert ''as in effect''.

Section 106, subsection (j), as redesignated (relating to guidelines), strike ''recipients of grants under this section'' the first place it appears and insert '', to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall''.

Section 106, strike subsection (k), as redesignated (relating to monitoring).

Section 106, redesignate subsection (1), as redesignated (relating to authorization of appropriations), as subsection (k).

Section 107, strike '', in consultation with the Secretary of Transportation,'' each place it appears.

Section 107(b)(1), insert: '', including terminals and other over-the-road bus facilities owned by State or local governments'' before the period.

Section 107(b)(8) strike—

(1) strike ''front-line'' before ''over-the-road''; and

(2) insert '', including front-line employees'' after ''employees''.

Section 107(b)(10), after ''reimbursement'' insert ''including reimbursement of State, local, and tribal governments for costs,''.

Section 107(b)(12), after ''costs'' insert '', including reimbursement of State, local, and tribal governments for such costs.''.

Section 107—

(1) redesignate subsections (e) through (j) as subsections (g) through (1), respectively; and

(2) strike subsections (c) and (d) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days of making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.

Section 107, subsection (i), as redesignated (relating to annual reports), after ''funds'' insert a period.

Section 107, subsection (j), as redesignated (relating to guidelines), strike ''recipients of grants under this section the first place it appears'' and insert ''to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall''.

Section 107, strike subsection (k) as redesignated (relating to monitoring).

Section 107, redesignate subsection (l), as redesignated (relating to authorization), as subsection (k).

Section 108(a)'' strike ''Amtrak'' the first place it appears and insert ''the National Railroad Passenger Corporation''.

Section 108(c) strike ''recipients of grants under this section'' the first place it appears and insert '', to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall''.

Section 109(a), strike '', in consultation with the Secretary of Transportation,'' .

Section 109(a)(1), insert a comma after ''employees''.

Section 109(b)(3) strike ''and fire fighter workers'' and insert ''or emergency response personnel''.

Section 109(c)(9), strike ''Any other subject'' and insert ''Other security training activities that''.

Section 109(d)(1), strike ''in final form''.

Section 109(d)(2), insert ''proposal'' after ''training program''.

Section 109(d)(3), insert ''proposal'' after ''training program''.

Section 109(d)(4), insert ''as necessary'' after ''workers''.

Section 110(a), strike '', in consultation with the Secretary of Transportation,''.

Section 110(c), strike '', in consultation with the Secretary of Transportation,'' .

Section 110(c)(l), insert ''working jointly with the Secretary of Transportation,'' before ''consolidates''.

Section 111(b)(3) strike ''freight''.

Section 111(b), strike ''and'' at the end of paragraph (6), redesignate paragraph (7) as paragraph (8), and insert the following after paragraph (6):

(7) to assess the vulnerabilities and risks associated with new rail and public transportation construction projects prior to their completion; and

Section 111(c)(2)(E)—

(1) strike ''including,'' and insert '', including''; and

(2) strike ''Institution or Tribal University'' and insert ''Institutions or Tribal Universities''.

Strike section 112 of the bill and insert the following (and make all necessary technical and conforming changes):

SEC. 112. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against, including by a denial, suspension, or revocation of a security clearance or by any other security access determination, if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road-bus security, which the covered individual reasonably believes constitutes a threat to rail, public transportation, or over-the-road-bus security, or which the covered individual reasonably believes constitutes fraud, waste, or mismanagement of Government funds intended to be used for rail, public transportation, or over-the-road-bus security, if the information or assistance is provided to or the investigation is conducted by—

(A) by a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road bus security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to rail public transportation, or over-the-road bus security.

(b) ENFORCEMENT ACTION.

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may—

(A) in the case of a covered individual who is employed by the Department or the Department of Transportation, seek relief in accordance with—

(i) the provisions of title 5, United States Code, to the same extent and in the same manner as if such individual were seeking relief from a prohibited personnel practice described in section 2302(b)(8) of such title; and

(ii) the amendments made by section 112A; except that, if the disclosure involved consists in whole or in part of classified or sensitive information, clauses (i) and (ii) shall not apply, and such individual may seek relief in the same manner as provided by section 112B;

(B) in the case of a covered individual who is a contractor or subcontractor of the Department or the Department of Transportation, seek relief in accordance with section 112B; and

(C) in the case of any other covered individual, seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1)(C) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1)(C) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1)(C) shall be commenced not later than 1 year after the date on which the violation occurs.

(3) DE NOVO REVIEW.—With respect to a complaint under paragraph (1)(C), if the Secretary of Labor has not issued a final decision within 180 days after the filing of the complaint (or, in the event that a final order or decision is issued by the Secretary of Labor, whether within the 180-day period or thereafter, then, not later than 90 days after such an order or decision is issued), the covered individual may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(c) REMEDIES.—

(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1)(C) shall be entitled to all relief necessary to make the covered individual whole.

(2) DAMAGES.—Relief in an action under subsection (b)(1)(C) (including an action described in subsection (b)(3)) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(3) POSSIBLE RELIEF.—Relief in an action under subsection (b)(1)(C) may include punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) USE OF STATE SECRETS PRIVILEGE.—

(1) If, in any action for relief sought by a covered individual in accordance with the provisions of subsection (b)(1)(A), (B), or (C), the Government agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the ''state secrets privilege'', and if the assertion of such privilege prevents the covered individual from establishing an element in support of the covered individual's claim, the court shall resolve the disputed issue of fact or law in favor of the covered individual, provided that, in an action brought by a covered individual in accordance with the provisions of subsection (b)(1)(A) or (B), an Inspector General investigation under section 112B has resulted in substantial confirmation of that element, or those elements, of the covered individual's claim.

(2) In any case in which the Government agency asserts the privilege commonly referred to as the ''state secrets privilege'', whether or not an Inspector General has conducted an investigation with respect to the alleged discrimination, the head of the Government agency involved shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the covered individual, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

(e) CRIMINAL PENALTIES.—

(1) IN GENERAL.—It shall be unlawful for any person employing a covered individual described in subsection (b)(l)(C) to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any such covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) REPORTING REQUIREMENT.—

(A) IN GENERAL.— The Attorney General shall submit to the appropriate congressional committees an annual report on the enforcement of paragraph (1).

(B) CONTENTS.—Each such report shall—

(i) identify each case in which formal charges under paragraph (1) were brought;

(ii) describe the status or disposition of each such case; and

(iii) in any actions under subsection (b)(l)(C) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) NO PREEMPTION.—Nothing in this section, section 112A, or section 112B preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section, section 112A, or section 112B shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section, section 112A and section 112B may not be waived by any agreement, policy, form, or condition of employment.

(h) DEFINITIONS.—In this section, section 112A and section 112B the following definitions apply:

(1) COVERED INDIVIDUAL.—The term ''covered individual'' means an employee of—

(A) the Department;

(B) the Department of Transportation;

(C) a contractor or subcontractor; and

(D) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) and who is a provider of covered transportation.

(2) LAWFUL.—The term ''lawful'' means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept classified in he interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful.

(3) CONTRACTOR.—The term ''contractor'' means a person who has entered into a contract with the Department, the Department of Transportation, or a provider of covered transportation.

(4) EMPLOYEE.—The term ''employee'' means—

(A) with respect to an employer referred to in paragraph (1)(A) or (1)(B), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in paragraph (1)(C) or (l)(D), any officer, partner, employee, or agent.

(5) SUBCONTRACTOR.—The term ''subcontractor''—

(A) means any person, other than the contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department, the Department of Transportation, or a provider of covered transportation; and

(B) includes any person who offers to furnish or furnishes general supplies to the contractor or a higher tier subcontractor.

(6) PERSON.—The term ''person'' means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

Section 113(c), strike ''the Secretary of Transportation and''.

Section 116(b), strike ''designate the Center'' and insert ''select an institution of higher education to operate the National Transportation Security Center of Excellence''.

Section 116(c)—

(1) redesignate paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) insert after the subsection heading the following:

(1) CONSORTIUM.—The institution of higher education selected under subsection (b) shall execute agreements with other institutions of higher education to develop a consortium to assist in accomplishing the goals of the Center.

Section 116(c)(3), as redesignated, insert ''or'' before ''Tribal''.

Section 116, strike ''Consortium'' each place it appears and insert ''consortium'' .

Section 118, after ''risk'' strike all that follows through ''security''.

Section 120(d)(1), strike ''any rule'' and all that follows through ''an employer'' and insert the following: ''if an employer performs background checks to satisfy any rule, regulation, directive, or other guidance issued by the Secretary regarding background checks of covered individuals, the employer shall be prohibited''.

Section 123(a), strike ''the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives'' and insert ''the appropriate congressional committees''.

Section 124, strike ''railcar'' and insert ''railroad car'' each place it appears.

Section 124(b)(1), strike subparagraph (B) and insert the following:

(B) More than 25 kilograms (55 pounds) of a division 1.1, 1.2, or 1.3 explosive, as defined in section 173.50 of title 49, Code of Federal Regulations, in a motor vehicle, rail car, or freight container.

Section 124(b)(3)(A), strike ''railyards'' and insert ''railroad yards''.

Section 124 (f), insert ''railroad'' before ''carrier''.

Section 125(d)—

(1) redesignate paragraph (16) as paragraph (17);

(2) in paragraph (15), strike ''and'' after the semicolon; and

(3) after paragraph (15), insert the following:

(16) nonprofit employee labor organizations; and

Section 124(f), insert ''railroad'' before ''carrier''.

Section 125 at the end, insert the following:

(f) SAVINGS PROVISION.—An action of the Secretary or the Secretary of Transportation under this Act is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(l), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

Section 126(a)(1), ''The Secretary shall'' and insert ''The Secretary and the Secretary of Transportation shall jointly''.

Section 126(a)(2), strike ''the Secretary shall'' and insert ''the Secretary, and the Secretary of Transportation shall jointly''.

Section 126(a)(3), insert ''and the Secretary of Transportation'' after ''Secretary''.

Section 126(b)(3), insert ''and the Secretary of Transportation'' after ''Secretary''.

Section 128, strike ''shall'' and insert ''should''.

Section 128, insert ''(a) PREFERENCE.—'' before ''In''.

Section 128 at the end, insert the following:

(b) SAVINGS PROVISION.—Nothing in this section shall affect grant recipient requirements pursuant to section 5323(j) of title 49, United States Code, section 24305(f) of title 49, United States Code, and the Buy American Act (41 U.S.C. 10).

Section 130(a), strike ''undeclared passengers or contraband, including''.

Section 130 at the end, insert the following:

(c) USE OF TRANSPORTATION DATA.—In carrying out this subsection, the Secretary shall make use of data collected and maintained by the Secretary of Transportation.

Section 131, strike the text and insert the following: ''In carrying out section 119, the Secretary shall require each provider of covered transportation, including contractors and subcontractors, assigned to a high-risk tier under section 102 to submit the names of their employees to the Secretary to conduct checks of their employees against available terrorist watchlists and immigration status databases.''.

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. 132. REVIEW OF GRANT-MAKING EFFICIENCY.

(a) ANNUAL STUDY.—The Comptroller General of the United States shall conduct an annual study for each of the first 3 years after the enactment of this title regarding the administration and use of the grants awarded under sections 105, 106, and 107 of this title, including—

(1) the efficiency of the division of the grant-making process, including whether the Department of Transportation's role in distributing, auditing, and monitoring the grant funds produces efficiency compared to the consolidation of these responsibilities in the Department of Homeland Security;

(2) whether the roles of the Department of Homeland Security and the Department of Transportation in the administration of the grants permit the grants to be awarded and used in a timely and efficient manner and according to their intended purposes;

(3) the use of grant funds, including whether grant funds are used for authorized purposes.

(b) REPORT.—The Comptroller General of the United States shall submit an annual report to the appropriate congressional committees on the results of the study for each of the first 3 years after enactment of this title, including any recommendations for improving the administration and use of the grant funds awarded under sections 105, 106, and 107.

SEC. 133. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out sections 101, 103, 104, 105, 106, 107, 109, 110, 111, 113, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 201 of this Act are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107–71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Railroad Security, dated September 28, 2006; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Public Transportation Security, dated September 8, 2005; and any subsequent agreements between the Department of Homeland Security and the Department of Transportation.

Section 201(a), strike ''ensure that canine detection teams are deployed'' and insert ''encourage the deployment of canine detection teams''.

Section 201(b), strike ''to increase'' and insert ''to encourage an increase in''.

Strike ''rail carrier: and insert ''railroad carrier'' each place it appears in the bill.

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

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

RECORDED VOTE

Mr. THOMPSON of Mississippi. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, subsequent votes on amendments in this series will be 5-minute votes.

The vote was taken by electronic device, and there were—ayes 222, noes 197, answered ''present'' 5, not voting 9, as follows:

[Roll No. 198]

AYES—222

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—5

Bartlett (MD)
Boyda (KS)
Gilchrest
Jones (NC)
Paul

NOT VOTING—9

Andrews
Boehner
Carson
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1838

Mr. MILLER of North Carolina changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will redesignate the second amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COHEN:

At the end of title I, add the following:

SEC. ———. ALTERNATIVE MATERIAL SOURCES.

The Secretary of Transportation, in consultation with the Secretary, shall establish a program to coordinate with State and local governments to minimize the need for transportation of toxic inhalation hazardous materials by rail.

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

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

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 234, nays 184, answered ''present'' 4, not voting 11, as follows:

[Roll No. 199]

YEAS—234

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)

Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—4

Bartlett (MD)
Gilchrest
Jones (NC)
Paul

NOT VOTING—11

Andrews
Boehner
Carson
Davis, Jo Ann
Hunter
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)
Weller

□ 1849

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. Madam Speaker, I offer a motion to recommit.

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

Mr. KING of New York. I am, Madam Speaker, in its present form.

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

The Clerk read as follows:

Mr. King of New York moves to recommit the bill H.R. 1401 to the Committee on Homeland Security with instructions to report the same back to the House forthwith, with the following amendment:

At the end of title I, add the following (and conform the table of contents accordingly):

SEC. _____. IMMUNITY FOR REPORTING SUSPICIOUS ACTIVITIES AND MITIGATING TERRORIST THREATS RELATING TO TRANSPORTATION SECURITY.

(a) IMMUNITY FOR REPORTING SUSPICIOUS BEHAVIOR.—Any person who makes or causes to be made a voluntary disclosure of any suspicious transaction, activity or occurrence indicating that an individual may be engaging or preparing to engage in a matter described in subsection (b) to any employee or agent of the Department of Homeland Security, the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, any transportation security officer, or to any employee or agent of a transportation system shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) COVERED DISCLOSURES.—The matter referred to in subsection (a) is a possible violation or attempted violation of law or regulation relating__

(1) to a threat to transportation systems or passenger safety or security; or

(2) to an act of terrorism, as defined in section 3077 of title 18, United States Code, that involves or is directed against transportation systems or passengers.

(c) IMMUNITY FOR MITIGATION OF THREATS.—Any person, including an owner, operator or employee of a transportation system, who takes reasonable action to mitigate a suspicious matter described in subsection (b) shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such action.

(d) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to a statement or disclosure by a person that, at the time it is made, is known by the person to be false.

(e) ATTORNEY FEES AND COSTS.—If a person is named as a defendant in a civil lawsuit for making voluntary disclosures of any suspicious transaction or taking actions to mitigate a suspicious matter described in subsection (b), and the person is found to be immune from civil liability under this section, the person shall be entitled to recover from the plaintiff all reasonable costs and attorney's fees as allowed by the court.

(f) RETROACTIVE APPLICATION.—This section shall apply to activities and claims occurring on or after November 20, 2006.

Mr. KING of New York (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in support of his motion to recommit.

Mr. KING of New York. Madam Speaker, all our lives changed on September 11. The government tried to react the best that it could; all levels of government have tried to come forward. But one of the most important things we have done is ask our local citizens, to ask the average person to do what they can to avoid a terrorist attack. We have asked them, for instance, there are signs at trains and subways and means of transportation all over the country which say, if you see something, say something.

Yet we saw the incident this past November in Minnesota where passengers on a US Airways flight reported what they saw as suspicious activity. That resulted in six imams being removed from the plane. Now, that is a matter that is going to be in litigation between US Airways and those six imams.

But what is absolutely disgraceful is to find out that lawyers are coming forward and advocacy groups are coming forward to represent those imams and suing, attempting to find the identity of those passengers, those citizens who acted in good faith, who responded to their government and reported what they deemed to be suspicious activity.

Madam Speaker, that is absolutely disgraceful. What this motion to recommit would do would be to provide immunity for any citizen, any individual that comes forward and reports suspicious activity in good faith. If they do, they will be indemnified. This is the very least we can do, to stand by good people who come forward and report suspicious activity.

I mean, just think if we had citizens who had seen what was happening on September 11, who saw people sitting not in their assigned seats, who had seen them being disruptive, who had seen them asking for extended seatbelts when they didn't need them and yet, somehow, those people didn't come forward because they were afraid of being sued.

If we are going to be serious, as a Nation, about fighting Islamic terrorism, then we have to stand by our people who come forward and report suspicious activity. So I think it is absolutely essential that this motion to recommit be passed. I can't imagine anyone being opposed to it.

Madam Speaker, I yield the balance of my time to the gentleman from New Mexico (Mr. PEARCE) who has been a true leader on this issue.

Mr. PEARCE. Madam Speaker, I want to thank the gentleman from New York for working with me on this motion to recommit that we are offering today. I believe that we are going to make this legislation much better.

Ever since 9/11, law enforcement agencies have been telling the American people that they should immediately report any suspicious activity. This important step is one of the best ways that we have to stop terrorism. In essence, the public is the eyes and ears for the security of the Nation.

Sadly, a lawsuit has been filed in Minnesota which named as defendants the Americans who were simply trying to protect themselves and their country. These everyday people have now found themselves subject to a lawsuit for simply reporting what they thought in good faith was suspicious activity.

We are in grave danger when terrorists and their sympathizers use our freedoms against us. Terrorists have abused our Nation's immigration system, our foreign student travel visa opportunities, and open society's freedom to travel.

On 9/11 the hijackers knew how the crew on the plane would respond and used that knowledge against the air crews to carry out their deadly attacks.

Now, we have imams who behaved in methods similar to those 9/11 terrorists and are now using our courts to terrorize the Americans who reported the behavior. They used a seating pattern that was similar to the 9/11 attackers. They asked for seatbelt extensions, and then didn't use them but laid them at their feet in an ominous gesture of disrespect. They did not sit in assigned seats. The loud criticism of President Bush and the war all added together to create a mood of uncertainty among passengers who were watching them.

If we allow these lawsuits to go forward, it will have a chilling effect on the future of American security. Today's USA Today opinion stated the ''Clerics' lawsuit threatens the security of all passengers; efforts to name those who reported suspicious actions has chilling effect.'' I will submit the full article for the RECORD.

If we are serious about fighting terrorism, if we are serious about protecting Americans and asking them to help protect each other, then we must pass this motion.

If I leave my colleagues with one message about this motion, it is simply, no American should be sued for trying to stop terrorism.

Recently, I visited Israel. There they were much more open about it. They said, the stakes are too high. The danger is too imminent. There is no room left in the world for political correctness.

Today we are going to make that choice on the floor of the House, to choose political correctness or to choose to protect the people in this country and the people who would bring the attention of suspicious activities to the Nation's authorities.

Vote ''yes'' on today's motion to recommit and help protect Americans.

[From USA Today, Mar. 27, 2007]

OUR VIEW ON POST–9/11 TRAVEL: CLERICS' LAWSUIT THREATENS SECURITY OF ALL PASSENGERS

''If you see something, say something.''

Since the terror attacks of 9/11, that common-sense message has been displayed prominently worldwide for obvious reasons.

Police and transportation authorities can't be everywhere. Whether at an airport, bus or rail station, officials need passengers to alert them to unattended baggage that might contain explosives and behavior that appears out of the ordinary.

Now the reward for being vigilant apparently includes being dragged into a lawsuit and accused of bigotry. The wry adage about how no good deed goes unpunished seems apt, though not so funny.

The lawsuit grew out of an incident last November when six Muslim clerics, returning from a religious conference in Minneapolis, were removed from a US Airways flight after passengers and crew raised alarms. The imams were questioned by authorities and released. The six say they are innocent victims of ethnic profiling for merely praying quietly in Arabic at the terminal.

Their lawsuit, filed earlier this month, accused the airline and Metropolitan Airports Commission of anti-Muslim bias. That was expected. What's unique and especially troubling, though, is the effort to identify an unknown number of passengers and airline employees who reported suspicions so they might also be included as defendants. For example, the imams want to know the names of an elderly couple who turned around ''to watch'' and then made cellphone calls, presumably to authorities, as the men prayed.

This legal tactic seems designed to intimidate passengers willing to do exactly what authorities have requested—say something about suspicious activity.

The imams' actions last November appeared to be either deliberately provocative or clueless as to how others might perceive them. Several passengers and crewmembers told authorities that the men loudly chanted ''Allah'' several times, cursed U.S. involvement in Iraq and switched their seat assignments. Three imams asked for seat belt extenders, which include a heavy metal buckle that could be used as a weapon, but left them on the floor.

Under the circumstances, the pilot made a reasonable judgment call to remove them from the plane. Some of the facts are in dispute: The imams deny making any anti-American remarks and say seats were changed to accommodate a blind cleric who might need assistance. They accuse the airline of slandering them.

US Airways can afford to defend itself and the crew in court. Passengers who notified authorities don't have those resources. Several lawyers have promised to represent such passengers for free. The American Islamic Forum for Democracy, a moderate Muslim group, will raise funds for their defense. Rep. Steve Pearce, R-N.M., has introduced a bill to shield from legal liability those who report suspicious behavior.

It shouldn't have to come to that, especially if a judge has the wisdom to throw out the complaints against the ''John Doe'' passengers before they're identified.

As for ethnic profiling—the reprehensible practice of discriminating solely based on ethnicity—this incident doesn't qualify. The imams were tossed off the plane because of suspicious behavior, which obviously can't be ignored. Suing passengers who merely report such behavior threatens everyone's ability to travel securely.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise to claim time.

The SPEAKER pro tempore. Is the gentleman opposed?

Mr. THOMPSON of Mississippi. In its present form I am.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Speaker, as you know, we just received the motion to recommit a few minutes ago, and if I could ask some questions of the ranking member about the motion to recommit, it would help.

You have the motion to recommit being retroactive back until November 20, 2006. Is there any reason for that date?

Mr. KING of New York. Will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from New York.

Mr. KING of New York. November 20 was the date of the incident in Minnesota where the passengers on the plane reported suspicious activity to the pilots and to the flight attendants.

Mr. THOMPSON of Mississippi. Have they been charged with anything, to your knowledge?

Mr. KING of New York. If the gentleman will yield, a lawsuit is being commenced and John Does are being named in the complaints, the John Does for the purpose of finding out the identity of those passengers, those good-faith passengers who came forward to report the suspicious activity to make them defendants in the case.

Mr. THOMPSON of Mississippi. But to your knowledge no criminal charges have been filed against the people on the plane.

Mr. KING of New York. This motion is only dealing with civil cases, which is why they would also be indemnified for their reasonable costs and attorneys' fees.

Mr. THOMPSON of Mississippi. Reclaiming my time, Madam Speaker, I think the issue is if individuals who were singled out, not charged with anything in violation of the law, then why shouldn't they be able to seek remedy in a court of law?

For the sake of discussion, Madam Speaker, all of us in this body don't look alike, and it is clear that people could be profiled because of their religion or their race.

□ 1900

I think the record is clear in this country that some people are profiled,

and I am wondering if people are profiled illegally, not charged with a criminal act. They absolutely should have the ability to seek redress in a court of law.

What I want to do is to say that there is nothing wrong with reporting in good faith, but when it is clear that we have not defined in a good-faith language in this motion to recommit what that is, then a number of people in this country could be singled out for various and sundry reasons. And what I am saying in this motion to recommit is it sets us up to start profiling against individuals regardless of religion, custom, or what have you.

If I am praying on a plane simply because I am afraid to fly, then I could be singled out in the eyes of someone else. So I am clear that this is speculative on people who look different; it is speculative on people who perhaps act differently. I am convinced that, knowing you, you have not proven on the committee to be a punitive person; and the reason I say that, Mr. Ranking Member, is we should not be singling people out for personal reasons. We need to catch bad people, but we need to make sure that we are not profiling those individuals because of how they look. I mean, this is America. This is the melting pot with a rainbow.

The point that I am making, while this motion to recommit might be well-intended, it has unintended consequences on a lot of people, people who, for religious or other reasons, might look different; and I think that the offerers of this motion to recommit should think about this. Because we are not a body or a country of just one people. And if you look at it, we should be tolerant, and tolerant doesn't mean singling people out or having them arrested for no apparent reason other than the fact that they look different.

Madam Speaker, I accept the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. KING of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 304, noes 121, not voting 8, as follows:

[Roll No. 200]

AYES—304

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Keller
Kildee
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Obey
Ortiz
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—121

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sires
Slaughter
Stark
Sutton
Tauscher
Thompson (CA)
Tierney
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Wexler
Woolsey
Wynn

NOT VOTING—8

Andrews
Carson
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1922

Messrs. ALLEN, MICHAUD, DOGGETT and MARKEY changed their vote from ''aye'' to ''no.''

Ms. SHEA-PORTER and Mr. HILL changed their vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON of Mississippi. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 1401, back to the House with an amendment.

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

The Clerk read as follows:

Amendment:

At the end of title I, add the following (and conform the table of contents accordingly):

SEC. _____. IMMUNITY FOR REPORTING SUSPICIOUS ACTIVITIES AND MITIGATING TERRORIST THREATS RELATING TO TRANSPORTATION SECURITY.

(a) IMMUNITY FOR REPORTING SUSPICIOUS BEHAVIOR.—Any person who makes or causes to be made a voluntary disclosure of any suspicious transaction, activity or occurrence indicating that an individual may be engaging or preparing to engage in a matter described in subsection (b) to any employee or agent of the Department of Homeland Security, the Department of Transportation, the

Department of Justice, any Federal, State, or local law enforcement officer, any transportation security officer, or to any employee or agent of a transportation system shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) COVERED DISCLOSURES.—The matter referred to in subsection (a) is a possible violation or attempted violation of law or regulation relating__

(1) to a threat to transportation systems or passenger safety or security; or

(2) to an act of terrorism, as defined in section 3077 of title 18, United States Code, that involves or is directed against transportation systems or passengers.

(c) IMMUNITY FOR MITIGATION OF THREATS.—Any person, including an owner, operator or employee of a transportation system, who takes reasonable action to mitigate a suspicious matter described in subsection (b) shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such action.

(d) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to a statement or disclosure by a person that, at the time it is made, is known by the person to be false.

(e) ATTORNEY FEES AND COSTS.—If a person is named as a defendant in a civil lawsuit for making voluntary disclosures of any suspicious transaction or taking actions to mitigate a suspicious matter described in subsection (b), and the person is found to be immune from civil liability under this section, the person shall be entitled to recover from the plaintiff all reasonable costs and attorney's fees as allowed by the court.

(f) RETROACTIVE APPLICATION.—This section shall apply to activities and claims occurring on or after November 20, 2006.

Mr. THOMPSON of Mississippi (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. KING of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 299, noes 124, answered ''present'' 1, not voting 9, as follows:

[Roll No. 201]

AYES—299

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—124

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Gingrey
Granger
Graves
Hall (TX)
Hastert
Hayes
Hensarling
Herger
Hobson
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Boyda (KS)

NOT VOTING—9

Andrews
Carson
Davis, Jo Ann
Hunter
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1933

Mr. SIMPSON and Mr. HAYES changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1401, RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1401, including corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. KIND). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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.

KATRINA HOUSING TAX RELIEF ACT OF 2007

Mr. RANGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1562) to amend the Internal Revenue Code of 1986 to extend and expand certain rules with respect to housing in the GO Zones, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1562

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 ''Katrina Housing Tax Relief Act of 2007''.

SEC. 2. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 1400N of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.''.

(b) EXTENSION OF PERIOD FOR TREATING GO ZONES AS DIFFICULT DEVELOPMENT AREAS.—

(1) IN GENERAL.—Subparagraph (A) of section 1400N(c)(3) of such Code is amended by striking ''2006, 2007, or 2008'' and inserting ''the period beginning on January 1, 2006, and ending on December 31, 2010''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 1400N(c)(3)(B) of such Code is amended by striking ''such period'' and inserting ''the period described in subparagraph (A)''.

(c) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—Subsection (c) of section 1400N of such Code (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.''.

SEC. 3. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N of the Internal Revenue Code of 1986 (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

''(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

''(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

''(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.''.

SEC. 4. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

SEC. 5. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) of the Internal Revenue Code of 1986 (relating to jeopardy and State refund collection) is amended—

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

(2) by adding ''or'' at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the Secretary has served a disqualified employment tax levy,''.

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if—

''(1) the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served, and

''(2) such levy is served before February 29, 2016.

For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''106.25 percent'' and inserting ''106.45 percent''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, once again I find myself thanking Mr. MCCRERY, the ranking member, and members of the minority on the Ways and Means Committee for moving forward to a piece of legislation, agreeing that it go to the suspension calendar and, more importantly, working with us in bringing about changes in order to make certain that we have a pay-for that is appreciated by the House.

This is important legislation. The Nation suffered a tremendous natural setback with Katrina. Thousands of people in Mississippi and Louisiana felt the pain. And somehow we are sluggishly moving towards some type of solution of this real problem.

One of the major problems, of course, is housing, people not being able to come back. We on the Ways and Means Committee can play some small part in putting together tax incentives to move forward, to make certain that these people have a place to stay and go back to their home.

More important, I am so pleased that JOHN LEWIS will be managing this bill, a man of compassion, a man of understanding, a man that understands the real pain that people have felt and continue to feel. I don't think there is any Member in the House that I would rather see associated with a bill that brings some type of relief to people who have felt so much pain.

So, Mr. Speaker, with your permission, I would like to ask Mr. LEWIS from the sovereign State of Georgia, an outstanding Member of Congress, to

manage the remainder of this time and to distribute it as he sees fit.

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

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I am pleased to rise in support of H.R. 1562, the Katrina Housing Tax Relief Act of 2007, which was introduced by my friends, the chairman and ranking member of the Committee on Ways and Means.

It is unfortunate that we continue to deal with the aftermath of the devastating hurricanes of 2005. The imprint left by Hurricanes Katrina and Rita on the Gulf Coast has been well documented. Unfortunately, the slow pace of recovery has also been well documented, despite substantial efforts by the Ways and Means Committee and the Congress as a whole to provide direct and indirect support to the rebuilding efforts.

As part of that effort, the Congress enacted the Gulf Opportunity Zone Act of 2005. Among its provisions, the measure authorized a tenfold increase in Section 42 low-income housing tax credits for States in the Gulf Opportunity Zone. At the time, our hope was that putting a fast expiration on those credits would lead to the rapid rebuilding of this much-needed housing. Our experience, however, has shown otherwise. Delays in getting necessary permitting and insurance, combined with the high cost of materials and a shortage of skilled labor, have created a situation in which many of the allocated credits are likely to go unused by the current December 31, 2008, deadline.

The good news for the GO Zone is that credits not used by the end of 2008 will not be lost. Instead, they will revert back to the State for future allocation. But the difficulties on the ground create uncertainty as to whether these projects will be placed in service by the end of 2008.

Witnesses at an Oversight Subcommittee hearing earlier this month warned that many deserving projects that had been allocated credits in Louisiana and Mississippi by the State housing agencies are going unfunded and therefore will not be built by the end of next year.

The measure before us makes several changes to the rules governing low-income housing tax credits in the GO Zone. These changes expire at the end of 2010. Hopefully, the modifications we are making today will allow the States to get these housing projects financed and constructed long before that sunset date.

It is my understanding from the Joint Committee that the cost of this bill is not the result of additional credits being used. Rather, it is that credits will be used more quickly than expected under current law.

Under these circumstances, I believe the changes in the bill before us are an appropriate response to the unique and unprecedented challenges in the gulf coast region and will help ensure that goals of the 2005 legislation are met. Unique circumstances sometimes require unique solutions.

Finally, I would like to comment on a provision of the bill being used to offset these costs. As originally considered by the committee, the measure would slightly alter the circumstances under which the government can levy the assets of an employer for unpaid employment taxes. During committee considerations, questions were raised about the provision, and I am pleased that the bill we are considering today contains an important modification to the provision that ensures that employers who unknowingly fall behind in their payment of employment taxes are properly protected.

On that count, particular thanks are due to the chairman, the staff of the IRS and the Treasury and the staff of the Joint Committee on Taxation for their help in working through this difficult but important issue.

Mr. Chairman, let me again express my appreciation to you and your staff for working across the aisle to craft this measure that I hope will make it possible for thousands of residents of the gulf States to go home soon.

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

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, on March 13, 2007, the Ways and Means Subcommittee on Oversight held a hearing on housing tax issues related to the rebuilding of communities affected by Hurricanes Katrina, Rita and Wilma. These hurricanes created and caused more damage than any other natural disaster and left over 700,000 residents in the Gulf Coast without housing.

The Congress has provided $15 billion in tax relief to victims of the hurricanes, but it is clear that we must do more and we can do more. The Katrina Housing Tax Relief Act of 2007 will help families affected by the hurricane to return home. This bill will extend incentives for low-income rental housing. It will also expand existing incentives so they can be used to refinance homes that need to be rebuilt from scratch.

Mr. Speaker, this is a good bill. This is a necessary bill. I wholeheartedly support H.R. 1562 and urge all of my colleagues to vote in favor of this bill.

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

Mr. CAMP of Michigan. At this time, I yield such time as he may consume to the distinguished gentleman from New York, a member of the Ways and Means Committee.

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

Mr. REYNOLDS. I thank the gentleman from Michigan for yielding me this time, and I rise in support of the amended version of H.R. 1562 that is before us. I greatly appreciate the remarks of the ranking member of this side, Dave Camp, as he outlined the legislation and our support for it and the need for it, and the amendments that were brought forth by Chairman RANGEL and by Ranking Member MCCRERY.

Mr. Speaker, it has been that type of cooperation in working on legislation such as this that we were able to take a bill that is vitally needed in the Katrina zone for low-income housing tax credits to work and do their job, but to also make it work for the taxpayers as we consider the PAYGO requirements set forth by the rules of the House. I believe that we have worked diligently, through the efforts of staff on both the majority and the minority and Joint Tax as well as IRS, as has been outlined by previous speakers, to bring forth legislation that will work to get the job done for Katrina victims, for the States and, importantly, to see a recovery come about under the intent of this legislation. So I am going to support it.

I greatly appreciate the cooperation of Chairman RANGEL and Ranking Member MCCRERY in working forward to have legislation language that meets some of the outlines of concerns that Mr. JOHNSON and I had and have been fully met by their hard work.

□ 1945

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 1562.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey, Congressman PASCRELL.

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

Mr. PASCRELL. Mr. Speaker, Hurricane Katrina was more than a natural catastrophe. The painful images of folks suffering, dying, and calling desperately for help will forever be seared in our collective conscience. I rise today in strong support of the Katrina Housing Relief Act, critical legislation designed to respond to the needs of hurricane victims by getting affordable housing in the gulf coast region expeditiously built.

I want to commend Chairman RANGEL for the steady hand he has displayed in crafting this legislation and also for the collegial spirit he has fostered on the Ways and Means Committee thus far. This is the second noteworthy tax package that has come to the floor in recent weeks, and I am heartened at the bipartisanship that has been displayed. And when it comes to helping those who suffered from Katrina, bipartisanship is the only way to operate.

Unfortunately, the immediate response from Washington was handled poorly, insufficiently, and only exacerbated the suffering. Today, we take a step in the right direction. We need to get help to people and get them back in their homes, and this bill does that.

H.R. 1562 strengthens existing tax incentives to builders of affordable rental housing by extending the current deadline within which those units must be inhabited by an extra 2 years, to 2010. The bill makes it easier for a greater number of homeowners to benefit from tax-exempt bonds issued by local governments for substantial renovations and to refinance existing residential mortgage loans.

These are prudent, practical measures that will do a great deal of good for those in need. I implore my colleagues to support this bill. I again commend the leadership for bringing this to the floor.

Mr. CAMP of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise in support of this bill. I want to thank my colleague. I also want to thank Chairman RANGEL and Ranking Member MCCRERY for bringing this bill to the floor.

And while I am pleased that this bill is being brought to the floor this evening, its title is actually a misnomer. The Katrina Housing Tax Relief Act also covers many areas hit by my district in southwest Louisiana and southeast Texas, those areas hit by Hurricane Rita.

My district in southwest Louisiana received about $10 billion in damage from Hurricane Rita, and this was to small rural communities that don't have the ability to bounce back. As we recover in southwest Louisiana, we have learned all too well that government cannot micromanage the full recovery process, and this GO-Zone legislation has played a very important role in providing a foundation for businesses and families to get back on their feet. So I am pleased that today's legislation extends many of these successful provisions and programs for southwest Louisiana communities.

Two of the most important include an extension of the placed-in-service deadline and a waiver of the 10 percent rule for GO-Zone credits. These provisions will help those who are on the front lines of our housing recovery, rather than revert funding back to the State.

Additionally, the bill allows GO-Zone low-income housing projects to receive additional federally subsidized loans without facing a reduction in tax credits.

Mr. Speaker, while I take issue with the bill's title, I fully support its provisions. It is a good bill. Again, I thank Chairman RANGEL and Ranking Member MCCRERY for their support and urge support of this bill.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3¾ minutes to the gentleman from Louisiana, who represents New Orleans in the Congress, Mr. JEFFERSON.

Mr. JEFFERSON. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1562, the Katrina Housing Tax Relief Act of 2007.

I am extremely grateful to Chairman RANGEL, Ranking Member MCCRERY, Mr. LEWIS, Mr. CAMP, and the members of the Ways and Means Committee for their bipartisan support of this bill and for bringing it to the floor in this expeditious manner. As Chairman RANGEL stated, it represents this Congress ''doing our part,'' he said, ''to make things right and that begins with helping people get back to their homes.''

Few needs are greater in the city of New Orleans and surrounding areas than affordable housing. One New Orleanian who currently resides in a FEMA trailer 1 hour north of the city surmises that many people want to move back to the city, but after looking at the rental prices has said, who could afford that? In the gulf coast, Katrina destroyed over one-quarter million homes. More than 30 percent of these losses involved affordable housing losses, most of which were rental properties.

Post-Katrina, the average rental payment in New Orleans has risen 70 percent. Before Katrina, Mary Wright of our city paid about $300 in rent. Now she pays triple that amount. There are folks who were paying about $500 in rent are now paying $850. New Orleans' population has diminished to only 237,000 residents from 437,000 before the storm. It is not because residents do not wish to return. It is because many cannot afford to return. The lack of affordable housing has caused not only a problem for citizens wishing to return, but it is also a problem for developers, planners, and investors who are strapped in their options to increase affordable housing. The lack of quality affordable housing that is sustainable discourages the return of a workforce and the restoration of the economy of the city.

The Low Income Housing Tax Credit is of great assistance to helping our people of the gulf region return home. The credits will be competitively awarded to qualified developers who are then put under the constant scrutiny by our State housing authority to ensure that the buildings that are built are quality affordable housing. The safeguard in the system also provides for 30 years of high-quality housing, and for 15 years the rental properties developed using these tax credits must be maintained as affordable units. Should the properties not continue to meet the criteria specified when receiving the reward, the IRS will recapture the tax credits.

In December of 2005, Congress passed the Gulf Opportunities Zone Act, and among other much needed tax incentives it included a significant increase in housing credits for the Gulf States, and a 130 percent basis boost in which they treated all regions as difficult to develop areas, thus allowing them more funding for rebuilding.

The gulf coast faces many obstacles to redevelopment. Extending the placed-in-service deadline for both the credits and for the treatment of difficult to develop areas will remove one of them by giving planners and developers in these communities a reasonable time to effectively reinvest in that community.

Finally, mortgage revenue bonds have provided over 3.5 million lower-income Americans affordable homeownership opportunities and another 1 million with rental housing opportunities. Since Katrina, they have backed many homeowners but their utility has been limited in that these bonds are typically for first-time home buyers only. Provisions in this legislation waive this requirement for those whose homes were damaged by the hurricanes. This will assist with the rebuilding efforts, allowing mortgage revenue bond proceeds to go towards refinancing home loans, to free up funds for the reconstruction of homes and renewal of families.

We need to do everything we can to facilitate recovery, and this bill removes critical obstacles to rebuilding the homes, rental properties, indeed the very life blood of the families of the gulf region. I urge passage and full support of this legislation.

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

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2¼ minutes to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, I thank the gentleman. I would like to thank the leadership for the bipartisan effort also. It has been a long 18, going on 19, months for the folks of Louisiana; and this is the kind of thing that they have needed for a long time.

I am here today to speak in support of the Katrina Housing Tax and, as Mr. BOUSTANY pointed out, the Rita Housing Tax, also, which will extend important tax credits and waivers that are boosting rebuilding efforts along the gulf coast.

It is hard to exaggerate the devastation Hurricanes Katrina and Rita caused in south Louisiana. Over 1 million people had to flee their homes, and over 200,000 homes were damaged or completely destroyed. In St. Bernard Parish, a community to the east of New Orleans that I represent, it is reported that only five or six homes out of the 27,000 were inhabitable after the storm. It will take many years to repair the damage Katrina and Rita and the levee failures caused in just a few days.

The enormous extent of the damage and the unprecedented time and money it will take to recover are why we need to pass the Katrina-Rita Housing Relief Act. For south Louisiana to rebuild, we need to continue encouraging developers to build affordable housing,

not just high-priced condos. There is a severe housing shortage in the region, and rental prices have increased by 39 percent and more since the storm. Home sale prices in suburban parishes have also skyrocketed. Average working people can't move home because they can't find affordable housing.

One of the most important features of this bill is the extension of the Gulf Opportunity Zone low-income housing tax credit until the end of 2010. Louisiana is offering these tax credits to developers who build affordable housing in the hurricane-affected communities, but current law requires that developers have the project built and occupied by the end of 2008.

In the post-storm world of south Louisiana, this is almost impossible. The Housing Financing Agency in New Orleans estimates that 65 percent of the affordable housing units under development, about 11,050 units, won't make the deadline to be available for rent by the deadline at the end of 2008. Add all the extenuating circumstances of post-Katrina Louisiana, mold remediation for flood-damaged rehabilitation projects, elevation of property, getting permits, going through the zoning requirements, all the things that take time, including needing water, sewer, and gas lines, there is no way that developers can finish.

Finally, as a fiscal conservative and a Blue Dog, I want to point out that this bill follows House PAYGO rules and will not increase the deficit. In fact, the offsets that are contained in the bill will cause an increase in revenue.

I thank the gentleman from Georgia, and I thank the bipartisan effort of the committee.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

I fully support H.R. 1562, the Katrina Housing Relief Act of 2007. Adequate and affordable housing is a basic human right, and today Congress is stepping in again to give our citizens of the gulf coast some help. This bill will provide tax incentives to ensure that adequate and affordable housing is available in the gulf coast region.

I urge all of my colleagues on both sides of the aisle to vote ''yes'' for this bill.

Mr. SAM JOHNSON of Texas. I rise today in support of the amended version of H.R. 1562. During the Committee debate on this bill I raised concerns about the revenue offset used to pay for this legislation. The original bill would have permitted the IRS to seize the assets of a taxpayer prior to a hearing. The provision was scored as raising $240 million. The reason for the change was that there are some taxpayers who are serial abusers of the payroll tax withholding mechanism who needed to be shut down to prevent a drain on revenues.

The problem is that we cannot begin to close the tax gap at the expense of basic civil liberties. We would have a taxpayer revolt at such heavy-handed tactics. Congress put in place many taxpayer protections against heavy-handed IRS tactics and I think we need to be very careful as we contemplate rolling back any of them in the name of closing the ''tax gap.''

The amended bill before us now would go after the serial abusers of the payroll tax system. It would require that if someone has already been through the hearing process in the last two years, then they don't get to keep scamming the tax system. They cannot hide behind the protections meant for taxpayers who have simply made a mistake in filing payroll taxes for their employees.

The protection of having a hearing prior to IRS seizure of assets is important in many circumstances. One of the leading reasons for this protection is innocent spouse relief. If a husband messes up his company's payroll taxes in one quarter, the Committee approved bill and the version already approved by the other body, would have allowed the IRS to seize his wife's assets and give her no ability to claim innocent spouse relief until roughly eight months after the seizure. I don't think this is good policy and I think it is a lousy way to close the ''tax gap.''

I commend Chairman RANGEL and Ranking Member MCCRERY for working to be sure that these situations are addressed by the amendment we have worked out. I hope that whenever the House and Senate put this revenue raiser into a final agreement later this year, that the House version prevails.

Again, I support the version of this legislation that we are debating on the House floor today and I want to personally thank the Chairman and Ranking Member for working so hard to address these concerns.

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

Mr. CAMP of Michigan. 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 New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1562, as amended.

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

A motion to reconsider was laid on the table.

□ 2000

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. HINCHEY, New York
Mr. HILL, Indiana
Ms. LORETTA SANCHEZ, California
Mr. CUMMINGS, Maryland
Mr. DOGGETT, Texas

NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2007

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1132) to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1132

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007''.

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking ''2000'' and inserting ''2020''; and

(B) by striking ''by the year 2000'' and inserting ''by the year 2020'';

(2) in section 1503, by adding at the end the following:

''(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

''(1) IN GENERAL.—The Secretary shall establish a demonstration project under which the Secretary may waive the requirements of paragraphs (1) and (4) of subsection (a) for not more than 5 States, if—

''(A) the State involved will use the waiver to leverage non-Federal funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(B) the application of such requirement would result in a barrier to the enrollment of qualifying women;

''(C) the State involved—

''(i) demonstrates, to the satisfaction of the Secretary, the manner in which the State will use such waiver to expand the level of screening and follow-up services provided immediately prior to the date on which the waiver is granted; and

''(ii) provides assurances, satisfactory to the Secretary, that the State will, on an annual basis, demonstrate, through such documentation as the Secretary may require, that the State has used such waiver as described in clause (i);

''(D) the State involved submits to the Secretary—

''(i) assurances, satisfactory to the Secretary, that the State will maintain the average annual level of State fiscal year expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the period for which the waiver is granted, and for the period for which any extension of such wavier is granted, at a level that is not less than—

''(I) the level of the State fiscal year expenditures for such services and activities for the fiscal year preceding the first fiscal year for which the waiver is granted; or

''(II) at the option of the State and upon approval by the Secretary, the average level of the State expenditures for such services and activities for the 3-fiscal year period preceding the first fiscal year for which the waiver is granted; and

''(ii) a plan, satisfactory to the Secretary, for maintaining the level of activities carried out under the waiver after the expiration of the waiver and any extension of such waiver;

''(E) the Secretary finds that granting such a waiver to a State will increase the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers; and

''(F) the Secretary finds that granting such a waiver to a State will not adversely affect the quality of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

''(2) DURATION OF WAIVER.—

''(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

''(i) shall grant such waivers for a period that is not less than 1 year but not more than 2 years; and

''(ii) upon request of a State, may extend a waiver for an additional period that is not less than 1 year but not more than 2 years in accordance with subparagraph (B).

''(B) ADDITIONAL PERIOD.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of the waiver period described in subparagraph (A)(i), review performance under the waiver and may extend the waiver for an additional period if the Secretary determines that—

''(i) without an extension of the waiver, there will be a barrier to the enrollment of qualifying women;

''(ii) the State requesting such extended waiver will use the waiver to leverage non-Federal funds to supplement the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(iii) the waiver has increased, and will continue to increase, the number of women in the State that receive the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(iv) the waiver has not, and will not, result in lower quality in the State of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

''(v) the State has maintained the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the period for which the waiver was granted at a level that is not less than—

''(I) the level of the State fiscal year expenditures for such services and activities for the fiscal year preceding the first fiscal year for which the waiver is granted; or

''(II) at the option of the State and upon approval by the Secretary, the average level of the State expenditures for such services and activities for the 3-fiscal year period preceding the first fiscal year for which the waiver is granted.

''(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

''(A) A description of the total amount of dollars leveraged annually from Non-Federal entities in States receiving a waiver under paragraph (1) and how these amounts were used.

''(B) With respect to States receiving a waiver under paragraph (1), a description of the percentage of the grant that is expended on providing each of the services or activities described in—

''(i) paragraphs (1) and (2) of section 1501(a); and

''(ii) paragraphs (3) through (6) of section 1501(a).

''(C) A description of the number of States receiving waivers under paragraph (1) annually.

''(D) With respect to States receiving a waiver under paragraph (1), a description of—

''(i) the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver; and

''(ii) the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the year preceding the first year for which the waiver was granted.

''(4) LIMITATION.—Amounts to which a waiver applies under this subsection shall not be used to increase the number of salaried employees.

''(5) DEFINITIONS.—In this subsection:

''(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(B) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Health Care Improvement Act.

''(C) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, an Indian tribe, and a tribal organization.

''(6) SUNSET.—The Secretary may not grant a waiver or extension under this subsection after September 30, 2012.'';

(3) in section 1508—

(A) in subsection (a), by striking ''evaluations of the extent to which'' and all that follows through the period and inserting: ''evaluations of—

''(1) the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c); and

''(2) the extent to which each State receiving a grant under this title is in compliance with section 1502, including identification of—

''(A) the amount of the non-Federal contributions by the State for the preceding fiscal year, disaggregated according to the source of the contributions; and

''(B) the proportion of such amount of non-Federal contributions relative to the amount of Federal funds provided through the grant to the State for the preceding fiscal year.''; and

(B) in subsection (b), by striking ''not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter'' and inserting ''not later than 1 year after the date of the enactment of the National Breast and Cervical Cancer Early Detection Program Reauthorization of 2007, and annually thereafter''; and

(4) in section 1510(a)—

(A) by striking ''and'' after ''$150,000,000 for fiscal year 1994,''; and

(B) by inserting '', $225,000,000 for fiscal year 2008, $245,000,000 for fiscal year 2009, $250,000,000 for fiscal year 2010, $255,000,000 for fiscal year 2011, and $275,000,000 for fiscal year 2012'' before the period at the end.

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

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I have a request from the gentleman from New York (Mr. TOWNS) to go out of order, and I yield 2 minutes to Mr. TOWNS at this time.

CONGRATULATING NEW YORK HIGH SCHOOL BASKETBALL CHAMPIONS

Mr. TOWNS. Mr. Speaker, I thank Mr. PALLONE very much for yielding.

Mr. Speaker, I rise today to congratulate East New York's Transit Technical High School boy's basketball team for winning the PSAL New York City Championship.

The East New York Transit defeated Thomas Edison High School of Queens with a score of 52–46. This is only the second time in the school's history that the Transit boys' basketball team made it to the State playoff. The first time was in 1993 when the team still played in the ''B'' division.

I would also like to congratulate the staff of New York Transit Tech and its principal, Larry Kalvar, and its basketball coach, Michael Perazzo.

Mr. Speaker, I ask that you please join me in honoring the boys' basketball team at East New York Transit Tech High School for its outstanding accomplishment.

I also rise to congratulate Brooklyn's Thomas Jefferson High School girls' basketball team for winning the PSAL A-league championship. The girls at Jefferson defeated New Town High School championship team to win the title, finishing with an overall 17–1 record, making this the first girls' basketball team to represent the borough of Brooklyn in the State playoffs.

My congratulations also goes out to the Jefferson High School principal, Michael Alexander, and the girls' basketball team coach, Calvin Young, for doing a marvelous job with the team. We need to recognize him as well.

I ask that you all please join me in honoring the girls' basketball team at Brooklyn's Thomas Jefferson High School for this outstanding accomplishment.

Sometimes we criticize our young people about not doing what we feel is right, but here is a situation where some young people have done a very positive thing, and I think we should pause to salute them for that.

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

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

Let me also add my congratulations to the girls' basketball team at Brooklyn Thomas Jefferson High School. That is quite an accomplishment.

Mr. Speaker, I rise tonight in support of H.R. 1132, the National Breast and Cervical Cancer Early Detection Program. The National Breast and Cervical Cancer Early Detection Program has had many proven successes in screening low-income, minority and uninsured women for little or no cost.

The Centers for Disease Control estimates that between 8 and 11 percent of women nationwide are eligible for participation in this program. Since its inception in 1991, the early detection program has served almost 3 million women, providing more than 6.9 million screening examinations, and has diagnosed almost 30,000 breast cancers, 95,000 precursor cervical lesions, and 1,800 cervical cancers. There is a direct link between these statistical figures and the lives that have been saved.

The Susan G. Komen Breast Cancer Foundation and the American Cancer Society have been instrumental in promoting the successes of the early detection program.

I would also like to commend the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentlewoman from North Carolina (Mrs. MYRICK), a breast cancer survivor herself, who have worked tirelessly in bringing this legislation to the floor of the House and eventually to the President's desk to be signed into law. I urge my colleagues' support of this legislation.

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

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the sponsor of the bill, Ms. BALDWIN.

Ms. BALDWIN. Mr. Speaker, it is high time we reauthorize the National Breast and Cervical Cancer Early Detection Program. This important program provides breast and cervical cancer screening to low-income, uninsured women who otherwise would have little or no access to such care. Early detection is a woman's most powerful weapon against breast or cervical cancer because early detection, followed by early treatment intervention, greatly increases a woman's odds of beating cancer; and we know that our vigilance is having results as this is the second straight year of declining cancer deaths.

The National Breast and Cervical Cancer Early Detection Program is a Federal-State partnership that builds on the existing public health infrastructure and involves all sectors of the community in outreach and delivery of services.

Established in 1991, the National Breast and Cervical Cancer Early Detection Program provides low-income women who have limited or no health insurance with breast and cervical cancer screening, education, outreach, and case management services. Administered by the Centers for Disease Control and Prevention, the National Breast and Cervical Cancer Early Detection Program provides access to mammograms, pap tests, surgical consultations, and diagnostic testing. The program is operational in all 50 states, four U.S. territories, the District of Columbia, and 13 American Indian or Alaskan Native organizations. The National Breast and Cervical Cancer Early Detection Program also works with nonprofit organizations that provide supplemental funding for screening, education, outreach, case management and treatment services.

To date, the National Breast and Cervical Cancer Early Detection Program has provided nearly 6.5 million screenings to 2.7 million women, detecting almost 30,000 breast cancers, almost 90,000 precancerous cervical lesions and 1,700 cervical cancers.

This reauthorization will strengthen this important program by increasing the program's authorization level. At its current $205 million funding level, it is estimated that the program only provides services to 20 percent of all eligible women in the United States. This additional authorization would enable the program to provide 147,000 more screenings per year.

In addition, it will assist rural communities and special populations by permitting a five-State demonstration program for States to receive a time-limited waiver of current regulatory requirements in order to provide greater emphasis on education and outreach, while ensuring that women continue to have access to life-saving screening services.

I have been honored to work on this reauthorization, and I want to thank the American Cancer Society and the Susan G. Komen Foundation for their continued support of this critical program.

In addition, I have been honored to work with my colleague, Congresswoman SUE MYRICK, in advancing this important legislation. In the war against breast and cervical cancer, we know that screening and early detection saves lives. I am very proud and pleased that on this issue Republicans and Democrats are working together to support a life-saving program. I urge all of my colleagues to support this reauthorization.

Mr. BURGESS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the cosponsor of this legislation.

Mrs. MYRICK. Mr. Speaker, I am really pleased to be able to speak on behalf of this bill tonight in reauthorizing the Nation's breast and cervical cancer screening program in all 50 States.

Many women around the country work hard but are uninsured and don't qualify for Medicaid or other insurance assistance. This program helps to give them peace of mind when it comes to a disease that women often fear the most: Cancer.

Many hardworking women would like to be responsible and get preventive screenings. But, as we all know, it is very expensive to do so without insurance. And it is even more expensive for all of us if these women go without screening and an undiagnosed cancer is allowed to progress.

The early detection programs in our States and districts provide free and low-cost screenings, medical referrals, and education for women who may not otherwise have access to preventive tests. It is literally a lifesaver for women across the country, because breast cancer is still the most common cancer among women, and cervical cancer is very preventable. Thankfully, we continue to make strides against these diseases.

Millions of women have been screened; and at CDC's last count, they state the program has detected almost 30,000 breast cancers and over 1,700 cervical cancers.

As a breast cancer survivor, I know how scary it is to hear those words, ''You have cancer.'' I can't even imagine what it would be like to be told, ''But I'm sorry, I can't help.''

That is why a few years ago I introduced a bill that would allow State Medicaid programs to cover treatment costs for women who are screened through the program; and it passed the House with only one ''no'' vote in May, 2000. And of course 50 States do cover the treatment cost as well.

We all know prevention is the most cost-effective way to fight the war on cancer, and this screening program saves money by detecting those cancers early and steering women towards treatment options.

It is also, unfortunately, estimated that less than 20 percent of the eligible women in the country are served by the program; and so the bill today provides for enhanced preventive efforts and includes a structured limited waiver demonstration project through the Department of Health and Human Services to improve flexibility.

States that can prove that they can increase the number of women served may apply to use the higher percentage of their Federal funding for outreach, education, medical training and other services. So, hopefully, some of the most vulnerable women will be reached.

States must meet a series of requirements in order to apply for the waiver to ensure that the Federal dollars are spent as efficiently as possible.

Grantees across the country have effectively leveraged the private dollars with the Federal money they receive; and, as others have acknowledged, I am grateful, too, to Susan G. Komen and the American Cancer Society and other groups for their dedication to the screening program.

I am glad that this bill is on the House floor today; and I would like to thank the bill's sponsor, Representative TAMMY BALDWIN, for her hard work on this legislation. I would also like to thank Chairman DINGELL and Ranking Member BARTON for their prompt consideration of this bill. I urge my colleagues to join me in supporting H.R. 1132.

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Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a champion on this issue.

Ms. DELAURO. Mr. Speaker, I rise in support of the National Breast and Cervical Cancer Early Detection Program and its reauthorization. I commend the congresswomen who have spoken tonight, Mrs. MYRICK and Ms. BALDWIN, for their dedication to this important program and for their work to ensure its continued success.

Cancer is a disease that affects almost all Americans in one way or another. It is as indiscriminate a disease as you can find. It does not care about your age, your family, your sex, your race, your religion.

It reminds us that we are human and we are vulnerable. But as every survivor knows, it brings out our resilience, our strength, and it makes us value and really savor every moment of our lives afterward, and I can say that as a survivor of ovarian cancer.

It has also taught us just how critical early detection can be; and when detected at its earliest stages, the 5-year survival rate for breast cancer is nearly 98 percent. When detected at its earliest stages, the 5-year survival rate for cervical cancer is more than 92 percent. However, many women have limited access to life-saving early cancer detection.

So in 1990, Congress created a National Breast and Cervical Cancer Early Detection Program, and I was

proud to be part of that effort. It provides access to critical breast and cervical cancer screening services for underserved women in the United States, especially those at high risk for breast cancer, including minority women and women with a family history of breast cancer.

Since its launch, the program has served more than 2.9 million women, and it has provided more than 6.9 million screening examinations and diagnosed more than 29,000 breast cancers; 94,000 precursor cervical lesions; and 1,800 cervical cancers. Any way you look at it, these numbers represent incredible success, and they translate into lives saved.

We have made tremendous progress in the fight against cancer, but there is no doubt we have a long way still to go. Today, the National Breast and Cervical Cancer Early Detection Program reaches only 20 percent of eligible women. We need to work together to make sure that all women can take advantage of the medical advances we have seen, so that everyone has a fighting chance of beating this disease.

That is why this legislation is so important. It provides this critical and proven program with the resources for 147,000 more screenings per year. Through a five-State demonstration project it extends assistance to rural communities and special populations, providing an emphasis on education and on outreach, while ensuring that women continue to have access to life-saving screening services.

Reauthorization is critical. We know that more challenges lie ahead, and so we must keep up the drumbeat. Outreach, education, screenings: these make early detection possible. They make beating cancer possible. They are powerful tools that give us real hope.

We do a lot of things in this institution. We deal with roads, bridges, any number of parks. This is life and death.

Mr. BURGESS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

I want to thank SUE MYRICK who has worked on this for such a long time, along with the gentlewoman from Wisconsin for sponsoring this bill. It really is so important for people to be screened early.

I do not think there is a family in the United States that has not been touched by some form of cancer; and if you catch it early, the life expectancy can be extended a great deal of time, and in many cases, it can be cured.

We had a personal experience in my family. In fact, I lost my first wife to cancer, and I think in part it was because there was not early detection of that cancer. So one of the things that I think is most important is that women and men get screened for various forms of cancer. There is prostate cancer in men. There is cervical cancer for women. There is ovarian cancer. There is breast cancer. There needs to be early screening.

That is one of the reasons why DARRELL ISSA and I cosponsored Jo-Anna's Law to make doctors and patients aware of the signs of cervical cancer very, very early so that women can be saved from terminally being ill. It is so important that they learn about these things before they get out of hand.

I cannot express enough and I think SUE will tell you this, I cannot express enough the pain that a family goes through when they find out that one of their loved ones is terminally ill and it could have been prevented if you had found out about it early enough. That is why I think this is such a great program.

I am glad this reauthorization is taking place, and I thank SUE once again for working so hard on this. I want to thank the gentlewoman from Wisconsin for working so hard on this. I thank you for yielding the time, and I would just urge anybody who is paying attention to this discussion tonight, and a lot of people are not, get detection early. Get screened early. It will save your life. It will save your family a lot of heartache if you learn about these things before it is too late.

I thank the gentleman for yielding.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY), a member of our Health Subcommittee.

Ms. HOOLEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding and for all the work that he has done on this. I also thank Ms. BALDWIN and Mrs. MYRICK for all of their hard work and their commitment to this.

The National Breast and Cervical Cancer Early Detection Program is vital to help promote the well-being of low-income and uninsured women throughout the country. The 5.8 million screening examinations provided under the program have saved lives. More than 22,000 women were diagnosed with breast cancer and over 1,500 with cervical cancer through the program's screening.

Early detection of breast and cervical cancer can mean the difference between life or death. For breast cancer, the 5-year survival rate is 95 percent when caught early. Given what we know about the importance of early detection, I believe it is critical to provide this screening assistance to low-income or uninsured women.

I am also pleased that this reauthorization gives more flexibility to rural communities as they try to use these funds. The situation is so different in rural communities. Their outreach has to be different, and the fact that this bill acknowledges that, I am very pleased about it.

This is an important, life-saving measure. It needs all of our support, and I thank the gentleman for the time.

Mr. BURGESS. Mr. Speaker, the gentlewoman from Oregon is indeed correct: this is important, life-saving legislation. Early detection expands the treatment options available to women who are afflicted with this disease.

With that, I yield back the balance of my time.

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

I just wanted to mention, Mr. Speaker, that screening for, and early detection of, breast and cervical cancer reduces death rates and greatly improves cancer patients' survival. Sadly, there is a low rate of screening among women of certain racial and ethnic minorities and among under- or uninsured women, which creates disparities in health outcomes.

Since 1991, this program has served more than 2.5 million women nationwide, provided more than 5.8 million screening examinations, and diagnosed more than 22,000 breast cancers, 76,000 precursor cervical lesions, and 1,500 cervical cancers.

This bill reauthorizes a program vital to the health and well-being of women nationwide. I just want to thank again Representatives BALDWIN and MYRICK for their hard work on this legislation and urge my colleagues to support H.R. 1132.

Mr. HIGGINS. Mr. Speaker, today I rise in support of H.R. 1132.

Today in our country, millions of families are faced with the agonizing emotional and financial stress caused by a loved one who has cancer. In fact, every year cancer claims the lives of hundreds of thousands of Americans, making it our country's second leading cause of death. The financial costs of cancer on our society are also enormous, and it has been estimated by the Centers for Disease Control and Prevention that, in 2006 alone, the cost of cancer was an astonishing $206 billion dollars. This Congress must do more to accelerate the pace of cancer research, and to help alleviate the immense suffering of so many of our citizens.

This bill is a small step that could have a significant impact on the lives of many women across our country. Every year, too many women fail to receive crucial preventative screenings because they do not have the means to see a doctor. Along with a good knowledge of their family's medical history, these screenings are the best indicators by which many women can determine whether they are at risk for common cancers. By providing easy access to these screenings, this bill would allow women to determine whether they are at risk for cancer, allow them to detect any problems early, and prevent any cancer from spreading, if it has already developed.

We already know that prevention is a key factor to stopping the spread of cancer. Mr. Speaker, I urge my colleagues to recognize this reality and support this legislation because it would provide a crucial tool by which many women across our country could take control over their health and prevent the spread of cancer.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 1132, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007. This legislation will further the work of this important program within the Centers for Disease Control and Prevention (CDC). The National

Breast and Cervical Cancer Early Detection Program (NBCCEDP) is a federally-funded initiative that provides access to breast and cervical cancer early detection services to low-income and underserved women.

Breast cancer is the second leading cause of cancer-related death among American women. Sadly, one in every eight American women—an estimated 200,000 women this year alone—will be diagnosed with breast cancer according to the Susan G. Komen Breast Cancer Foundation. The American Cancer Society reports in ''Breast Cancer Facts and Figures 2005–2006'' that 40,410 women lost their fights with breast cancer last year. In 2007, the American Cancer Society estimates that 11,150 cases of cervical cancer will be diagnosed and about 3,670 women will lose the battle with cervical cancer this year alone. More must be done to provide access to early detection programs that have the potential to greatly reduce these staggering numbers.

The NBCCEDP provides breast examinations, mammograms, pap smears, and a number of other services to women who fall at or below 250 percent of the Federal poverty level. To date, this successful program has served nearly three million women and diagnosed more than 29,000 breast cancers and 1,800 cervical cancers. Access to early detection medical services is an important step in battling breast and cervical cancers.

As the Chair of the Congressional Asian Pacific American Caucus' Health Task Force, I am acutely aware of the high rates of cancer infections present in the Asian and Pacific Islander American communities. For instance, breast cancer is also the leading cause of cancer death for Filipino-American women, and cervical cancer strikes Vietnamese American women five times more often than Caucasian women, according to the Asian and Pacific Islander American Health Forum. I am also all too aware of the disparities that exist for and the challenges that must be overcome by women from minority communities in order to gain access to screening and diagnostic services for breast and cervical cancer. The CDC reports that the number of new breast cancer diagnoses over the last ten years has remained stable or decreased significantly within ethnic groups other than Asian and Pacific Islander American. The prevalence of breast cancer diagnoses in the Asian and Pacific Islander American, however, has increased during the last 10 years.

On Guam, we have a shortage of oncology-related services. There is no radiology treatment center on Guam. Our only oncologist recently left the island. Cancer early detection is an even higher priority for the people of Guam in light of the challenges we face each day toward gaining better access to cancer diagnosis for those who may be at risk, better treatment for those battling the disease, and better long-term care for those who are survivors.

As someone who knows firsthand the impact that breast and cervical cancer can have on a family, I urge my colleagues to support this important legislation and ensure that we make early detection and diagnosis of breast and cervical cancer a national priority.

Mr. PALLONE. 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1132, as amended.

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

A motion to reconsider was laid on the table.

TRAUMA CARE SYSTEMS PLANNING AND DEVELOPMENT ACT OF 2007

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 727) to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 727

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 ''Trauma Care Systems Planning and Development Act of 2007''.

SEC. 2. ESTABLISHMENT.

Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended to read as follows:

''SEC. 1201. ESTABLISHMENT.

''(a) IN GENERAL.—The Secretary shall, with respect to trauma care—

''(1) conduct and support research, training, evaluations, and demonstration projects;

''(2) foster the development of appropriate, modern systems of such care through the sharing of information among agencies and individuals involved in the study and provision of such care;

''(3) collect, compile, and disseminate information on the achievements of, and problems experienced by, State and local agencies and private entities in providing trauma care and emergency medical services and, in so doing, give special consideration to the unique needs of rural areas;

''(4) provide to State and local agencies technical assistance to enhance each State's capability to develop, implement, and sustain the trauma care component of each State's plan for the provision of emergency medical services;

''(5) sponsor workshops and conferences; and

''(6) promote the collection and categorization of trauma data in a consistent and standardized manner.

''(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants, and enter into cooperative agreements and contracts, for the purpose of carrying out subsection (a).''.

SEC. 3. CLEARINGHOUSE ON TRAUMA CARE AND EMERGENCY MEDICAL SERVICES.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by striking section 1202; and

(2) by redesignating section 1203 as section 1202.

SEC. 4. ESTABLISHMENT OF PROGRAMS FOR IMPROVING TRAUMA CARE IN RURAL AREAS.

Section 1202 of the Public Health Service Act, as redesignated by section 3(2), is amended to read as follows:

''SEC. 1202. ESTABLISHMENT OF PROGRAMS FOR IMPROVING TRAUMA CARE IN RURAL AREAS.

''(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for the purpose of carrying out research and demonstration projects with respect to improving the availability and quality of emergency medical services in rural areas—

''(1) by developing innovative uses of communications technologies and the use of new communications technology;

''(2) by developing model curricula, such as advanced trauma life support, for training emergency medical services personnel, including first responders, emergency medical technicians, emergency nurses and physicians, and paramedics—

''(A) in the assessment, stabilization, treatment, preparation for transport, and resuscitation of seriously injured patients, with special attention to problems that arise during long transports and to methods of minimizing delays in transport to the appropriate facility; and

''(B) in the management of the operation of the emergency medical services system;

''(3) by making training for original certification, and continuing education, in the provision and management of emergency medical services more accessible to emergency medical personnel in rural areas through telecommunications, home studies, providing teachers and training at locations accessible to such personnel, and other methods;

''(4) by developing innovative protocols and agreements to increase access to prehospital care and equipment necessary for the transportation of seriously injured patients to the appropriate facilities;

''(5) by evaluating the effectiveness of protocols with respect to emergency medical services and systems; and

''(6) by increasing communication and coordination with State trauma systems.

''(b) SPECIAL CONSIDERATION FOR CERTAIN RURAL AREAS.—In making grants under subsection (a), the Secretary shall give special consideration to any applicant for the grant that will provide services under the grant in any rural area identified by a State under section 1214(d)(1).

''(c) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.''.

SEC. 5. COMPETITIVE GRANTS.

Part A of title XII of the Public Health Service Act, as amended by section 3, is amended by adding at the end the following:

''SEC. 1203. COMPETITIVE GRANTS FOR THE IMPROVEMENT OF TRAUMA CARE.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States, political subdivisions, or consortia of States or political subdivisions for the purpose of improving access to and enhancing the development of trauma care systems.

''(b) USE OF FUNDS.—The Secretary may make a grant under this section only if the applicant agrees to use the grant—

''(1) to integrate and broaden the reach of a trauma care system, such as by developing innovative protocols to increase access to prehospital care;

''(2) to strengthen, develop, and improve an existing trauma care system;

''(3) to expand communications between the trauma care system and emergency medical services through improved equipment or a telemedicine system;

''(4) to improve data collection and retention; or

''(5) to increase education, training, and technical assistance opportunities, such as training and continuing education in the management of emergency medical services accessible to emergency medical personnel in rural areas through telehealth, home studies, and other methods.

''(c) PREFERENCE.—In selecting among States, political subdivisions, and consortia of States or political subdivisions for purposes of making grants under this section, the Secretary shall give preference to applicants that—

''(1) have developed a process, using national standards, for designating trauma centers;

''(2) recognize protocols for the delivery of seriously injured patients to trauma centers;

''(3) implement a process for evaluating the performance of the trauma system; and

''(4) agree to participate in information systems described in section 1202 by collecting, providing, and sharing information.

''(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to applicants that will use the grants to focus on improving access to trauma care systems.

''(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to projects that demonstrate strong State or local support, including availability of non-Federal contributions.''.

SEC. 6. REQUIREMENT OF MATCHING FUNDS FOR FISCAL YEARS SUBSEQUENT TO FIRST FISCAL YEAR OF PAYMENTS.

Section 1212 of the Public Health Service Act (42 U.S.C. 300d–12) is amended to read as follows:

''SEC. 1212. REQUIREMENT OF MATCHING FUNDS FOR FISCAL YEARS SUBSEQUENT TO FIRST FISCAL YEAR OF PAYMENTS.

''(a) NON-FEDERAL CONTRIBUTIONS.—

''(1) IN GENERAL.—The Secretary may not make payments under section 1211(a) unless the State involved agrees, with respect to the costs described in paragraph (2), to make available non-Federal contributions (in cash or in kind under subsection (b)(1)) toward such costs in an amount that—

''(A) for the second and third fiscal years of such payments to the State, is not less than $1 for each $1 of Federal funds provided in such payments for such fiscal years; and

''(B) for the fourth and subsequent fiscal years of such payments to the State, is not less than $2 for each $1 of Federal funds provided in such payments for such fiscal years.

''(2) PROGRAM COSTS.—The costs referred to in paragraph (1) are—

''(A) the costs to be incurred by the State in carrying out the purpose described in section 1211(b); or

''(B) the costs of improving the quality and availability of emergency medical services in rural areas of the State.

''(3) INITIAL YEAR OF PAYMENTS.—The Secretary may not require a State to make non-Federal contributions as a condition of receiving payments under section 1211(a) for the first fiscal year of such payments to the State.

''(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—With respect to compliance with subsection (a) as a condition of receiving payments under section 1211(a)—

''(1) a State may make the non-Federal contributions required in such subsection in cash or in kind, fairly evaluated, including plant, equipment, or services; and

''(2) the Secretary may not, in making a determination of the amount of non-Federal contributions, include amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government.''.

SEC. 7. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF ALLOTMENTS.

Section 1213 of the Public Health Service Act (42 U.S.C. 300d–13) is amended to read as follows:

''SEC. 1213. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF ALLOTMENTS.

''(a) TRAUMA CARE MODIFICATIONS TO STATE PLAN FOR EMERGENCY MEDICAL SERVICES.—With respect to the trauma care component of a State plan for the provision of emergency medical services, the modifications referred to in section 1211(b) are such modifications to the State plan as may be necessary for the State involved to ensure that the plan provides for access to the highest possible quality of trauma care, and that the plan—

''(1) specifies that the modifications required pursuant to paragraphs (2) through (11) will be implemented by the principal State agency with respect to emergency medical services or by the designee of such agency;

''(2) specifies a public or private entity that will designate trauma care regions and trauma centers in the State;

''(3) subject to subsection (b), contains national standards and requirements of the American College of Surgeons or another appropriate entity for the designation of level I and level II trauma centers, and in the case of rural areas level III trauma centers (including trauma centers with specified capabilities and expertise in the care of pediatric trauma patients), by such entity, including standards and requirements for—

''(A) the number and types of trauma patients for whom such centers must provide care in order to ensure that such centers will have sufficient experience and expertise to be able to provide quality care for victims of injury;

''(B) the resources and equipment needed by such centers; and

''(C) the availability of rehabilitation services for trauma patients;

''(4) contains standards and requirements for the implementation of regional trauma care systems, including standards and guidelines (consistent with the provisions of section 1867 of the Social Security Act) for medically directed triage and transportation of trauma patients (including patients injured in rural areas) prior to care in designated trauma centers;

''(5) subject to subsection (b), contains national standards and requirements, including those of the American Academy of Pediatrics and the American College of Emergency Physicians, for medically directed triage and transport of severely injured children to designated trauma centers with specified capabilities and expertise in the care of pediatric trauma patients;

''(6) utilizes a program with procedures for the evaluation of designated trauma centers (including trauma centers described in paragraph (5)) and trauma care systems;

''(7) provides for the establishment and collection of data in accordance with data collection requirements developed in consultation with surgical, medical, and nursing specialty groups, State and local emergency medical services directors, and other trained professionals in trauma care, from each designated trauma center in the State of a central data reporting and analysis system—

''(A) to identify the number of severely injured trauma patients and the number of deaths from trauma within trauma care systems in the State;

''(B) to identify the cause of the injury and any factors contributing to the injury;

''(C) to identify the nature and severity of the injury;

''(D) to monitor trauma patient care (including prehospital care) in each designated trauma center within regional trauma care systems in the State (including relevant emergency-department discharges and rehabilitation information) for the purpose of evaluating the diagnosis, treatment, and treatment outcome of such trauma patients;

''(E) to identify the total amount of uncompensated trauma care expenditures for each fiscal year by each designated trauma center in the State; and

''(F) to identify patients transferred within a regional trauma system, including reasons for such transfer and the outcomes of such patients;

''(8) provides for the use of procedures by paramedics and emergency medical technicians to assess the severity of the injuries incurred by trauma patients;

''(9) provides for appropriate transportation and transfer policies to ensure the delivery of patients to designated trauma centers and other facilities within and outside of the jurisdiction of such system, including policies to ensure that only individuals appropriately identified as trauma patients are transferred to designated trauma centers, and to provide periodic reviews of the transfers and the auditing of such transfers that are determined to be appropriate;

''(10) conducts public education activities concerning injury prevention and obtaining access to trauma care;

''(11) coordinates planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning; and

''(12) with respect to the requirements established in this subsection, provides for coordination and cooperation between the State and any other State with which the State shares any standard metropolitan statistical area.

''(b) CERTAIN STANDARDS WITH RESPECT TO TRAUMA CARE CENTERS AND SYSTEMS.—

''(1) IN GENERAL.—The Secretary may not make payments under section 1211(a) for a fiscal year unless the State involved agrees that, in carrying out paragraphs (3) through (5) of subsection (a), the State will adopt standards for the designation of trauma centers, and for triage, transfer, and transportation policies, and that the State will, in adopting such standards—

''(A) take into account national standards that outline resources for optimal care of injured patients;

''(B) consult with medical, surgical, and nursing speciality groups, hospital associations, emergency medical services State and local directors, concerned advocates, and other interested parties;

''(C) conduct hearings on the proposed standards after providing adequate notice to the public concerning such hearing; and

''(D) beginning in fiscal year 2008, take into account the model plan described in subsection (c).

''(2) QUALITY OF TRAUMA CARE.—The highest quality of trauma care shall be the primary goal of State standards adopted under this subsection.

''(3) APPROVAL BY THE SECRETARY.—The Secretary may not make payments under section 1211(a) to a State if the Secretary determines that—

''(A) in the case of payments for fiscal year 2008 and subsequent fiscal years, the State has not taken into account national standards, including those of the American College of Surgeons, the American College of Emergency Physicians, and the American Academy of Pediatrics, in adopting standards under this subsection; or

''(B) in the case of payments for fiscal year 2008 and subsequent fiscal years, the State has not, in adopting such standards, taken into account the model plan developed under subsection (c).

''(c) MODEL TRAUMA CARE PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Trauma Care Systems Planning and Development Act of 2007, the Secretary shall update the model plan for the designation of trauma centers and for triage, transfer, and transportation policies that may be adopted for guidance by the State. Such plan shall—

''(A) take into account national standards, including those of the American College of Surgeons, American College of Emergency Physicians, and the American Academy of Pediatrics;

''(B) take into account existing State plans;

''(C) be developed in consultation with medical, surgical, and nursing speciality groups, hospital associations, emergency medical services State directors and associations, and other interested parties; and

''(D) include standards for the designation of rural health facilities and hospitals best able to receive, stabilize, and transfer trauma patients to the nearest appropriate designated trauma center, and for triage, transfer, and transportation policies as they relate to rural areas.

''(2) APPLICABILITY.—Standards described in paragraph (1)(D) shall be applicable to all rural areas in the State, including both non-metropolitan areas and frontier areas that have populations of less than 6,000 per square mile.

''(d) RULE OF CONSTRUCTION WITH RESPECT TO NUMBER OF DESIGNATED TRAUMA CENTERS.—With respect to compliance with subsection (a) as a condition of the receipt of a grant under section 1211(a), such subsection may not be construed to specify the number of trauma care centers designated pursuant to such subsection.''.

SEC. 8. REQUIREMENT OF SUBMISSION TO SECRETARY OF TRAUMA PLAN AND CERTAIN INFORMATION.

Section 1214 of the Public Health Service Act (42 U.S.C. 300d–14) is amended to read as follows:

''SEC. 1214. REQUIREMENT OF SUBMISSION TO SECRETARY OF TRAUMA PLAN AND CERTAIN INFORMATION.

''(a) IN GENERAL.—For each fiscal year, the Secretary may not make payments to a State under section 1211(a) unless, subject to subsection (b), the State submits to the Secretary the trauma care component of the State plan for the provision of emergency medical services, including any changes to the trauma care component and any plans to address deficiencies in the trauma care component.

''(b) INTERIM PLAN OR DESCRIPTION OF EFFORTS.—For each fiscal year, if a State has not completed the trauma care component of the State plan described in subsection (a), the State may provide, in lieu of such completed component, an interim component or a description of efforts made toward the completion of the component.

''(c) INFORMATION RECEIVED BY STATE REPORTING AND ANALYSIS SYSTEM.—The Secretary may not make payments to a State under section 1211(a) unless the State agrees that the State will, not less than once each year, provide to the Secretary the information received by the State pursuant to section 1213(a)(7).

''(d) AVAILABILITY OF EMERGENCY MEDICAL SERVICES IN RURAL AREAS.—The Secretary may not make payments to a State under section 1211(a) unless—

''(1) the State identifies any rural area in the State for which—

''(A) there is no system of access to emergency medical services through the telephone number 911;

''(B) there is no basic life-support system; or

''(C) there is no advanced life-support system; and

''(2) the State submits to the Secretary a list of rural areas identified pursuant to paragraph (1) or, if there are no such areas, a statement that there are no such areas.''.

SEC. 9. RESTRICTIONS ON USE OF PAYMENTS.

Section 1215 of the Public Health Service Act (42 U.S.C. 300d–15) is amended to read as follows:

''SEC. 1215. RESTRICTIONS ON USE OF PAYMENTS.

''(a) IN GENERAL.—The Secretary may not, except as provided in subsection (b), make payments under section 1211(a) for a fiscal year unless the State involved agrees that the payments will not be expended—

''(1) for any purpose other than developing, implementing, and monitoring the modifications required by section 1211(b) to be made to the State plan for the provision of emergency medical services;

''(2) to make cash payments to intended recipients of services provided pursuant to this section;

''(3) to purchase or improve real property (other than minor remodeling of existing improvements to real property);

''(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

''(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

''(b) WAIVER.—The Secretary may waive a restriction under subsection (a) only if the Secretary determines that the activities outlined by the State plan submitted under section 1214(a) by the State involved cannot otherwise be carried out.''.

SEC. 10. REQUIREMENTS OF REPORTS BY STATES.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by striking section 1216.

SEC. 11. REPORT BY SECRETARY.

Section 1222 of the Public Health Service Act (42 U.S.C. 300d–22) is amended to read as follows:

''SEC. 1222. REPORT BY SECRETARY.

''Not later than October 1, 2008, the Secretary shall report to the appropriate committees of Congress on the activities of the States carried out pursuant to section 1211. Such report shall include an assessment of the extent to which Federal and State efforts to develop systems of trauma care and to designate trauma centers have reduced the incidence of mortality, and the incidence of permanent disability, resulting from trauma. Such report may include any recommendations of the Secretary for appropriate administrative and legislative initiatives with respect to trauma care.''.

SEC. 12. FUNDING.

Section 1232 of the Public Health Service Act (42 U.S.C. 300d–32) is amended to read as follows:

''SEC. 1232. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts A and B, subject to subsections (b) and (c), there are authorized to be appropriated $12,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $8,000,000 for each of the fiscal years 2010 through 2012.

''(b) RESERVATION OF FUNDS.—If the amount appropriated under subsection (a) for a fiscal year is equal to or less than $1,000,000, such appropriation is available only for the purpose of carrying out part A. If the amount so appropriated is greater than $1,000,000, 50 percent of such appropriation shall be made available for the purpose of carrying out part A and 50 percent shall be made available for the purpose of carrying out part B.

''(c) ALLOCATION OF PART A FUNDS.—Of the amounts appropriated under subsection (a) for a fiscal year to carry out part A—

''(1) 10 percent of such amounts for such year shall be allocated for administrative purposes; and

''(2) 10 percent of such amounts for such year shall be allocated for the purpose of carrying out section 1202.''.

SEC. 13. RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.

Section 1251 of the Public Health Service Act (42 U.S.C. 300d–51) is amended to read as follows:

''SEC. 1251. RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.

''(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for the purpose of planning and developing approved residency training programs in emergency medicine.

''(b) IDENTIFICATION AND REFERRAL OF DOMESTIC VIOLENCE.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the training programs under subsection (a) will provide education and training in identifying and referring cases of domestic violence.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $400,000 for each of the fiscal years 2008 though 2012.''.

SEC. 14. STATE GRANTS FOR CERTAIN PROJECTS.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended in the section heading by striking ''**demonstration**''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GENE GREEN).

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members 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 gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 727, legislation to reauthorize the Trauma Systems Planning and Development Act. This program, under the Public Health Service Act, was first authorized in 1990 to improve and coordinate trauma care in our country.

Since then, this program has provided $30 million to States to establish state-wide and regional trauma systems. Injury related to trauma is the leading cause of death for younger Americans, ages 1 through 44. Trauma also causes more than 300,000 permanent disabilities each year.

For seriously injured individuals, the first hour after an injury is when medical care is most effective in saving lives and function. This hour is also often referred to as the ''golden hour,'' during which trauma and emergency systems must respond both quickly and efficiently.

This golden hour is also the goal that our military has for getting medical attention to our soldiers injured on the battlefield. The military has an impressive, streamlined trauma system that my colleagues Dr. BURGESS; our ranking member at that time, Congressman DEAL from Georgia; and our late colleague Dr. Norwood from Georgia and I marveled at during our trip last summer to Iraq, where we toured the military's trauma facilities in Balad.

Unfortunately, the military's trauma system is not replicated in civilian health care, and too many Americans do not benefit from trauma systems that facilitate medical intervention during this critical time frame.

While the death rate from trauma is 50 percent higher in rural areas than in urban locations, trauma affects each corner of this country. In fact, nearly 25 percent of all Americans sustain injuries each year that require medical attention. Yet without coordinated trauma systems and quick access to care, injuries are too often fatal.

In Houston, we learned this lesson the hard way when the lack of trauma

coordination forced a young man to wait more than 4 hours to receive care after he was hit by a car on Halloween night in 2001. With serious head, chest and leg injuries, this patient was clearly medically unstable and should have received immediate care at one of Houston's two level-one trauma centers. But with the trauma centers increasingly on diversion, this young man was transported to Austin where he died the next day.

It was clear that we needed better trauma systems in the Houston area, and we quickly learned that the problem was felt throughout our Nation. We also learned that the effective trauma systems would help prevent nearly 25,000 deaths each year.

As a response, we developed this legislation to build on the program's initial success since 1990, and we authorized it through 2012.

This bill includes changes to the program to ensure that scarce health care dollars go to the communities most in need, ensuring that Federal funds are utilized to strengthen trauma systems and improve communication and coordination among different trauma systems.

It specifically ensures that grants go to States that coordinate planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning.

In addition, this legislation would require the Secretary to update the model plan for the designation of trauma centers and set triage, transfer, and transportation policies.

The legislation also reauthorizes the Residency Training Program in Emergency Medicine in an effort to ensure an adequate level of ER physicians to treat patients in need of care from America's trauma centers.

I would like to thank Mr. BURGESS from Texas for his leadership on this legislation and for helping to craft the compromise before us today.

I would also like to thank Chairman DINGELL and our Health Subcommittee Chairman PALLONE for their interest in this issue. We have been working on this bill for 5 years.

Until now, this important issue failed to receive the attention it deserved, so I appreciate my chairman including this bill on our first markup in this Congress.

I also appreciate the hard work that John Ford, William Garner and Pete Goodloe of the committee staff put in to guide this bill through the committee to ensure that we have a consensus product to approve today, and also my own staff who has worked on this for at least 3 years.

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I also appreciate the support of the American College of Surgeons, the American Osteopathic Association, the American Academy of Pediatrics, the American Association of Neurological Surgeons, the American Trauma Society, the Coalition for American Trauma Care and the Emergency Nurses Association.

The members of these groups are on the front lines and know that coordinated trauma systems can literally save lives. We thank them for all they do for our communities.

I urge my colleagues to vote for this important legislation.

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

Mr. BURGESS. Mr. Speaker, at this point, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY), who has intimate, firsthand knowledge of this issue.

Mr. BOUSTANY. I thank my colleague from Texas for yielding time to me.

Mr. Speaker, prior to coming to Congress, I was a practicing cardiovascular and thoracic surgeon with extensive experience in open heart surgery, as well as trauma surgery. But I want to speak about the importance of this bill not as a physician but as a parent of a son who was in a severe car accident.

About 6 years ago, I will never forget this, this was a Wednesday night, about 11:30 in the evening, and I received a phone call from the hospital from a friend of mine who is an emergency room physician who told me, was your son driving a black Alero? I said, what do you mean, ''was''? He went on to say, ''Well, I think he's going to be okay.'' He started to read off the litany of injuries that my son had.

So I immediately rushed over to the hospital, and I didn't think about it, but I happened to be on call for chest trauma that night, so I was worried that I might have to operate on my own son. I get to the hospital and found out that he was in the emergency room, sitting there for about 3 to 4 hours. He was in shock. There was no organization with regard to prioritization of his injuries.

I immediately jumped in and started kind of prioritizing things, and we managed to get him stabilized. He went through some extensive surgery that night. He subsequently had to be transferred to another hospital 180 miles away for further treatment of his extensive orthopedic injuries.

Because of lack of trauma coordination at that hospital, he developed severe malnutrition, lost about 50 pounds, had a lack of coordination with his antibiotics, developed infections, and spent nearly 6 or 7 weeks in the hospital, followed by about 3 to 4 to 5 months of further care to get him back to where he could walk with crutches. Thankfully now, today, he is doing well.

But if it wouldn't have been for my personal experience as a physician, overseeing the care of my son, he would not have gotten the appropriate care, and that is because we didn't have a coordinated trauma center.

Trauma cannot be fragmented. It requires a coordinated effort by a team of experts.

As was mentioned, the mortality rate from trauma is significantly higher in rural areas than it is in urban areas. There are nearly 20- to 25,000 trauma deaths each year that are preventable if we had the proper coordination.

We have learned much from the military. Much of trauma surgery has evolved from military activity and stream of the wounded afterwards. There have been tremendous advances, but this does not translate to civilian area, where we do not have trauma centers.

Clearly, this is a bill that is important, and I appreciate the committee for bringing this forward and the hard work that has been done.

This bill will ensure that severely injured patients get coordinated care, get care by experts, by a team of experts, not just in the emergency room and the operating room but in the aftermath, where it's so critical to full recovery and full rehabilitation.

This bill will award grants to the States for planning, implementing and developing trauma care systems. The Institute of Medicine has said the availability of Federal funds through the Trauma Care Systems and Planning Development Act appears to have helped increase the number of trauma centers and urged, in 1999, the reauthorization of the Trauma Care Act.

This bill is absolutely necessary. It's critical, and it also will serve to build a trauma registry, which is so important, so that we can catalog these injuries and learn from these things so that we can actually improve trauma care further in the civilian arena.

I urge my colleagues to support this bill. It's a superb bill. It's an excellent bill.

Mr. GENE GREEN of Texas. Mr. Speaker, we reserve the balance of our time.

Mr. BURGESS. Mr. Speaker, as we have just heard, this is an important bill. Trauma is one of the most expensive illnesses that we treat in this country. I am so pleased today to stand in support of H.R. 727, the Trauma Care Systems Planning and Development Act of 2007.

In 1990, the Trauma Care Systems Planning and Development Act created title XII of the Public Health Service Act. This program was borne out of a report in which it was found that severely injured individuals in a majority of both urban and rural areas of the United States were not receiving the benefit of trauma systems, despite considerable evidence that a trauma system would improve survival rates.

H.R. 727 requires the Health Resources and Services Administration to work with each State to help establish advanced trauma life support systems and to train EMS personnel for rural areas. Likewise, the program will help to make improvements in communication and coordination with the larger State trauma systems.

For Americans between the ages of 1 and 44, trauma is the leading cause of death. Traumatic injury in the United States, largely due to motor-related

trauma, totals $260 billion in costs. By reauthorizing this program, we will achieve the goal of ensuring that all areas of the United States have appropriate emergency medical services.

As the legislation is structured, entities, either States or independent agencies, may compete for planning and development grants to help improve the trauma system and coordination in a given region. That is a distinct difference from the trauma bill that existed before.

This bill is an improvement over the previous authorization because it will allow both States and other political subdivisions to work cooperatively to improve trauma systems. This bill also represents a more realistic authorization that will essentially act as start-up Federal funding for enhanced communication, enhanced coordination and data collection for States and other eligible grantees.

Certainly, I need to join my colleague from Texas in thanking Congressman BARTON and Congressman DINGELL for their hard work on this legislation. Mr. Speaker, this has been a work in process for some time.

My personal staff, Josh Martin, worked diligently on this bill last year. There were a number of issues with the other body which took some time to resolve, but happily they were resolved before the end of the year. We are now able to support H.R. 727 in this Congress, get the bill passed and get this coordination of service where it is so badly needed.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 727, as amended.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

STROKE TREATMENT AND ONGOING PREVENTION ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 477) to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 477

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 ''Stroke Treatment and Ongoing Prevention Act''.

SEC. 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT REGARDING STROKE PROGRAMS.

(a) STROKE EDUCATION AND INFORMATION PROGRAMS.—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] *S—STROKE EDUCATION, INFORMATION, AND DATA COLLECTION PROGRAMS*

''SEC. [399AA] *399FF*. STROKE PREVENTION AND EDUCATION CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall carry out an education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment.

''(b) AUTHORIZED ACTIVITIES.—In implementing the education and information campaign under subsection (a), the Secretary may—

''(1) make public service announcements about the warning signs of stroke and the importance of treating stroke as a medical emergency;

''(2) provide education regarding ways to prevent stroke and the effectiveness of stroke treatment; and

''(3) carry out other activities that the Secretary determines will promote prevention practices among the general public and increase the number of stroke patients who seek immediate care.

''(c) MEASUREMENTS.—In implementing the education and information campaign under subsection (a), the Secretary shall—

''(1) measure public awareness before the start of the campaign to provide baseline data that will be used to evaluate the effectiveness of the public awareness efforts;

''(2) establish quantitative benchmarks to measure the impact of the campaign over time; and

''(3) measure the impact of the campaign not less than once every 2 years or, if determined appropriate by the Secretary, at shorter intervals.

''(d) NO DUPLICATION OF EFFORT.—In carrying out this section, the Secretary shall avoid duplicating existing stroke education efforts by other Federal Government agencies.

''(e) CONSULTATION.—In carrying out this section, the Secretary may consult with organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

''SEC. [399BB] *399GG*. PAUL COVERDELL NATIONAL ACUTE STROKE REGISTRY AND CLEARINGHOUSE.

''The Secretary, acting through the Centers for Disease Control and Prevention, shall maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse by—

''(1) continuing to develop and collect specific data points and appropriate benchmarks for analyzing care of acute stroke patients;

''(2) collecting, compiling, and disseminating information on the achievements of, and problems experienced by, State and local agencies and private entities in developing and implementing emergency medical systems and hospital-based quality of care interventions; and

''(3) carrying out any other activities the Secretary determines to be useful to maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse to reflect the latest advances in all forms of stroke care.

''SEC. [399CC] *399HH*. STROKE DEFINITION.

''For purposes of this part, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''SEC. [399DD] *399II*. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $5,000,000 for each of fiscal years 2008 through 2012.''.

(b) EMERGENCY MEDICAL PROFESSIONAL DEVELOPMENT.—Section 1251 of the Public Health Service Act (42 U.S.C. 300d–51) is amended to read as follows:

''SEC. 1251. MEDICAL PROFESSIONAL DEVELOPMENT IN ADVANCED STROKE AND TRAUMATIC INJURY TREATMENT AND PREVENTION.

''(a) RESIDENCY AND OTHER PROFESSIONAL TRAINING.—The Secretary may make grants to public and nonprofit entities for the purpose of planning, developing, and enhancing approved residency training programs and other professional training for appropriate health professions in emergency medicine, including emergency medical services professionals, to improve stroke and traumatic injury prevention, diagnosis, treatment, and rehabilitation.

''(b) CONTINUING EDUCATION ON STROKE AND TRAUMATIC INJURY.—

''(1) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to qualified entities for the development and implementation of education programs for appropriate health care professionals in the use of newly developed diagnostic approaches, technologies, and therapies for health professionals involved in the prevention, diagnosis, treatment, and rehabilitation of stroke or traumatic injury.

''(2) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to qualified entities that will train health care professionals that serve areas with a significant incidence of stroke or traumatic injuries.

''(3) APPLICATION.—A qualified entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with amounts received under the grant.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'qualified entity' means a consortium of public and private entities, such as universities, academic medical centers, hospitals, and emergency medical systems that are coordinating education activities among providers serving in a variety of medical settings.

''(B) The term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''(c) REPORT.—Not later than 1 year after the allocation of grants under this section, the Secretary 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 results of activities carried out with amounts received under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2008 through 2012. The Secretary shall equitably allocate the funds authorized to be appropriated under this section between efforts to address stroke and efforts to address traumatic injury.''.

SEC. 3. PILOT PROJECT ON TELEHEALTH STROKE TREATMENT.

(a) ESTABLISHMENT.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after section 330L the following:

''SEC. 330M. TELEHEALTH STROKE TREATMENT GRANT PROGRAM.

''(a) GRANTS.—The Secretary may make grants to States, and to consortia of public and private entities located in any State that is not a grantee under this section, to conduct a 5-year pilot project over the period of fiscal years 2008 through 2012 to improve stroke patient outcomes by coordinating health care delivery through telehealth networks.

''(b) ADMINISTRATION.—The Secretary shall administer this section through the Director of the Office for the Advancement of Telehealth.

''(c) CONSULTATION.—In carrying out this section, for the purpose of better coordinating program activities, the Secretary shall consult with—

''(1) officials responsible for other Federal programs involving stroke research and care, including such programs established by the Stroke Treatment and Ongoing Prevention Act; and

''(2) organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—The Secretary may not make a grant to a State or a consortium under this section unless the State or consortium agrees to use the grant for the purpose of—

''(A) identifying entities with expertise in the delivery of high-quality stroke prevention, diagnosis, treatment, and rehabilitation;

''(B) working with those entities to establish or improve telehealth networks to provide stroke treatment assistance and resources to health care professionals, hospitals, and other individuals and entities that serve stroke patients;

''(C) informing emergency medical systems of the location of entities identified under subparagraph (A) to facilitate the appropriate transport of individuals with stroke symptoms;

''(D) establishing networks to coordinate collaborative activities for stroke prevention, diagnosis, treatment, and rehabilitation;

''(E) improving access to high-quality stroke care, especially for populations with a shortage of stroke care specialists and populations with a high incidence of stroke; and

''(F) conducting ongoing performance and quality evaluations to identify collaborative activities that improve clinical outcomes for stroke patients.

''(2) ESTABLISHMENT OF CONSORTIUM.—The Secretary may not make a grant to a State under this section unless the State agrees to establish a consortium of public and private entities, including universities and academic medical centers, to carry out the activities described in paragraph (1).

''(3) PROHIBITION.—The Secretary may not make a grant under this section to a State that has an existing telehealth network that is or may be used for improving stroke prevention, diagnosis, treatment, and rehabilitation, or to a consortium located in such a State, unless the State or consortium agrees that—

''(A) the State or consortium will use an existing telehealth network to achieve the purpose of the grant; and

''(B) the State or consortium will not establish a separate network for such purpose.

''(e) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to any applicant that submits a plan demonstrating how the applicant, and where applicable the members of the consortium described in subsection (d)(2), will use the grant to improve access to high-quality stroke care for populations with shortages of stroke-care specialists and populations with a high incidence of stroke.

''(f) GRANT PERIOD.—The Secretary may not award a grant to a State or a consortium under this section for any period that—

''(1) is greater than 3 years; or

''(2) extends beyond the end of fiscal year 2012.

''(g) RESTRICTION ON NUMBER OF GRANTS.—In carrying out the 5-year pilot project under this section, the Secretary may not award more than 7 grants.

''(h) APPLICATION.—To seek a grant under this section, a State or a consortium of public and private entities shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require each such application to outline how the State or consortium will establish baseline measures and benchmarks to evaluate program outcomes.

''(i) DEFINITION.—In this section, the term 'stroke' means a 'brain attack' in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008, $13,000,000 for fiscal year 2009, $15,000,000 for fiscal year 2010, $8,000,000 for fiscal year 2011, and $4,000,000 for fiscal year 2012.''.

(b) STUDY; REPORTS.—

(1) FINAL REPORT.—Not later than March 31, 2013, the Secretary of Health and Human Services shall conduct a study of the results of the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the grant program outcomes, including quantitative analysis of baseline and benchmark measures.

(B) Recommendations on how to promote stroke networks in ways that improve access to clinical care in rural and urban areas and reduce the incidence of stroke and the debilitating and costly complications resulting from stroke.

(C) Recommendations on whether similar telehealth grant programs could be used to improve patient outcomes in other public health areas.

(2) INTERIM REPORTS.—The Secretary of Health and Human Services may provide interim reports to the Congress on the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) at such intervals as the Secretary determines to be appropriate.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the Secretary of Health and Human Services to establish Federal standards for the treatment of patients or the licensure of health care professionals.

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

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask that all Members may have 5 legislatives 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 gentleman from New Jersey?

There was no objection.

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

The bill before us, H.R. 477, the Stroke Treatment and Ongoing Prevention Act, amends the Public Health Service Act to strengthen education, prevention and treatment programs to improve health outcomes for stroke patients. Stroke is the third leading cause of death in America and a major contributor to long-term disability. The American Heart Association reports that approximately 700,000 Americans suffer from a stroke each year and that more than 150,000 die annually. The AHA estimates that someone dies of a stroke every 3 minutes.

H.R. 477 would authorize the Secretary of the Department of Health and Human Services to engage in activities designed to increase knowledge and awareness of stroke prevention and treatment. This legislation would require the Secretary to conduct educational campaigns, maintain a national stroke registry and establish an information clearinghouse related to stroke.

The bill would authorize the Secretary to make grants to public and nonprofit entities for the purpose of planning, developing and enhancing improved residency training programs and other professional training for appropriate health professions in emergency medicine, including emergency medical service professionals, to improve stroke and traumatic injury prevention, diagnosis, treatment and rehabilitation.

Finally, the bill would authorize the Secretary to make grants to States and public and other private entities to make medical professional training programs and telehealth networks that seek to coordinate stroke care and improve patient outcomes.

The legislation has 86 cosponsors and is supported by the American Heart Association, the American Stroke Association, the American Physical Therapy Association and the STOP Stroke Coalition.

I would like to personally thank Representative CAPPS and Representative PICKERING for all their hard work on this life-saving legislation. I particularly want to thank Representative CAPPS. I know how hard she has worked on this. I know, because of her background as a nurse, she brings to our attention on the subcommittee so

many bills and so many issues that are really important. I would thank her not only for this bill but for so many other initiatives.

I would urge all of my colleagues to join me in support of H.R. 477.

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

Mr. BURGESS. Mr. Speaker, I am pleased to rise in support of H.R. 477, the STOP Stroke Act. By passing this legislation, we are drawing attention to the dangers of stroke and heart disease. As we have already heard, stroke is the third leading cause of death in this country, preceded by cardiovascular disease and cancer, but clearly an important cause of death in this country. It is the most common cause of adult disability. As we have already heard, each year, more than 700,000 Americans suffer stroke, and 160,000 die from stroke-related causes.

It is important to increase awareness and knowledge about stroke and stroke prevention. One of the key components of this legislation is that it allows the Secretary of HHS to establish programs for education about stroke prevention.

Additionally, the STOP Stroke Act provides federally funded grants to health care professionals at qualified entities to help educate them about the need for prevention, diagnosis, treatment and rehabilitation.

Lastly, the legislation before us today includes a 5-year pilot program that provides grants to States and public-private entities for coordination of health care through telehealth networks.

I want to thank Congresswoman CAPPS and Congressman PICKERING for their work in bringing this legislation to the floor tonight. I urge my colleagues to support the STOP Stroke Act.

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

Mr. PALLONE. Mr. Speaker, I yield to the sponsor of the bill, Mrs. CAPPS, such time as she may consume.

Mrs. CAPPS. I thank my colleague from New Jersey for yielding and for your leadership on this and the other health bills that we have been dealing with lately.

Mr. Speaker, I rise in strong support of the Stroke Treatment and Ongoing Prevention Act, known as the STOP Stroke bill. I have been very proud to work on this legislation over several years with my colleague, Chip Pickering; and I am thrilled that it has come before the House today. I thank our staffs for all of us and those who have supported this legislation in the past, particularly calling to mind the groups that Mr. Chairman mentioned in support of the legislation, groups across the country made up of survivors of stroke and those who are very interested in what we do here today.

It has been mentioned that stroke is the Nation's number three killer, a leading cause of long-term disability, and it's also known but not widely understood that stroke affects all age groups, not just the very elderly. It cuts through every socioeconomic and ethnic group. It really is a very significant destroyer of lives and homes and families, as it has such devastating results as it affects people.

□ 2045

Across this country, someone suffers a stroke every 45 seconds.

In my State of California, stroke accounts for approximately 7 percent of deaths. In 2004, that amounted to nearly 17,000 individuals. So many of these deaths due to stroke are preventable. Others are treatable.

The staggering numbers of death and long-term disability due to stroke means that it is now time that we pass into law a comprehensive plan for preventing, for diagnosing, and for treating stroke. H.R. 477 would accomplish this goal by authorizing the resources needed to implement coordinated stroke systems.

The bill's first initiative would create a national awareness campaign that would educate both patients and providers. Not enough people know the symptoms of stroke when it impacts them.

We must standardize prevention and early treatment in order to achieve real results in our fight against stroke. In order to further improve education about stroke prevention, diagnosis and treatment, this bill will authorize grants for qualified health professional programs so that providers are equipped with the most up-to-date information and technologies.

H.R. 477 would also maintain the Paul Coverdell Registry, which serves as a clearinghouse of information about stroke care and best practices.

And, finally, it would make up to seven grants available to conduct pilot projects on how we may be able to improve stroke outcomes through telehealth networks.

I am very proud of this bill's comprehensive approach to improve our ability to manage stroke in the United States.

Only when we tackle this disease from all angles, from prevention, from treatment, from coordination of care, can we really make progress. So I urge my colleagues to vote in favor of H.R. 477. And I look forward to seeing it finally signed into law.

Mr. BURGESS. Mr. Speaker, through the course of these three bills being brought by the Energy and Commerce Committee tonight, we have heard a number of stories. People have shared with us their personal stories.

I saw on the news wires just this evening where a good friend of our committee, Jack Valenti, had been hospitalized with a stroke earlier this week.

My own father suffered a stroke, May 23 of 1989. He, unfortunately, died 2 years ago this week. He spent the last 16 years of his life living with a disability as a result of that stroke. The day that it happened, he lost the ability to speak and never regained it prior to his death.

Stroke treatment is so important and it has evolved over time. It wasn't too many years ago where it was just simply a question of being certain about the diagnosis, making certain the stroke patient was stable, and then making arrangements for their rehabilitation. But so much more can be done now.

And we heard about the golden hour when talking about the trauma bill. Actually, for stroke victims, if treatment is rendered within the first 3 hours of a clot occurring, anti-clot medications, clot-busting medications, thrombolytic agents can be administered to restore significant function to that and prevent injury to that part of the brain that has been injured by, or been placed in jeopardy by, the presence of a clot.

Other strokes are caused by bleeding and blood vessel malformations within the brain; and one of our colleagues in the other body, indeed, suffered such an injury earlier this year. The treatment is vastly different. Clearly, those patients should not be treated with clot-inhibiting agents because they would be placed at greater risk.

So the diagnosis of the type of stroke at the time of the stroke becomes critical, and that is where the funding placed for the education and the medical research becomes so important. Further, it is my feeling that, as time goes forward, we will indeed improve the ability to help individuals who have been afflicted by a stroke.

Additionally, the bill calls for the Secretary of Health and Human Services to establish programs educating the public about stroke prevention. And thanks to my good friends at mayoclinic.com, I would like to take just a moment to run through, to enumerate those things that should be done for stroke prevention. And the number one issue is, if a person has hypertension, that hypertension needs to be controlled. If a person has high cholesterol, that needs to be lowered, either by modifying diet, a diet low in fat or a cholesterol lowering medication such as a statin. No one should smoke in the United States today. If you are diabetic, control your blood sugar. Maintain a healthy weight. Exercise regularly. Avoid stress. Don't serve in Congress. Oh, that wasn't on the list. Avoid stress. And if you do use alcohol or illicit drugs, perhaps you ought to think of another activity.

These are very commonsense recommendations. They have been developed by, again, our good friends at Mayo Clinic. And I urge all Americans to consider incorporating those into their lifestyle.

This is important legislation. I urge my colleagues to support the legislation.

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, as a strong proponent of the American Heart Association's GO-Red campaign aimed at educating women about heart disease and stroke, I am proud to be a cosponsor of the Stroke Treatment and Ongoing Prevention Act.

This legislation will help reduce the 150,000 deaths that occur each year from stroke. Every 3 minutes someone dies of a stroke according to the American Heart Association. To a stroke victim, delay means more dead brain cells. The most common type of strokes kills 1.9 million brain cells every minute. One study estimated that for every 12 minutes a stroke victim delays treatment, a pea-sized portion of the brain dies.

Fortunately, educating people about when to seek treatment makes a difference. And I want to tell a story about a friend of mine. About 6 months ago, young woman, she happened to have another friend visiting her. And she woke up one morning and said, I don't feel very good. I can hardly lift my arm. And her friend that was visiting said, we are going straight to the hospital. She is doing very well in recovery, not only because she is a very determined person, but she can also thank her friend for recognizing what was happening and getting her to a hospital immediately.

By educating people about stroke symptoms and strengthening training programs for physicians, this legislation will save lives and limit the damage to stroke survivors.

I urge my colleagues to support H.R. 477.

Mr. PICKERING. Mr. Speaker, I rise today in support of the Stroke Treatment and Ongoing Prevention Act.

As the original cosponsor of the STOP Stroke Act, I would like to extend a special thanks to my colleague and the bill's sponsor, Congresswoman CAPPS for her tireless efforts to move this important legislation.

Despite significant advances in its diagnosis, treatment, and prevention, stroke remains the nation's number three killer and a leading cause of long-term disability. An estimated 700,000 U.S. residents have a new or recurrent stroke each year, and about 160,000 of them die, according to statistics compiled by the American Heart Association. On average, every 45 seconds, someone in the United States has a stroke, and someone dies of a stroke every 3 to 4 minutes. Stroke is the number four killer in my home state of Mississippi. In 2004, 1,651 people in Mississippi died of stroke. Mississippi ranks first in the nation for the highest death rate from heart disease, stroke, and other cardiovascular diseases.

Today 5.7 million Americans are stroke survivors. As many as 30 percent of them are permanently disabled, requiring extensive and costly care. It is expected that stroke will cost the nation $62.7 billion in 2007.

Prompt treatment of patients experiencing stroke can save lives and reduce disability, yet thousands of stroke patients do not receive the care they need. Additionally, most Americans cannot identify the signs of stroke, and even emergency medical technicians are often not taught how to recognize and manage its symptoms. Even in hospitals, stroke patients often do not receive the care that could save their lives. Rapid administration of clot-dissolving drugs dramatically improves the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication.

The STOP Stroke Act is a first step toward removing these barriers to quality stroke care, thereby saving lives and reducing disability. The legislation addresses a number of significant hindrances to quality stroke care including low public awareness, lack of necessary infrastructure, low awareness among medical professionals, and lack of adequate data collection.

The legislation will coordinate these various components. According to the American Heart Association, developing coordinated systems of care is essential to improving prevention, treatment, and rehabilitation for stroke patients.

The STOP Stroke Act authorizes a national public information campaign to educate the public about stroke, including how to reduce risk, recognize the warning signs, and seek emergency treatment as soon as symptoms occur.

This legislation also authorizes the Paul Coverdell Stroke Registry and Clearinghouse to collect data about the care of acute stroke patients and foster the development of effective stroke care systems. The clearinghouse will serve as a resource for States seeking to design and implement their own stroke care systems by collecting, analyzing and disseminating information on the efforts of other communities to establish similar systems.

The STOP Stroke Act also provides grants for public and non-profit entities to develop and implement continuing education programs in the use of new diagnostic approaches, technologies, and therapies for the prevention and treatment of stroke. Stroke support can be delivered to smaller, underserved facilities by relying more heavily on innovative telemedicine approaches that overcome the boundaries of time and distance to help rural hospitals tap into otherwise unattainable resources.

Finally, this bill authorizes a telehealth stroke treatment pilot project to support states' efforts to develop comprehensive networks to improve stroke prevention, treatment, and rehabilitation. These grants will allow states to identify stroke centers, improve communication networks that bring stroke care to rural areas, and decease response time.

The time has come for a bill such as the STOP Stroke Act. In fact, the time is past due. We are in a situation where stroke rates are on the rise, and we must address the issues that are going to help us match resources with the growing need to prevent and treat this devastating illness.

I look forward to working with my colleagues in both Chambers to promptly move this legislation that has actually passed previously in both the House and the Senate.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 477, as amended.

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

A motion to reconsider was laid on the table.

HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

Mr. ABERCROMBIE. Mr. Speaker, pursuant to House Resolution 269, I call up the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 835

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 ''Hawaiian Homeownership Opportunity Act of 2007''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243), as added by section 513 of Public Law 106–569 (114 Stat. 2969), is amended by striking ''fiscal years'' and all that follows and inserting the following: ''fiscal years 2008, 2009, 2010, 2011 and 2012.''.

SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), as added by section 514 of Public Law 106–569 (114 Stat. 2989), is amended as follows:

(1) AUTHORIZATION OF APPROPRIATIONS.—In subsection (j)(7), by striking ''fiscal years'' and all that follows and inserting the following: ''fiscal years 2008, 2009, 2010, 2011 and 2012.''.

(2) AUTHORITY.—In subsection (b), by striking ''or as a result of a lack of access to private financial markets''.

(3) ELIGIBLE HOUSING.—In subsection (c), by striking paragraph (2) and inserting the following new paragraph:

''(2) ELIGIBLE HOUSING.—The loan will be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing and are located on Hawaiian Home Lands.''.

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAIIAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended as follows:

(1) HEADING.—In the heading for the title, by inserting ''**AND NATIVE HAWAIIAN**'' after ''**TRIBAL**''.

(2) AUTHORITY AND REQUIREMENTS.—In section 601 (25 U.S.C. 4191)——

(A) in subsection (a)—

(i) by inserting ''or by the Department of Hawaiian Home Lands,'' after ''tribal approval,''; and

(ii) by inserting ''or 810, as applicable,'' after ''section 202'' ; and

(B) in subsection (c), by inserting ''or VIII, as applicable'' before the period at the end.

(3) SECURITY AND REPAYMENT.—In section 602 (25 U.S.C. 4192)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''or housing entity'' and inserting '', housing entity, or Department of Hawaiian Home Lands''; and

(ii) in paragraph (3)—

(I) by inserting ''or Department'' after ''tribe'';

(II) by inserting ''or VIII, as applicable,'' after ''title I''; and

(III) by inserting ''or 811(b), as applicable'' before the semicolon; and

(B) in subsection (b)(2), by striking ''or housing entity'' and inserting '', housing entity, or the Department of Hawaiian Home Lands''.

(4) PAYMENT OF INTEREST.—In the first sentence of section 603 (25 U.S.C. 4193), by striking ''or housing entity'' and inserting '', housing entity, or the Department of Hawaiian Home Lands''.

(5) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—In section 605(b) (25 U.S.C. 4195(b)), by striking ''1997 through 2007'' and inserting ''2008 through 2012''.

The SPEAKER pro tempore. Pursuant to House Resolution 269, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. 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 thereon.

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

There was no objection.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, with regard to H.R. 835, I would first like to thank very much Chairman BARNEY FRANK and Ranking Member SPENCER BACHUS for their consideration of H.R. 835.

It is imperative, from the point of view of Representative HIRONO and myself, that we regard this bill as nonpartisan in nature. And it was considered that way in committee, and I am grateful for it.

The bill was passed overwhelmingly last week 262–162. It was under the Suspension Calendar and did not receive a sufficient number of votes for the two-thirds required margin, so we find the bill before us this evening.

Of those 162 Republicans who voted ''no'' last week, 39 of them cosponsored the bill to create the Native Hawaiian Housing Title in the 106th Congress, including our good friend, Mr. BACHUS, and minority leader JOHN BOEHNER.

This reauthorization and improvements were requested by Hawaii's Republican Governor, Linda Lingle. The Department of Hawaiian Home Lands is chaired by the former head of the State's Republican Party.

This bill was introduced last year by Congressman Ney and was reported out of the Financial Services Committee by voice vote without amendment. And last year's Republican chairman of the Financial Services Committee, Mike Oxley, was also a cosponsor of the bill.

I bring these things up, Mr. Speaker, to emphasize that never have we ever considered this bill to be a partisan bill, a Republican or Democratic bill. This is a bill that affects constituents, regardless of their political affiliation, and is not ideological in nature. It is really administrative in nature.

There have been some discussions and some arguments concerning some of the constitutional issues that have been raised in other contexts about native people. This is not the venue to have that kind of a discussion or argument. We do not want to harm those who come before us for legislative redress and expect to have it and not expect to have an argument in which they will become grist for an ideological mill, grist for a disputation of an academic nature or of a philosophical nature, having nothing to do with the question at hand, in this instance, most particularly dealing with homeownership, mortgages, and refinancing.

I understand, and will defer to Mr. BACHUS on this point, that Mr. RENZI has made a statement of support in addition, and I expect to hear about that when we yield to Mr. BACHUS for his participation.

Mr. Speaker, I want to emphasize again that this is not a partisan bill. It is not really anything that should be considered other than on the merits of the subject matter at hand.

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

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

And the first thing I would like to acknowledge is both my respect and friendship with my colleague from Hawaii, Mr. ABERCROMBIE. I have enjoyed a long friendship with him, have the utmost respect for him, and I associate myself with the remarks he made. I believe his remarks were fair and accurate. Not to parrot the Fox News network, but also fair and accurate.

He has, I think, correctly pointed out, colleagues on my side of the aisle, some are supportive of this legislation. Others have concerns about the legislation. And it is for that reason that we have asked for time on the floor just to express some of those concerns.

At the same time, as the gentleman from Hawaii has said, we have some Members that strongly support this legislation. He mentioned the gentleman from Arizona (Mr. RENZI), also the gentleman, DON YOUNG, from Alaska, is a strong supporter of this legislation. And a number of my colleagues also voted for the legislation.

Others of my colleagues are concerned about some of the statements made in the Rice v. Cayetano case, that some of these benefits, and there are some 160 benefits that go to Native Hawaiians. And some of these benefits actually date back to statehood and, I think, the founding of the State of Hawaii. So there is some historical basis for these.

□ 2100

But, as I have said, some of my colleagues are concerned about that.

Some of them have pointed out the words of Justice Kennedy in that decision where he said this: ''America is a melting pot of cultures from around the world.'' And he said, ''As the State of Hawaii attempts to address these realities, it must, as always, seek the political consensus that begins with a shared purpose. One of the necessary beginning points is this principle: The Constitution of the United States too has become the heritage of all the citizens of Hawaii.''

And that Constitution, as we know, in almost all cases is opposed to racial set-asides. So this disturbs many of my colleagues on my side of the aisle.

At the same time, as I said, there is some historical context for these, and I think probably utmost is that I think most people in Hawaii, several Republicans, officeholders as well as both members of the present Hawaii delegation, support these programs and believe they greatly have benefited the people of Hawaii.

Let me simply close by saying we had hoped to come united together in supporting this legislation. Mr. CAMPBELL in committee had offered an amendment, and in closing I will read that amendment. Had this amendment been accepted, we would have been prepared, I think, to almost unanimously to have supported this bill.

Mr. CAMPBELL's amendment said: ''Nothing in this title shall be construed to confer a constitutionally special political or legal relationship based on Native Hawaiian race or ancestry between the United States and the Native Hawaiian people for purposes of establishing a government-to-government relationship.

With that, Mr. Speaker, as I said, with great respect for Congressman ABERCROMBIE and also Congresswoman HIRONO, I appreciate the civility and the spirit of cooperation in which we come here tonight.

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

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

Briefly, Mr. Speaker, I am also very grateful to Mr. BACHUS for his commentary and his observations and will indicate that, at least as far as this Member is concerned, there will be time enough, I believe, tomorrow to deal with the question should there be a recommittal offered on the issues that were raised by either the Campbell amendment or any of the other points that were raised as a basis or foundation for possible opposition to the bill. I believe they can be answered.

I believe that this is fundamentally a very conservative approach that merits the support of Members across the various ideological spectrums that exist here in the House of Representatives; and I hope, with the opportunity to speak about them at some length, perhaps tomorrow, that we will be able to

satisfy one and all here on the floor that this is a bill worthy of support.

The principal thing I would say, just simply in quick response, is that the Rice versus Cayetano decision which was mentioned does not affect these programs, has literally nothing to do with the issue at hand in this H.R. 835. The decision invalidated an election system for a State agency, the Office of Hawaiian Affairs, a State agency. The decision did not affect the agency itself. It did not even question the validity of the agency. It had to do with the question of who could vote for the trustees of the Office of Hawaiian Affairs.

The Office of Hawaiian Affairs still exists today. It exists for the benefit of Native Hawaiians and is voted on by the entire voting population of the State of Hawaii. So it had to do with an election issue and absolutely nothing to do with this, and the Court declined to address the question of Native Hawaiian programs authorized by Congress. So we are dealing with an entirely separate set of issues here, and I hope to make that clear tomorrow.

At this time, Mr. Speaker, I yield such time as she may consume to Representative HIRONO.

Ms. HIRONO. Mr. Speaker, I thank the gentleman and my colleague for yielding time.

I rise in strong support of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007 and ask for my colleagues' support of the bill.

The Act assists the State of Hawaii's Department of Hawaiian Home Lands, DHHL, to provide opportunities for homeownership for low-income native Hawaiians. The bill in no way addresses the question of whether or not Native Hawaiians should be recognized as a sovereign entity akin to Alaska Natives or American Indians.

During debate on this bill last Wednesday, no Member came to the floor to speak in opposition to the bill. In fact, the gentleman from Arizona, who managed the time, expressed support for the bill.

Unfortunately, either during the debate or afterward, e-mails were sent to Members containing at least two erroneous assertions: first, that this bill is unconstitutional and, second, that this bill ''would confer on Native Hawaiians an arrangement like that between the Federal Government and American Indian tribes.'' Opponents then compounded the error by citing the Rice v. Cayetano voting rights Supreme Court decision in support of their broad assertions.

As to the first assertion, the constitutionality of any measure must be decided by the courts; and, clearly, the courts have not opined on the constitutionality of this bill. As to the second assertion, there is nothing in the bill that speaks to creating a political relationship between Native Hawaiians and the Federal Government akin to the relationship between the Federal Government and American Indian tribes.

This bill, which promotes homeownership, a goal that all of us can support in bipartisan fashion, has been targeted for defeat by opponents who are misreading the bill as well as case law.

I was a member of the Cayetano administration in Hawaii and sat in the Supreme Court when arguments in the Rice case were heard. It may interest some of you to know that one of the lawyers arguing the State of Hawaii's case was John Roberts, who is now Chief Justice of our Supreme Court.

The central issue in the Rice v. Cayetano case was the narrow question of whether the State of Hawaii could hold an election for trustees of the Office of Hawaiian Affairs where only Native Hawaiians could vote. In holding that the State could not so limit these elections, the majority opinion of the Court deliberately avoided the question of whether or not Native Hawaiians deserved the same right of self-determination granted to American Indians and Alaska Natives.

Nothing in the Rice decision holds that programs that benefit Native Hawaiians are unconstitutional. The majority court decision did not call into question the trust relationship between the U.S. Government and the Native Hawaiian people. It did not strike down the Office of Hawaiian Affairs or any other program benefiting Native Hawaiians as unconstitutional.

While the entire Hawaii congressional delegation, Hawaii's Governor, who happens to be a Republican, and the Hawaii legislature supports self-determination for Native Hawaiians, that is not the subject of the bill before us today. My colleague and I have introduced H.R. 505, the Native Hawaiian Government Reorganization Act of 2007, also known as the Akaka bill. We can discuss the merits of self-determination for Native Hawaiians when and if the Congress considers that bill.

The bill before us today provides assistance to a limited group of Native Hawaiians, those designated as beneficiaries under the Hawaiian Homes Commission Act of 1921. That bill, in recognition of the desperate poverty and displacement from the land of Native Hawaiians, established a homesteading program to place eligible Native Hawaiians, or those with at least 50 percent Hawaiian blood, on lands in Hawaii designated for that purpose. The law was passed at the urging of the Territory of Hawaii's delegate to Congress, Prince Jonah Kuhio Kalanianaole. Some 200,000 acres were set aside for the purpose of providing Native Hawaiians with land. This 1921 Act of Congress has never been challenged in the Supreme Court in the last 86 years.

Despite the good intentions of the Congress, progress in meeting the goal of delivering land to Native Hawaiians was slow. Most of the Hawaiian homelands were located in areas far from jobs, and infrastructure like roads and utilities were nonexistent. Many individuals were on the waiting list for more than 30 years. The Hawaiian Homelands Homeownership Act of 2000 has provided the Department of Hawaiian Homelands with much-needed resources to expand opportunities for homeownership among low-income Native Hawaiians. Especially critical has been the ability to use these funds to develop the infrastructure that makes placing homes on these properties possible.

Because the issue of Native Hawaiian rights as a native people lies at heart of the opposition of this bill, I would like to quote attorneys H. Christopher Bartolomucci, Viet Dinh, and Neal Katyal, who stated in a February, 2007, legal document prepared for the Office of Hawaiian Affairs:

''Congressional legislation dealing with indigenous groups is political, not racial, in character and therefore is neither discriminatory nor unconstitutional. Rice v. Cayetano specifically declined to address whether 'Native Hawaiians have a status like that of Indians in organized tribes' and 'whether Congress may treat Native Hawaiians as it does the Indian tribes'.''

As previously mentioned, we can and should have the debate on whether or not Native Hawaiians should enjoy the rights to self-determination given to other Native American groups when that bill is squarely before us in H.R. 505. Native Hawaiians deserve no less.

This bill before us today simply provides Native Hawaiians who are eligible for homesteads under the Hawaiian Homes Commission Act passed by Congress with the financing tools to allow them to realize for their families the dream of homeownership which otherwise would be available to very few of them.

I urge my colleagues to support this bill. Mahalo nui loa.

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

Let me say that I appreciate Congresswoman HIRONO's discussing the bill and the different components of the bill and also Congressman ABERCROMBIE. And let me say that I do acknowledge that low-income Native Hawaiians living on the Hawaiian homelands, that they are under some restraints in building homes and financing those homes; and, because of that, there is support on my side of the aisle for some of these programs, and there are some differences of opinion. So I do acknowledge that for them, because it is on Native Hawaiian lands, it is almost impossible for them to get private financing; and that is at least the basis for some of these programs. And I do believe and I am hopeful that some of the discussions we have heard tonight will enlighten Members on both sides. It is not the intent of the minority to obstruct the passage of this legislation.

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

Mr. ABERCROMBIE. Mr. Speaker, I am again very appreciative of Mr.

BACHUS for his perception, his perspective, and his judgment with regard to the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time except for 5 minutes.

Mr. BACHUS. Mr. Speaker, I reserve 5 minutes of my time, and I yield back the balance of my time, also.

□ 2115

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 269, further proceedings on the bill will be postponed.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1132, as amended.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GRASSROOTS LOBBYING AND FREEDOM OF SPEECH

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, as part of the Constitutional Caucus, we try every week to raise issues that are of concern to us, because dealing with the Constitution, observing the Constitution and honoring the Constitution is very, very important to us. It is the basis of everything that we do here in the Congress and should be the basis of every lawmaking body in our country. So tonight I want to talk a little bit about the first amendment and a concern that I have about an assault that has been made on the first amendment by a previous Congress.

The first amendment clearly states that ''Congress shall make no law abridging the freedom of speech.'' Our Founding Fathers understood the vital role that free speech played in the health and functioning of our democracy. They lived under the restrictions of colonial England, and were very intent on creating a new system of government that respected the right to speech and political expression.

One of the strongest proponents of the Constitution's Bill of Rights, Patrick Henry, said: ''Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel.''

Today, as Mr. Henry advised 200 years ago, I look with suspicion at some of the legislation that has emerged from this body. I am suspicious that we have at times not given adequate attention to the ''public liberty'' that Patrick Henry so strongly urged us to guard.

Congress must take great care when attempting to control political expression. But, unfortunately, this has not always been the case. In the past, Congress has created laws which restrict organizations' rights to participate in the electoral process.

The First Amendment Restoration Act, H.R. 71, would restore America's first amendment rights by repealing the ''electioneering communication'' provision in the Bipartisan Campaign Reform Act of 2002, known as BCRA.

This provision stifles the speech rights of corporations, nonprofits and labor unions. They are prohibited from sponsoring no-PAC funded radio and TV advertisements that include any references to Federal candidates during the 30 days before primary elections and 60 days before general elections. This is a severe infringement on these organizations' constitutional rights to free speech. It communicates to them that they have no right to voice their views during elections.

It is a clear violation of the first amendment to restrict the speech of organizations and limit what people can say about a candidate and when they may say it. The Supreme Court, unfortunately, upheld the constitutionality of these restrictions on groups in the days leading up to an election. But the Supreme Court has erred in the past.

This bill offers a much-needed correction to the Bipartisan Campaign Reform Act. The 30/60 day BCRA provision was an attack on the primary purpose of the first amendment's free speech clause, which is the protection of political speech. This bill fully restores those rights which were hampered by BCRA.

We must be vigilant and heed the words of America's founders. They knew firsthand the democracy-choking effect of restrictions placed on political speech. But the minute we begin to craft laws that hamper expression, we demonstrate we have forgotten the priceless lessons of liberty that have been fought for by the patriots who have gone before us.

I urge my colleagues to support the First Amendment Restoration Act, H.R. 71.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order tonight.

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

There was no objection.

NATIONAL PROFESSIONAL SOCIAL WORKER MONTH AND WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today as a former social worker serving in the United States Congress, and I rise to honor the work of professional social workers across the country and throughout the world.

I would like to join my colleagues in the National Association of Social Workers in recognizing March as National Professional Social Work Month and today as World Social Work Day. Today we have the opportunity to acknowledge the important contributions that social workers make in our community and throughout this country.

Today the House overwhelmingly passed H. Res. 266 to recognize the goals and ideals of National Professional Social Work Month and World Social Work Day. This legislation offered the Congress a valuable occasion to support professionals who have helped individuals, families, and communities resolve complicated issues and make significant choices.

My experience as a social worker had a profound influence on my decision to enter public life. I could see that many of the challenges facing my clients and those that I worked with had stemmed from the decisions being made at the public policy level. Serving in Congress allows me to be able to continue to help my clients in a broader capacity.

Social work as a profession is a commitment to not only addressing the individual needs of clients, but also in creating a just system. As a Member of Congress, I work every day to create a just system for the American people.

This year, the theme of National Professional Social Work Month is ''Hope and Health.'' This theme allows us to highlight the considerable involvement of social workers in the health profession.

Social workers often work cooperatively with doctors, nurses and other medical professionals to ensure that their clients receive the highest quality care. Care and attention provided by social workers begins when the client enters the health care profession and does not end until he or she has recovered.

When dealing with health care, social workers will most often act as counselors and therapists. In that capacity, they must help the client and his or her family understand the diagnosis, the illnesses, and the emotions involved. In addition, social workers provide much-needed advice and support

regarding the difficult health care decisions that clients must make.

In fact, professional social workers provide more mental health care than psychologists, psychiatrists and psychiatric nurses combined, making them the largest provider of mental health services in this country.

These services are also extended to our Nation's veterans. Professional social workers provide counseling, substance abuse treatment, crisis intervention and other services to veterans and their families.

At a time when our Nation is involved in wars both in Iraq and Afghanistan, it is important that our returning soldiers have access to the compassionate care that social workers provide. The Department of Veterans Affairs employs over 4,400 social workers to assist American veterans, including those returning from combat in Iraq and Afghanistan.

Mr. Speaker, I would like to thank my colleagues for joining me in support of H. Res. 266 yesterday and for honoring and paying their respect to our country's professional social workers and the services they provide.

I want to take this opportunity also to indicate that as a former social worker, I had the opportunity not only to teach 11 years in the School of Social Work, but also serve as a caseworker for heroin addicts for about 3 years, where I had the opportunity to serve directly with individuals that also had substance abuse, including adolescent substance abuse. I also had the privilege of working in the community mental health area, where I had an enjoyable practice and enjoyed working with individuals.

Mr. Speaker, I want to thank all the social workers throughout this country for the services they provide.

A STRANGE REWARD FOR HEROIC ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, I come to the floor as I have so many times in the past to address an issue dealing with our extradition policy.

Mr. Speaker, a gentleman by the name of Duane Chapman, a bounty hunter that goes by the name of ''Dog,'' faces the strangest of rewards for heroic action.

In 2003, Mr. Chapman received a tip regarding the whereabouts of a millionaire by the name of Andrew Luster. Mr. Luster was a convicted felon who had fled as an escapee from the California Department of Corrections 6 months earlier by jumping $1 million bail on charges that he drugged and raped three women. He was also on the FBI's Most Wanted List, convicted and sentenced to a term of 124 years of imprisonment in absentia for 86 counts of rape, drug and weapons offenses.

Mr. Chapman went to Mexico to act on this tip and was accompanied by a local Mexican police officer. He was also in communications with U.S. officials, who were aware of his activities.

Much to his credit, Mr. Chapman successfully located Mr. Luster and apprehended him. However, on the way to the jail to book Mr. Luster, Chapman's police escort disappeared, strangely. As a result, Mr. Chapman was detained for several days on the relatively minor charge of deprivation of freedom and conspiracy. Mr. Chapman then returned to the U.S. after posting bail.

Thanks to Dog, a serial rapist is now rightly serving a 124-year sentence and the situation seemed to have worked out for the best. But now, years after the fact, it seems that the Mexican Government is intent on extraditing and prosecuting Mr. Chapman. Incredibly, our State Department seems to have no problem being complicit in these proceedings.

I have written the Department of Justice at least once and the Department of State several times just asking them to justify what they have done. I wanted to figure out exactly what their reasoning is for handling this specific case in this way.

There are a lot of legitimate questions. For instance, how is it possible that the Department of Justice would decide to use taxpayer resources to send U.S. Marshals to Hawaii to take Mr. Chapman into custody?

□ 2130

This is an administration that routinely tells Congress that they cannot secure our borders and immigration system due to lack of resources. We are told that the U.S. Attorney's Office in the border States are simply overwhelmed with cases and cannot prosecute all of the violations, even very serious ones. We are told that ICE can't possibly tackle the task of deporting illegal aliens from the interior of our Nation. We are apparently supposed to accept the presence of roughly 100,000 criminal aliens inside our borders, a number that is growing every year, while the U.S. Marshals track down a successful bounty hunter instead.

After formally apprehending Mr. Chapman and putting him into a bevy of new legal proceedings, the question of extradition is raised. Though my observations of our extradition treaty with Mexico indicate that it is not absolutely binding, conventional wisdom has seemed to assume that the treaty between the U.S. and Mexico requires Chapman's extradition. But it is just this, conventional wisdom. It is not part of the treaty, apparently.

I am not the only one to question whether extradition ought to proceed. One recent news story reported that although the U.S. and Mexico informally agreed to recognize trans-border captures by bounty hunters as extraditable offenses, this provision was never fully incorporated into the extradition treaty. The report indicates that this ''informal'' addition to the treaty came after bounty hunters captured a gentleman by the name of Humberto Alvarez-Machain, a Mexican physician implicated in the torture and execution of a U.S. Drug Enforcement Agent. Alvarez-Machain maintained that his capture violated the U.S.-Mexico extradition treaty.

The U.S. Supreme Court rejected Alvarez-Machain's claim in 1992. In the decision, Justice Rehnquist wrote that the treaty ''says nothing about the obligations of the United States and Mexico to refrain from forcible abductions of people from the territory of the other nation, or the consequences under the treaty if such an abduction occurs.'' That is his quote.

Mexico's Government was upset by the decision which gave rise to its ''informal'' addition to the treaty. Alan Kreczko, then deputy legal adviser to the Secretary of State, then James Baker, said in congressional testimony that the U.S. and Mexican governments had exchanged letters recognizing that trans-border abductions by so-called bounty hunters and other private individuals would be considered extraditable offenses by both nations.

This international dispute should have remained amicably resolved by virtue of the fact that justice has clearly been served in the case of ''Dog'' Chapman. But now that these events have been set in motion anew, the best resolution in which we can hope for would come from the Mexican government and judiciary when they dismiss the charges pending against the Chapmans and also to withdraw their request for extradition.

Let's just say that I am not over optimistic for this stand by Secretary Rice to refuse extradition to Mr. Chapman, and I hope this good deed does not go unpunished.

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL PROFESSIONAL SOCIAL WORK MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise tonight to honor America's social workers. This month provides us an opportunity to highlight the essential role that social workers play in alleviating some of America's most difficult problems.

Professional social workers are found in every facet of community life, including our schools, our hospitals, mental health clinics, senior citizen facilities, elected office, private practices, prisons, among our military personnel, and the list goes on and on.

I have had the opportunity to work with some outstanding social workers or to be involved professionally with them. I have been involved with Dr. Roger Witherspoon, who is a great social worker, Mr. Levander Lilly, Ruby Bullock, Betty Williams, Mark Handelman, Ed Pitt, Dr. Joe Jackson, Sam Hodes, and I can go on and on because of my many years of being involved in the field of social work.

This year's theme for National Professional Social Workers Month is ''Hope and Health; Help Starts Here.'' This theme reflects the important work being done by social workers in the health care field.

Social workers involved in health care often work within a multidisciplinary team which includes doctors, nurses and other medical professionals. This is an approach to ensure quality care for patients and their families.

I am grateful for the leadership and expertise that the members of the National Association of Social Workers provide to the people of America and, of course, around the world. Social workers in all disciplines use their collective power every day to strengthen our Nation's families and communities, help individuals overcome adversity, and advance sound social policies. The commitment and dedication of social workers to create a more positive environment for all of our people is to be commended.

Last year, the National Association of Social Workers released the results of a national study which warns of an impending shortage of social workers that threatens future services for all Americans, especially the most vulnerable among us, our children and our senior citizens.

Throughout history, social workers have addressed the needs of society and brought our Nation's social problems to the public's attention. As one of the 10 proud social workers of the House of Representatives, today I know firsthand how social workers across this country advocate for the humane, fair and beneficial policies for all of our citizens.

So I salute all social workers during this National Professional Social Work Month; and I say to my colleagues around the board, social workers make a great contribution to the improvement of the quality of life for so many people in this country.

DENOUNCING THE GOVERNMENT OF BELARUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, on Sunday, March 25, approximately 7,000 citizens of Belarus gathered together in commemoration of the 89th anniversary of the short-lived Belarusian National Republic, which was formed on March 25, 1918, when Belarusians proclaimed their independence from the Russian empire. Unfortunately, only 10 months later, the Red Army entered Minsk, quashed this democracy and set up the Belarusian Soviet Socialist Republic.

On Sunday, the brave men and women of Belarus gathered together to commemorate their ancestors' drive for democracy and independence almost 90 years ago and express their own desire to live in free and democratic Belarus. This group had planned to assemble in October Square in central Minsk to start their peaceful march towards the National Academy of Sciences. However, participants arrived at this public square to find it blocked by riot police, and trucks and busses were forced to split into several groups.

One group decided to march to the Sport Palace and reassemble there. When they got to that destination, they were met by a large number of policemen warning that if they did not leave within the next 5 minutes, special measures would be taken against them. Several minutes later, the first clash between the police and protesters took place, with several people beaten and arrested. Former presidential candidate Aleksander Milinkevich and his wife were among those hit and knocked to the ground.

Finally, the group managed to break through and march to the National Academy of Sciences, where they were able to meet up with the rest of the group; and a rally was held. Participants included young people and families with children. They shouted slogans, sang songs and waived red and white Belarusian flags and banners which read ''Freedom to Kozulin and freedom to political prisoners.''

While speaking to the crowd, former presidential candidate Aleksander Milinkevich declared that ''Democratic Belarus will prevail, as truth and God are on its side. Under the weight of its lies, this regime will fall, but we should give it a push with our strength, our loyalty and our love for the homeland. We should do this in a peaceful manner, as Belarusians don't like violence. We are peaceful people and have not shed anyone's blood. It is our blood that has been shed and our people are in prison.''

Yet in spite of the peaceful nature of a crowd and Mr. Milinkevich's public assurances that the pro-democratic forces carried a message of peace, the police continued to try to break up the rally. Police set up loudspeakers which continually interrupted the rally speakers, warning the group that their actions were illegal, that they had not received permission to hold a rally at the National Academy of Sciences, and if they refused to leave, physical force would be used against them. Forty people were arrested on March 25th alone. Many people were also beaten with police batons.

Leaders of the pro-democratic forces in Belarus, Anatoly Lebedko, Alexander Milinkevich, Victor Karnyenka and Valentina Polevikova, were among those hit by security forces' batons, with Ms. Polevikova suffering a head injury.

What is additionally disconcerting is that 60 additional activists were arrested on March 23rd and 24th in the lead-up to the rally in a shocking incident. Prominent pro-democratic activist and mother of two, Krystsina Shatsikava, was abducted by unknown men and forced into a car at 4:30 p.m. on Friday, March 23rd. She was later brought to a mental hospital in Mogilov, where she said that she had been tied to a bed and given an unknown injection at the hospital. She was finally released today. The young woman was a prominent activist following the fraudulent presidential elections in March, 2006, and had repeatedly declared her intention to participate in the March 25th rally.

Mr. Speaker, in closing, I find it appalling that 7,000 peaceful protestors gathered together to commemorate an anniversary of national independence and freedom, only to have their voices crushed once again by the current regime of Aleksander Lukashenko.

I denounce the government of Belarus for its actions against these peaceful protestors and demand that they release all the activists who were jailed for their participation during the leading up to the March 25th rally.

I also, along with our European colleagues, once again urge the government of Belarus to allow its citizens to exercise their right to assemble peacefully and express their views freely.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) is recognized for 5 minutes.

(Ms. SHEA-PORTER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

(Mr. BARTLETT of Maryland 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 North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY 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 Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. Under a previous order of the House, gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise in proud recognition of World Social Work Day. First off I would like to extend my gratitude to all social workers for the important work they do. It is selfless work that impacts the most impoverished and sick among us. Your hard work assists millions of individuals, families and communities across the country and the globe.

I have always been a strong advocate for social workers. The field of social work can be a thankless profession which is not very lucrative, so having fully trained professional social workers is always a blessing. In the 108th and 109th Congresses, I introduced a bill that would provide loan forgiveness to social workers who work for child protective agencies. I hear from students all the time who express desire to work as a social worker, but may choose a different field in order to be able to pay for their education.

I want to encourage people who are interested and have a desire to become a social worker, and not have them choose a different career based on the cost of their education. Their work is vital to my community and to all communities, and we need to encourage young people's interest in social work.

This year's theme for National Professional Social Work Month is "Hope and Health." My home is Cleveland, Ohio, and we have been rated as one of the most impoverished cities in the nation. With so many individuals unemployed and unable to provide for themselves or their families, a strong social worker presence is vital for my community.

Thirty-two percent of Clevelanders live below the poverty line.

Almost half of the children live below the poverty line compared to a national average of 18 percent.

Nineteen percent of those children lack any type of health coverage.

There are over 21,000 social workers in the state of Ohio, and the majority of them work in the fields of Mental Health, Child and Family Welfare, Health, and Aging.

I would like to highlight North East Ohio Health Services, which is a behavioral health care organization that provides services to the residents of Cuyahoga County. They have many programs that reach children through seniors in crisis intervention to continuing care. I am grateful for organizations like North East Ohio Health Services that employ social workers to assist my constituents with the greatest need.

Mr. Speaker, I would like to thank all my colleagues in the House who are social workers, and especially Congressman CIRO RODRIGUEZ for arranging this special order to recognize World Social Work Day. And I would like to reiterate my deepest respect and admiration to all the people who choose to devote their lives and careers to providing a helping hand to the most desperate among us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 5 minutes.

(Mrs. BOYDA of Kansas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. BRADY, Texas
Mr. ENGLISH, Pennsylvania
Mr. PAUL, Texas

ANNUAL BUDGET DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the minority leader.

Mr. HENSARLING. Mr. Speaker, tonight we start an important debate that we have here each year in this Nation, and that is a debate over the annual budget. I know for a lot of people, Mr. Speaker, this is a debate about numbers, kind of a green-shade visor exercise, but frankly, it is a lot more than that. It has a lot to do with values. It has a lot to do with principles.

□ 2145

And it is a debate that the American people need to pay very close attention to. Clearly, we know the results of the last election: there is a new majority party. The Democrat majority has taken control, which they have not had in 12 years. They won the election fair and square. But, Mr. Speaker, the more things change, the more they stay the same.

I have the pleasure and honor of serving on the House Budget Committee, and just this last week the Democrats voted out their budget that has the single largest tax increase in American history in it. Now, Mr. Speaker, the last time that the Democrats had control of the House, guess what they did, they passed the single largest tax increase in American history. Again, the more things change, the more they stay the same. The single largest tax increase in American history. Mr. Speaker, people have to know what this is going to mean to them.

I have the honor and privilege of representing people in the Fifth District of Texas. It starts out in the city of Dallas, takes in the southeast Dallas County suburbs, and six really great east Texas counties full of small business people and agricultural producers. For the people in the State of Texas, for the people in the Fifth District of Texas, that is going to mean an additional tax burden for the average family of four of $2,700 a year. That is $2,700 a year, Mr. Speaker, that could have gone into funding the family budget that is instead going to go into funding the Federal budget. And every time, every time that we increase that Federal budget, we are taking money away from some valuable family budget.

Now, we are always going to hear from our colleagues on the other side of the aisle, the Democrats, that these vital investments are needed for housing programs and for nutritional programs and health care programs. And certainly we need a social safety net. But, Mr. Speaker, this isn't really a debate about how much we spend on these vital programs. The real question is, who is going to do the spending? Democrats believe government should do the spending. We believe that families should do the spending. And when it comes to my constituents in the State of Texas, they need that $2,700. They need that $2,700 to help send a child to college, to help finance higher education. They need that $2,700 to

make a down payment on their first home and help realize the great American Dream for their family. They need that $2,700 a year to help with long-term care for an elderly parent. I mean, these are the priorities of American families.

Where do we believe that somehow we have all this perfect knowledge in Washington, D.C.? I mean, Mr. Speaker, how much is enough? The single largest tax increase in American history is now being proposed by the Democrats, and what is this going to do? What is this going to do to families all across America? Every family in America who is paying attention to this debate ought to go and look at their checkbook, and every night, every week they have to get around that kitchen table and they have to make priorities, something that Congress isn't particularly good at, and they have to decide how they are going to meet their bills.

And yet here is the Democrat majority saying, well, we need an extra $2,700 a year from your family because we know better than you do about the health care you need and the education you need. You can't handle that yourself. We need to do it for you.

That is just one difference, one difference that we have. Because in the Republican budget, we know the American people work hard for their money. We know they roll up their sleeves and work hard to put food on the table to feed their family, to put a roof over their family's head.

There is no tax increase on the poor beleaguered taxpayer, no tax increase on American families, no tax increase on small businesses in the Republican budget. But what do you find in the Democrat budget? The single largest tax increase in American history.

Now, Mr. Speaker, I have been joined by a number of my colleagues tonight who know a lot about what this Democrat budget would mean to their constituents and would mean to their people back home. I am very happy that we are joined by the gentlewoman from North Carolina (Ms. FOXX), and I would like to yield to her to get her perspective on this single largest tax increase in American history.

Ms. FOXX. I thank you, Congressman HENSARLING. And I want to thank you for setting the stage for this discussion tonight. As you said, it is the beginning of many times when we need to be bringing this issue up. I also want to thank you for your leadership of the Republican Study Committee, our party group of conservatives that raises issues every day here on the floor and in committee meetings on the things that the American people believe in and that we fight for every day.

Let me reiterate some of what you said and then add some points about North Carolina and raise some other issues that you have not yet gotten to.

As you said, under the assumptions in this proposed budget, we will see the largest tax increase in our Nation's history. And I think we need to keep saying that over and over and over again. The Democrat budget increases taxes by $392.5 billion over 5 years, shattering their last record tax increase of $240 billion in 1993. In fact, they would raise taxes, increase taxes by $231 billion in 2012 alone. But the hits just keep coming; and as you pointed out, it is the same playbook that they used in 2003 all over again.

It is more than just a reckless policy that endangers the strength of our economy; it is a cause for serious concern for the livelihood of the constituents of the Fifth District in North Carolina and, in fact, people all over North Carolina. We would see in North Carolina more than 3 million taxpayers whose bills would go up. And it wouldn't be just a little bump, either. The average tax increase for the 3.1 million North Carolinians would be $2,671. That is a lot of money.

This stark reality underscores the truth of my Democrat colleagues' approach to the Federal budget. They know that the more money they can get out of Americans' pockets, the more money they can spend to expand the Federal Government. That is not what we need. This approach is completely backwards. We should be looking first to put money back into taxpayers' pockets, not taking it out.

Furthermore, this current budget proposal is a squandered opportunity to reform spiraling Social Security, Medicare, and Medicaid costs and to give Americans the permanent tax relief they deserve. Instead, it allows widespread tax increase that hit middle-income families, low-income earners, families with children, small businesses, and others.

Some people would see more than a 100 percent increase in their taxes. For example, an elderly couple with $40,000 in income would see a tax increase of 156 percent in 2011, from $583 to $1,489. And a family of four with $60,000 in income would have a tax bill that would rise from $3,030 to $4,893 in 2011, an increase of more than $1,850, or 61 percent.

And these increases are no accident. The Democrats were warned. During budget markup I know that my colleagues introduced many amendments which were all rejected, and these would have prevented the tax increases. But they would not listen.

But the budget proposal again isn't a real surprise. It is business as usual for the Democrats and proves that their promises to be fiscally responsible are just empty rhetoric. If this budget is approved, it will signal a return to the Democrats' beloved tax and spend model for government.

If you take a look also at the more than $20 billion in pork that was added to last week's troop emergency funding bill, it becomes crystal clear where the Democrats stand on spending. And, worse, they prove they don't mind using our troops as bargaining chips.

Democrats have willfully abandoned their pledge of fiscal responsibility. We have talked about it before. They are being very hypocritical in terms of what they promised and what they have done. They pledged to follow pay-as-you-go spending rules and spending restraint to curb the deficit. And then we get this budget which would give us again the largest tax increase in the history of this country and ignore the larger consequences for our economy.

These tax increase are going to threaten to reverse the substantial deficit reduction that has occurred in the past several years. We have increased tax revenue from 16.5 percent of GDP in 2003 to 18.5 percent this year, exceeding the average percentage of the past 4 decades. This is a result of those tax cuts that we passed. Tax revenue grew by 14.6 percent in 2005, 11.5 percent in 2006, and already 9.3 percent in the first 5 months of fiscal 2007. This revenue growth was the principle factor in reducing the budget deficit from $412.7 billion in 2004 to an estimated $214 billion this year, according to the Congressional Budget Office.

Let me give just a couple more examples of again how people are directly going to be affected by this tax increase and to show the hypocrisy of the Democrats who say all the time that they are trying to help low-income and middle-income people. It will raise the 10 percent tax rate bracket to 15 percent. This will give a tax increase to 5 million individuals and families who don't pay taxes now but would become subject to the individual income tax in 2011 if the Democrats are successful in raising the 10 percent tax bracket to 15 percent. It eliminates the marriage penalty relief that we have had; 23 million taxpayers would see their taxes increase on average by $466. It cuts the child tax credit in half; 31 million taxpayers would see their taxes increase on average by $859 in 2011.

Every working American would be affected by the Democrats' tax hike. We have to bring this message to the American public and show them why the Republicans are fighting so hard against this budget that is going to be brought up by the Democrats.

And, again, Congressman HENSARLING, I applaud your efforts through the RSC and through the Budget Committee for helping us put together this Special Order and giving these facts about the largest single tax increase in American history being proposed by the Democrats.

Mr. HENSARLING. I thank the gentlewoman for her leadership in this body on issues that are important to taxpayers of America and taxpayers of North Carolina.

Again, Mr. Speaker, we are very privileged tonight to have Republican members of the House Budget Committee and members of the Republican Study Committee, the conservative caucus within Congress, Congress' largest caucus, made up of people who want to further the conservative cause of

more freedom and more opportunity and limited government and accountable government, and people who understand that every time we inflate the Federal budget we are taking money away from the family budget.

Again, this single largest tax increase in history that the Democrats are proposing may fuel their vision of Big Government, but it doesn't do much to help fuel the budgets of families throughout our Nation, including some families in the State of Nebraska.

And I am very happy that we have been joined by one of the outstanding freshmen Members within our GOP ranks. At this time I would yield to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I thank the gentleman from Texas (Mr. HENSARLING). It is good to be here this evening as we discuss, I believe, an important aspect of our future.

Later this week we will begin debating the majority party's budget resolution. It promises to balance the budget by 2012 without raising taxes and with significant increases in both discretionary and mandatory spending. Basic math tells me this is impossible.

The majority party's budget assumes the expiration of all of the 2001 and 2003 tax cuts by adding those revenues into the budget over time to bring it into balance. Chasing higher spending with higher taxes, Mr. Speaker, will fail to address the unsustainable growth of government and will undo everything our economy has accomplished.

□ 2200

Even as our Nation faced tremendous challenges over the past few years, the strategy of economic growth through tax relief has delivered significant deficit reductions, including job growth.

If we are to raise taxes to balance the budget, entitlements would quickly drive us right back into the deficit, just at a higher level of taxing and spending.

With the retirement of the massive baby-boom generation looming, this situation will grow more serious, not less so. Most importantly, however, from an agricultural point of view, the majority party's budget promises more than $110 billion in increased mandatory spending in selected issue areas. They address this by creating 10 so-called reserve funds for specific items like health care, education and the farm bill. Agriculture gets a $20 billion ''reserve'' fund to be released at the discretion of the Budget Committee chairman. Sounds like a good deal, well, until you read the details.

This farm bill reserve fund can only be made available if the farm bill would not increase the deficit or decrease the surplus through 2017. In other words, to get the $20 billion, it must be offset by spending cuts or tax increases. This is either a shell game to give the impression of increased funding with no substance, or it is part of a larger plan leading to tax hikes, and I believe it is a part of a larger plan that would lead to the largest tax increase in American history.

It is interesting to note that in Nebraska this tax hike would cost the average Nebraskan, with over 656,000 taxpayers in Nebraska, an average of over $2,800 per taxpayer. My friends in Wyoming, almost $3,200 per taxpayer. My neighbors in Colorado over $3,000; Kansas, almost $2,900; South Dakota, almost $2,600 per taxpayer.

What concerns me the most, Mr. Speaker, is that sitting through several long hearings in the Budget Committee because it is certainly an important topic, we heard from the experts, and I would say the experts of the experts, who gave us clear warnings that we must reform entitlements.

The Federal Reserve Chairman, Mr. Bernanke, in the Budget Committee on February 28, 2007, said, ''Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the cost.''

The Comptroller General, Mr. David Walker, also in a Budget Committee hearing, on January 23 stated, ''Health care is the number one fiscal challenge for the Federal and State governments. It is the number one competitiveness challenge for American business, and it is a growing challenge for American families. If there is one thing that can bankrupt America, it is health care. We need dramatic and fundamental reforms.''

Mr. Walker went on to say on ''60 Minutes'' that the rising cost of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.

Even the Democrat chairman of the Senate Budget Committee has acknowledged, ''It is always easier to defer, to kick the can down the road to avoid making choices.''

Mr. Speaker, I rise with great concern about our future. I am concerned that when it comes to fiscal policies we have ignored the past, we haven't learned our lessons, and that we expect spending into prosperity, taxing into prosperity, and there is a law of diminishing returns. We know that is not a sustainable situation, and we have to practice fiscal responsibility because what concerns me the most is that the more we delay the decision, the tougher the decision becomes.

I know as we look at this budget and the revenues it necessitates are not sustainable with those policies. I rise out of great concern and look forward to a good, hearty debate as we address these issues that are so important to middle-class America.

Mr. HENSARLING. I thank the gentleman for his contribution. I thank him for his leadership within the freshman class.

Again, Mr. Speaker, people need to know that once a year we come together and as a Nation debate what the Federal budget ought to be. There are clearly those who think that the American people are undertaxed, and I suppose that is why the Democrats have proposed the largest single tax increase in American history.

But talking to working mothers in the Fifth Congressional District of Texas, talking to small business people and talking to farmers and ranchers, they don't seem to think that they are undertaxed. They think that Washington spends too much. But, instead, the Democrat response is almost $400 billion of tax increase. Nationwide, that is about $2,400, $2,500 per family of four that is going to be taken out of the family budget and put into the Federal budget if they succeed in their largest single tax increase in American history.

They are going to eliminate the marriage penalty relief. They are going to bring back the marriage penalty so people who fall in love and get married have to pay more taxes than if the two were single.

They are going to cut the child tax credit in half. They are going to cut it in half as working families and working mothers all over America are struggling to meet the needs of their children and of child care.

And for the working poor, this one is so hard to believe, but for the working poor in the 10 percent bracket, they are going to raise their taxes 50 percent. Fifty percent, Mr. Speaker, on the working poor and take them back to the 15 percent bracket.

Where does it all end?

I myself hail from the Lone Star State of Texas. We are what is known as a sales tax State. We do not have a State income tax. We are very blessed that we do not have one. Yet there has been this inequity in the Tax Code that allows taxpayers who come from a State income tax State to deduct their taxes, but for those of us from a sales tax State, we don't have that benefit.

Well, the Republicans knew that was not equitable, and we passed tax relief so all Americans would enjoy tax relief, whether or not they are from a sales tax State or a State income tax State. Now under the Democrats' plan, under the single largest tax increase in America's history, they are going to bring back the penalty if you happen to hail from one of these sales tax States.

Mr. Speaker, I am very happy that we are joined tonight by another Member who comes from one of those sales tax States, one of the great leaders of the Republican Study Committee, one of the co-authors of the American Taxpayer Bill of Rights. At this time I yield to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank you so much. I am really appreciative that you have mentioned sales tax deductibility. As the gentleman from Texas knows, that is something that I worked feverishly and diligently to have passed when I came to this body in 2003, restoring that deductibility of sales tax to our Federal income tax filing for

those of us who live in non-State income tax States.

Now whether you are from Washington State or from Nevada or from Texas or from Florida or Tennessee, my home State, you have been able to enjoy a sizable deduction. Our colleagues on the other side of the aisle, the Democrats, are willing to do away with that as they go about passing the largest tax increase in American history, the single largest tax increase in American history. They are going to do it all in one bill and all with one fell swoop.

You know, as I have listened to the debate on both sides of the aisle gathering around this budget, it has reminded me of something that we have talked about on this floor before, Mr. Speaker, and it is that the budget should reflect the priorities of the people of this great Nation, not the priorities of government.

Mr. Speaker, what we have right before us is a classic liberal elite bureaucratic document. It is all about growing the bureaucracy. It is about power to Washington, D.C., and not power to the people in our districts. It is clear as day. I am really kind of glad that the Democrats have brought this budget forward. It defines so clearly the priorities of our parties.

□ 2210

Are you for the bureaucracy or are you for the people? Are you for tax relief or are you for tax increases? Are you for middle class, hardworking Americans or are you for the liberal elites? Are you for those liberal elites that want to tell you they are smarter than you and they ought to be telling you exactly how to spend your money or are you for the taxpayers that are right now sitting at home at their kitchen table trying to figure out how much they owe the IRS and they are looking at the end of the month coming up and they have more month left over than they have money left in that checking account and it is because they know the government never gets enough of the taxpayers' money?

Mr. Speaker, my constituents know this Federal Government does not have a revenue problem. This Federal Government has a spending problem, and our colleagues across the aisle would be well-served to learn that lesson.

Whether you go back to the New Deal or the Great Society, all these programs that have been put in place and have to be grown and have to be fed, government never gets enough of your money because of this.

Now, in Tennessee, because of all the bookkeeping gimmicks of the Democrats, and they ran on one set of priorities but now they are governing like what they are, the liberal elites, and it is going to cost 2.1 million Tennesseans $2,600 per family. If they want to go vote to raise the taxes on the constituents in their district, have at it. Let them line up and vote to raise the taxes on the people that live in their districts. But the people in my district in Tennessee do not want to pay more in either State or Federal taxes. They want to see their taxes reduced. They want to see the size of government shrink, and they want to see better fiscal management and responsibility of the resources that the government has.

I thank the gentleman from Texas for yielding. I look forward to continuing this debate. I look forward to working hard to defeat the Democrats' tax increase which is the single largest tax increase in American history.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for bringing to the floor very important aspects of this debate.

Again, Mr. Speaker, I just do not know how anybody can justify this single largest tax increase in American history, almost $400 billion of taxes that are going to get imposed on American families. In Texas, it is going to be taking away $2,700 on average from every family of four. I mean, that is impacting real families in Texas. It is taking away from their family budget.

Mr. Speaker, I recently contacted my constituents and I asked them if the Democrats are successful with their plan to put forth the single largest tax increase in American history, what is it going to mean to you?

Well, I heard from Diana in Mesquite, and she said: Congressman, I wanted to let you know that I am a single mom that does not receive any type of child support, and an increase of this amount would break me. I would be at risk of losing my home with this type of increase. I am writing to ask your help to keep this from happening. This would be devastating to middle-income families and families in my situation.

Again, Mr. Speaker, every time you plus-up, you increase the Federal budget, you are taking away from the family budget. You are taking away from Diana's budget in Mesquite, as she works to try to keep her home.

I heard from Brian who came from Dallas, and I asked him, and he said: Congressman HENSARLING, the loss of $2,700 would affect our ability to pay tuition and books for our daughter to go to college. While she is a junior this year, we are trying to save money for her education, and as the cost of education increases each year, the loss of these funds due to an increase in taxes will have a negative impact on our plans for her education.

Again, what the Democrats are doing with their single largest tax increase in American history is they are getting the family budget. They are making it more difficult. They are making it more difficult for Brian to be able to send his daughter to college. There is no fairness in this. There is no compassion in this.

I have heard from many other constituents and the Democrats have to realize once again how devastating this is to American families. It is not their money, Mr. Speaker. They did not earn it. It belongs to the American people. It is their money. They need to use it for their education program.

I think it is again important to point out that if the Democrats are successful in their plan to engage in the single largest tax increase in American history, it is going to take away from American families their ability to send their children to college. It is going to take away from their ability to purchase their first homes. It is going to devastate the family budget so that Democrats can bulk up on the Federal budget. This is not fair, Mr. Speaker. This is not right.

Another gentleman who has been a great leader within our conference and a great leader in the Budget Committee and somebody who represents the people of south Alabama very well in this institution, who knows about the devastating impact that this Democrat budget could have on family budgets, is the gentleman from Alabama, and I would be happy to yield to Mr. BONNER.

Mr. BONNER. Mr. Speaker, I thank the gentleman, and I thank the Speaker for allowing this Special Order to proceed.

I thank Jeff for organizing this. This is important for the American people in Texas and California and Alabama and all over this great country to understand what the Democratic majority is doing this week by unveiling their budget, and a budget that we will have to vote on.

As my friend from Texas will appreciate and certainly as the majority of my constituents back home in south Alabama know, I do not often come to the House floor every time there is an open microphone just to offer my view on whatever the topic of the day happens to be. Instead, I remember the words of my father who although I was only 13 when he passed away, he told my brother, Jim, my sister, Judy, and me that you learn a lot more from listening than you do from talking.

So usually I prefer to sit in the back of the chamber, this building, this awesome chamber that we are so privileged to serve in, and listen to the give-and-take, the back-and-forth of the debates that have helped to define our time.

Sadly, however, on this particular evening, I feel moved to come off that back bench so as to speak up and to voice my real concern and, quite frankly, my real disappointment that now that they are back in power after 12 years of being out, our friends on the other side of the aisle have chosen with their budget to revert back to their old familiar habits.

□ 2220

Because when all is said and done, that is what this budget will do. In a single sweep, in the snap of a finger, this Democratic budget will give to the American people the single largest tax increase in American history.

If all of that sounds familiar to you, then perhaps there's a reason for that. You see, the last time the Democrats

were in control of Congress, they, too, gave the American people what was, at that time, the largest single tax increase in American history. Of course, that was back in 1993, when they had the help of President Bill Clinton to sign the bill into law. Fortunately, at least for the time being, President Bush has a veto pen that hopefully will keep these tax increases from becoming a reality.

But one thing is for certain. It didn't take the Democrats long, just 77 days from the time they took over the majority on January 4 of this year, to roll out their plan to raise taxes, yet once again on the backs of hard working Americans.

Now, Mr. and Mrs. Middle-Class American Taxpayer, I know some of you may be sitting at home tonight working on your own taxes. In fact, I called a constituent of mine in Mobile just last night, and that is what he told me he was doing, working on his tax returns for 2006. After all, April 15 is just 19 days away. So this topic of raising taxes on America's families couldn't be more timely.

Congressman HENSARLING, I don't know about you, but I don't recall a single time in any of my years of being in Congress, either as an elected Member or in the 18 years that I worked for my predecessor, Congressman Sonny Callahan, I don't recall a single time where a constituent came up to me, not at a town meeting, not at a Rotary Club, Lion's Club, Kiwanis Club or the like, and somebody came up to me and said, Jo, old buddy, you know the Federal Government needs more money. Why don't you just take some of mine?

Nor have I had anyone come up and say, Congressman, there is not an ounce of waste in the Federal Government. Washington, DC, is a lean, well-oiled machine. You all could use a little bit more of my money. Here, take whatever you need.

Correct me if I am wrong, but I doubt the gentleman from the Fifth District of Texas has ever heard any of his constituents make the statement to him.

Mr. HENSARLING. We should obviously inform our Democrat colleagues that last I looked, the IRS takes voluntary contributions. So if they don't believe their taxes are high enough, if they don't believe the taxes of their constituents are high enough, they can simply add a zero to that line on the 1040 and send in more. They somehow act that there is a revenue deficiency in Washington, DC.

I don't know how much government spending is enough, but just looking over about the last 10 years, I see where the agricultural budget has increased 126 percent, the Federal transportation budget, 97 percent, the education budget, 75 percent, Medicare has increased 137 percent, all at the same time where the family budget has increased about 36 percent. The Federal budget is outpacing the family budget by 3 to 1, 4 to 1. That cannot continue.

So, again, we come back to the basic question. Is Washington spending too much, or are the American people undertaxed? I think the gentleman from Alabama has hit the nail on the head.

Mr. BONNER. I thank the gentleman, and I know that he has done the math for his constituents in the Dallas area of Texas. I have done the math for people of south Alabama as well; and, if enacted, what the budget will mean to the average Alabama household is not good news. In fact, I hate to be the bearer of bad news, but there are approximately 4.4 million people who are proud to call Alabama their home. If this tax increase is enacted, it will mean that the average tax-paying Alabama household will owe another $2,500, $2,500. Friends, that is a lot of money to most folks back in my district in Alabama and I think in every district in America.

But if they have to write an additional check for $2,500 more to Uncle Sam, if this Democrat budget is enacted, then that likely means no braces for the kids. It means that you won't be able to set aside money this year for your children going off to college, and it certainly will mean there will be no family vacation.

Sadly, the Democratic majority must think either the Federal Government can spend the American people's hard-earned tax dollars better than they can, or that the Federal Government simply shouldn't be asked to make a sacrifice when there are so many worthy programs yet to fund. Either way, the Democratic majority is making quite a statement this week, a statement that I hope the American people will listen closely to as this debate unfolds.

You see, as my friend, Mr. HENSARLING from Texas, knows all too well, as do my other Republican colleagues on the House Budget Committee, last week when the Democrats passed this budget out of committee, they had an opportunity some 32 different times, I have got the amendments in my hand, to accept some reasonable tax relief for the American people by putting into writing their commitment to not raise taxes.

Now, in fairness, JEB, you will recall many of our Democratic colleagues on the committee, they were quick to say, well, wait a minute, we don't want to raise taxes, well, not all of them, at least not now.

But actions speak louder than words. Their actions, unfortunately, speak much louder than the lack of their words in that document. This is nothing short of the single largest tax increase on the American people. Quite frankly, it's a sad day for the American taxpayer.

Time after time, House Republicans on the Budget Committee tried to amend this budget with commonsense amendments that are overwhelmingly supported by the majority of the American people, amendments such as the one that our colleague, Congressman JON PORTER of Nevada, offered to prevent a tax increase on middle-income families with children. That went down on a party line vote by the Democratic majority.

The amendment by our friend, Congressman MARIO DIAZ-BALART of Florida, who offered to prevent an increase of the onerous and, I think, the most unAmerican of all taxes, the death tax that, if the Democratic majority doesn't do anything, will go back to 55 percent in just 4 short years. That amendment also went down on a party line vote by the Democratic majority.

Congressman HENSARLING, you remember your amendment, you had many, but this one in particular, JEB, to dedicate funding to protect America's veterans. Did it pass?

Mr. HENSARLING. No, it went down again on a straight party line vote. It was a very simple amendment. Budgets are about priorities. At a time our Nation is fighting this war on terror, it was a very simple amendment. It said, you know what? Whatever figure we decide is the right figure for veterans' funding, and I know you can never give enough, but whatever it is, let's make sure we put a floor under it. Let's give it a firewall. Because too often what we find out in what we call the appropriations process up here, sometimes these funds get raided for other purposes, just like Congress has too many times raided the Social Security fund.

So this was a simple amendment that said we are going to put a firewall around veterans' spending, and the number that we put in the budget is sacrosanct. Every single Democrat on the Budget Committee voted against that amendment. They voted against veterans. It was not a proud day for the institution.

Mr. BONNER. Congressman HENSARLING, I know there are others here tonight who want to speak out against this single largest tax increase of American history. I don't want to be accused of hogging microphone.

But, instead, I would like to close for my part by asking the American taxpayer a very simple question. Time after time our Democrat colleagues have come to this floor over the past few months and said the American people voted for change on November 7. It was all about change. Well, if this Democratic budget passes and if our taxes go up, and they most certainly will, then that is about all the American people are going to have left after these tax increases go up, is a little change. Is that really the message you were sending on November 7 of last year?

JEB, you have two beautiful children, Claire and Travis. Janee and I have two beautiful children back home in Mobile, Alabama. I hope they are all asleep right now, Lee and Robbins. This is really about the future of our children and grandchildren. There are a lot of good Democrats and a lot of good Republicans who have children and grandchildren who are concerned about them. This Democratic tax increase

and this Democratic budget is nothing about the children. Unfortunately, it's about the government.

I thank the gentleman for this special order, and I appreciate his leadership on fiscal responsibility.

□ 2230

Mr. HENSARLING. I thank the gentleman for his contribution this evening. I thank him for his leadership on the Budget Committee. And he has brought up a very important point, Mr. Speaker, that we have yet to talk about this evening, and that is, as the Democrats offer up their single largest tax increase in American history, that is like the appetizer. That is the appetizer.

As the gentleman from Alabama talked about his family, and he has a wonderful family, and we all think about our children and our grandchildren, but do we really think enough about them? Because let me tell you, the single largest tax increase in history is just the start. The Comptroller General, the Chief Fiduciary Officer of the Federal Government has said that if we don't begin to reform entitlement spending, this spending explosion in Washington, unless, as a society, we find a better way, a smarter way to deliver health care and retirement security at a more reasonable cost, we are going to be on a path to double taxes, double taxes on our children and grandchildren in just one generation. And that is why I say, the single largest tax increase in American history, that is just the appetizer. The entree is, because the Democrats have no reforms, no reforms of entitlement spending in their budget whatsoever, which is the single largest fiscal challenge we face, according to the Congressional Budget Office, the Office of Management and Budget, the Federal Reserve Chairman, the Secretary of Treasury, anybody who is responsible for fiscal or monetary policy in America, the Democrat budget is silent on it. They are putting us on a path to double taxes on our children. And the Comptroller General, and I paraphrase, has said, we are on the verge of being the first generation in American history to leave the next generation with a lower standard of living.

And as the father of a 5-year-old and a 3-year-old, I will not stand idly by and let that happen. I will raise my voice about this single largest tax increase in American history.

Mr. Speaker, we are joined by another great freshman member of the Republican Party who has been outspoken on these budget issues and somebody else who hasn't lost his ability to be outraged on how this will impact, the single largest tax increase in American history will impact the people in his district. And I am happy now to yield to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman from Texas, and I thank him for his work with the Republican Study Committee. His leadership there is just so valuable.

Mr. Speaker, let me just make a couple of points about this tax increase that has been talked about this last hour, this largest tax increase in the history of the United States of America, why it is such bad policy for our country. And I want to just focus, as I said, on two points.

First of all, I think it's important to recognize how the competition is stiffer today. And what I mean by that is this changing dynamic that we see in the world market. There was a point maybe in the past where elected officials, where politicians could afford to make poor decisions, poor policy decisions and because America's economy was so far ahead of the rest of the world, we could succeed in spite of the bad policies that were enacted. But the facts today are such that it is important we get it right and we not put additional burdens on families, on taxpayers, and on our economy if we are going to compete in this world market.

Just a couple of facts. Think about this: China has 1.4 billion people. The country of India has 800 million people. The United States of America, we just hit a population of 300 million last summer. So, again, two countries, over two million people that we are competing against. China's economy is growing at about 10 percent. India's is growing at about 7½ percent. If we are going to compete against those emerging countries who are moving towards middle class, if we are going to compete, we have got to have the right kind of policies in place. Tax increases are not the right kind of policies on our families, on our business owners, on our American economy. It is important we recognize that.

I have related this story to the Chair of the Republican Study Committee before, but I think it captures just how important it is to understand the dynamic that we find ourselves in in this point in history.

We have a constituent who has been very successful in manufacturing. And he wanted to, a few years ago, sit down with our United States Senator and talk about this dynamic that is taking place in the world market. And so we helped put together a meeting, and he sat down with our United States Senator around the conference table. He took one of the pieces, the piece that they make in their manufacturing plants and he had taped to that piece, he had two pennies taped to it. And he slid that piece across the table to our U.S. Senator and he said, Senator, those two pennies taped to that piece, those represent, those two pennies represent our labor costs in that piece. He said, competing with China. He said China and India aren't beating us on labor costs. What makes it tougher, he said, we are so efficient. Our systems, our processes are so good we feel like we can compete with anybody in the world. What makes it tough for us to compete is the stuff you politicians do, and he pointed right to our Senator. He said it is the tax increases, it is the regulation, it is the litigation, it is those sorts of things in our economy, in our policy that make it tough for us to compete.

We have got to recognize that when we are competing in this world market today, it is important we get it right, because, again the competition is so stiff.

And then of course the other reason that has been talked about very eloquently, I think, this evening, why it is bad policy to raise taxes. It is not just because it is bad for the economy. It is not just because we have all this focus when we are dealing with the budget where we talk about budgets and numbers and revenues and projections. It is bad because it is about people. It is about families. And when you think about what really makes our country strong, what has allowed the United States of America to be the most prosperous Nation in history, it is the fact that we have that key institution that has been so strong, that family institution. And really, I believe what makes America so great, it is this idea, and the chairman was just alluding to this, it is this idea that moms and dads are willing to sacrifice so that their kids can have life a little better than they did. And then that next generation, as they grow up, they do the same thing for their kids and their grandkids, and it continues. And it has been that cycle that has allowed America to prosper.

If we are going to take an additional $2,500 per family away from them, away from their checkbook, away from their pocketbook, away from their goals, their dreams, the things they want to spend it on, we are making it tougher for that American Dream to continue. We are making it tougher on the families, that key institution in our culture. And that is why this budget, this $392 billion tax increase is wrong for our country when we think about competing in the world market, and it is wrong for families who make this country so great in the first place.

And with that I would yield back to the chairman of the RSC and thank him for his work here this evening and for his continued work for families across this country.

Mr. HENSARLING. I thank the gentleman from Ohio for joining us this evening, for this debate about the very important budget that will be introduced and debated on this floor tomorrow, Mr. Speaker.

Another aspect of this debate that is important to note, and I am sure we will hear from our friends on the other side of the aisle, the Democrats, how tax relief over the last several years has somehow been a bad thing for America.

I might note, Mr. Speaker, that as we have given small businesses and America's families tax relief, guess what we have? We have more tax revenue. And, in fact, Mr. Speaker, we have more tax revenue than we have ever had in the

history of America. We are awash in tax revenue. Why? Because if you let the American people keep more of what they earn, they will save, they will invest, they will work hard. They will expand the automobile transmission shop on one street corner. They will go out and start a barbecue stand on another street corner. It is called entrepreneurial vision. People go out and roll up their sleeves and work hard, and that is what they have done.

And not only, Mr. Speaker, are we awash in tax revenue. In this case, tax relief has proven to be part of the deficit solution. We also have new jobs. Since we have had tax relief, we have created 7½ million new jobs in America. 7½ million new jobs. The greatest health care program, the greatest nutritional program, the greatest housing program in the history of America is the American free enterprise system and the jobs that it creates.

But, Mr. Speaker, if the Democrats go through with their program to have the single largest tax increase in American history, you start taking the jobs away. And somehow they call it compassion when they hand you a government check and they take away your paycheck, because when they increase taxes on American families and they increase taxes on small businesses, they take away our jobs. They take away our careers. They take away our futures. There is nothing fair about that, Mr. Speaker. There is nothing compassionate about that.

The Republican budget will ensure that hardworking American families are not burdened with further tax increases. The Republican budget will make sure that the next generation enjoys greater freedom and greater opportunity, and that vital programs like Medicare, Medicaid and Social Security that are going broke, that we reform them and modernize them and that we can save them for the next generation.

The Democrat budget is absolutely silent, absolutely silent on the number one fiscal challenge to the next generation.

□ 2240

They present a budget for the next election, Mr. Speaker. We are presenting a budget for the next generation.

So I hope, Mr. Speaker, that the American people will follow this very important debate closely, because there are two different visions. One believes in the family budget; one believes in the Federal budget. One believes in American families keeping more of what they earn; the other believes in the single largest tax increase in American history. And it is not too late for us to vote for the family budget and against the single largest tax increase in American history.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1538, WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Ms. SUTTON (during the Special Order of Mr. HENSARLING), from the Committee on Rules, submitted a privileged report (Rept. No. 110–78) on the resolution (H. Res. 274) providing for consideration of the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 99, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. SUTTON (during the Special Order of Mr. HENSARLING), from the Committee on Rules, submitted a privileged report (Rept. No. 110–79) on the resolution (H. Res. 275) providing for consideration of the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, which was referred to the House Calendar and ordered to be printed.

THE BLUE DOG COALITION: THE NATIONAL DEBT

The SPEAKER pro tempore (Mr. CARNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this evening, I rise on behalf of the 43-member-strong, fiscally conservative Democratic Blue Dog Coalition.

Mr. Speaker, I don't know about you, but I believe the American people like me are sick and tired of all the partisan bickering that goes on at our Nation's capital. I can tell you that I don't care if it is the Democratic or Republican idea. I ask myself is it a commonsense idea and does it make sense for the people in Arkansas' Fourth Congressional District? Then I vote accordingly.

What we have witnessed on this floor this evening is a lot of talk, and I think it is time that we speak to the facts, the facts about the state of our Nation and how we get out of this mess that we have seen be created during the past 6 years when the Republicans controlled the White House, the House, and the Senate.

Let's begin by looking here at the Blue Dog Coalition poster. The Blue Dog Coalition is nothing more than a name for fiscally conservative Democrats. And as you walk the halls of Congress, the Cannon House office building, the Longworth House office building, and the Rayburn House office building, you will occasionally happen upon one of these Blue Dog Coalition posters reminding Members of Congress, reminding those who walk the halls of Congress that today, today, the United States national debt is $8,841,089,074,666.40.

If you divide that by every man, woman, and child living in America today, every one of us, our share is $29,326.47. It is what those of us in the fiscally conservative Democratic Blue Dog Coalition call the debt tax, d-e-b-t, and that is one tax that cannot be cut, that will not go away until we get our Nation's fiscal house in order.

This evening, they have been talking about the budget for fiscal year 2008 that will begin October 1. Let's begin by talking about the budget passed by the Republicans for fiscal year 2007.

Mr. Speaker, I have got to tell you that when I came to Washington back in 2001, the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund. That was back when the Republicans controlled the White House, the House, and the Senate. And the Republican national leadership would not give me a hearing or a vote on that bill. Now we know why. Because this year, under the budget that was approved last year by the Republicans for fiscal year 2007, the deficit, the deficit is $427 billion. That is counting the portion that they are borrowing from the Social Security Trust Fund with absolutely no provision made on how it is going to be paid back, when it is going to be paid back, or where the money is coming from to pay it back.

We hear a lot of talk about the national debt. It doesn't show up much in most public opinion polls. A lot of folks think we can simply print more money. Oh, how I wished it were that simple. The total national debt from 1789 until 2000 was $5.67 trillion. But, by 2010, the total national debt will have increased to $10.88 trillion.

I know those are big numbers. They are big numbers to me. But I can tell you this: It is a doubling, it is a doubling of the 211 year debt in just one decade, in just 10 years.

Interest payments on this debt are one of the fastest-growing parts of the Federal budget, and the debt tax, d-e-b-t, is the one tax that cannot be repealed. And every man, woman, and child in America, our share is $29,326.47. It would take all of us in America writing a check that large to pay off this debt that has been accumulated as a result of the reckless spending we have seen from this administration and this Republican-led Congress for the past 6 years.

Well, as you can see, the current national debt, $8,841,089,074,666.40, again,

every man woman and child in America, our share of the national debt, $29,326.47.

Why do I raise this issue and why is this issue so important to the 43 members of the fiscally conservative Democratic Blue Dog Coalition? Here is why: Deficits do matter. Deficits reduce economic growth. They burden our children, our grandchildren with liabilities. They increase our reliance on foreign lenders.

In fact, I think it is important, Mr. Speaker, that we look here at the amount of foreign-held debt and the fact that it has more than doubled under the Bush administration. These numbers are in the billions. You can see how much was borrowed from foreigners in 2001, and you can see how much is borrowed from foreigners today. In fact, Mr. Speaker, the U.S. is becoming increasingly dependent on foreign lenders to fund our government. Foreign central banks and foreign investors currently hold a total of about $2.224 trillion. That is, $2,224,000,000,000 of our public debt. Compare this to only $623 billion in foreign holdings in 1993.

Kind of like David Letterman and his Top Ten List, we have a Top Ten List of whom the United States of America has borrowed money from, we are talking foreign central banks and foreign investors, to fund our government. Since 2001, this administration and this Republican-led Congress has continued to pass tax cuts that primarily benefit only those earning over $400,000 a year. They have done so while America is at war. Never before have we cut taxes when America was at war. In the past wars, we have had a shared sacrifice; and this war the only sacrifice being made is by our men and women, our brave men and women in uniform and their families.

□ 2250

I know this. My brother-in-law is currently stationed in the Middle East in the United States Air Force. This war has affected all of us in one way or another, and I know the kind of toil that takes, not only on him but his family back home at Fairchild Air Force Base in Spokane, Washington. Yet we have seen this administration, this Republican-led Congress, up until January pass tax cut after tax cut that primarily only benefits those earning over $400,000 a year.

Where is the money coming from? We haven't had a surplus. It has come, first, from raiding the Social Security trust fund. After they have gotten all the money they can suck out of it, they have gone to foreign investors and foreign central banks. Here is the top 10 list.

Japan: Our Nation has borrowed $637.4 billion from Japan to fund tax cuts for people in this country earning over $400,000 a year.

China: $346.5 billion.

The United Kingdom: $223.5 billion.

OPEC: Now we understand why gasoline was approaching $3 a gallon last summer. We have borrowed $97.1 billion from OPEC to fund tax cuts in America for folks earning over $400,000 a year.

Korea: $67.7 billion.

Taiwan: $63.2 billion. My friend John Tanner, one of the founders of the Blue Dogs, said it best when he said our country is in such a mess that if China does decide to invade Taiwan, we will have to borrow even more money from China to defend Taiwan.

The Caribbean Banking Center: $63.6 billion.

Hong Kong: $51 billion.

The United States of America has borrowed $52.1 billion from Germany to fund our government.

And get a load of this: The United States of America, our country, has borrowed $38.2 billion from Mexico to help fund tax cuts in this country for folks earning over $400,000 a year.

Those are the facts, not rhetoric, as we have heard.

Well, the Democrats are now in the majority, and it is now our responsibility to offer up a commonsense budget that puts America's children and families first again. Yes, we are doing it without raising taxes. In fact, we are proposing tax cuts. We are proposing a fix to the Alternative Minimum Tax, which is now eating away at middle-income families all across this country.

I think it is important to note that for the first time in 40 years, and this is not a partisan thing, President Clinton was born and grew up in Hope and Hot Springs Arkansas, two towns I am proud to represent in the United States House of Representatives. I am a 1979 graduate of Hope High School and live some 16 miles up the road from there now in Prescott, Arkansas, which is where Holly and I are raising our children.

But if you think back with me, it was President Clinton who gave us the first balanced budget in this country by a Democrat or a Republican, either one, in about 40 years. You can see that the debt added under President Clinton was $1.6 trillion. We actually had a balanced budget from 1998 through 2001. Then the debt added under President Bush so far, $3.9 trillion. This is an accumulation of gross national debt in trillions of dollars, the difference that we have seen.

How did that happen? Well, in the Clinton years, when we had the first balanced budget in about 40 years, one of the ways it happened was by the House of Representatives implementing what is known as the PAYGO rules, which means pay-as-you-go, something that we do at the Ross home in Prescott, Arkansas, something that we do at our small-town family pharmacy that my wife, who is a pharmacist, and I own, and something most families in America and most businesses in America adhere to. Pay-as-you-go.

Yet for the past 6 years, those rules were abolished on the floor of the United States House of Representatives. The PAYGO rules were not in effect, and we saw the largest deficit after the largest deficit after the largest deficit in the history of this country, which has totaled into the largest debt ever in our Nation's history.

I am real proud of the new Democratic leadership, because the 43 members of the fiscally conservative, Democratic Blue Dog Coalition went to the Democratic leadership and said we are in the middle, and we believe we are where America is and it is important to us that you govern from the middle, and they have.

There was a lot of talk about the first 100 hours, and we did a lot of good things for the American people in the first 100 hours. We did a lot of good things for children, we did a lot of good things for working families, and, yes, a lot of good things for seniors. We cleaned up the mess in Washington by passing ethics reform. We raised the Federal minimum wage for working families. We passed legislation to allow our government to negotiate with the big drug manufacturers to bring down the high cost of medicine for America's seniors. We did a lot of good things in the first 100 hours.

But the most significant thing we did early on, one of the first things we did in the first few hours of the 110th session of Congress, is we adopted PAYGO rules on the floor of the United States House of Representatives, meaning pay-as-you-go.

It means if you have got an idea for a program you want to fund over here, you have to show us how you are going to pay for it. You have to show us what you are going to cut over here.

Now, some Republicans seem to think that means that the way you pay for new programs is raising taxes. We saw the largest deficit ever in our Nation's history, year after year. We saw the largest debt in our Nation's history ever. And we saw all this money that the Republican leadership and this administration was borrowing from foreign central banks and foreign investors to fund tax cuts and to fund programs.

They were so out of touch that they forgot the idea that you could actually cut programs to fund programs, cut programs that don't work to fund programs that do.

You don't have to raise taxes to fund programs. You do away with the programs that do not work. You want to talk about waste? There is all kinds of waste in our Federal Government. I have about $400 million worth of waste sitting in a cow pasture at the airport in Hope Arkansas.

In 2005, when Hurricane Katrina hit, one the first things FEMA did was order tens of thousands of brand new, fully-furnished mobile homes. They brought many of them, 10,777 at one time, to the airport in Hope, which had these inactive tarmacs and runways that were World War II era, and they thought it was a wonderful place to have a so-called FEMA staging area.

The idea was they were going to come through there on the way to the

Gulf Coast. They all came, but they never went. This was 2005, and these mobile homes never got to the storm victims of Hurricane Katrina. At last count, FEMA has 8,420, 8,420 of these brand new, fully-furnished, not camper trailers, we are talking about mobile homes, 16 foot wide and 60 foot long, just sitting there. Just sitting there.

To try to get them to the homeless on the Gulf Coast, I raised the issue with the Inspector General at FEMA back in late 2050, saying, Mr. Inspector General, Mr. Director of FEMA, Mr. President, if you don't move these mobile homes off this cow pasture, they are going to start sinking and it is going to destroy them. I did that to try to get them off high center and get them to the victims of Hurricane Katrina.

□ 2300

You know what they did? Mr. Speaker, do you know what they did? They showed up. They didn't move them. They showed up with $7 million. FEMA showed up with $7 million worth of gravel to put under them. This stuff is so crazy you can't make it up. And they continue to sit there today.

So the Republican leadership needs to understand when we talk about paying for something, when we talk about cutting programs that don't work and use that money to pay for programs that do, we are not talking about raising taxes, we are talking about identifying waste, like the $400 million, the more than 8,000 brand new, fully furnished mobile homes sitting there in the cow pasture at the airport in Hope, Arkansas.

That was one of the first things that happened on the floor of the House at the Blue Dog's insistence, as this 110th began under the new Democratic majority. And I am proud of this majority for listening to the 43 of us. It was one of our 12 points that I spent the last 2 years on the floor of the House talking about for meaningful budget reform. It was one of the first things implemented on this floor which will help us get back to the days of a balanced budget and a surplus, which is very, very important for a lot of reasons that we will discuss.

Mr. Speaker, I think it is important that we look at the facts. The debt when President Bush took office, $5.7 trillion, the debt today $8.8 trillion. The debt added so far under the Bush Administration, $3.1 trillion, the debt projected at the end of the Bush Presidency is $9.6 trillion, the total Bush increases to the debt, $3.9 trillion. Deficits without the Social Security surplus. The OM budget deficit for 2007, $427 billion. The OM budget deficit for 2008 under the President's budget, $451 billion, one of the largest deficits ever in our Nation's history.

The cost of debt service. This is why it matters to every man, woman and child in America. The net interest for 2002 was $170 billion. You can see what's happening here. The net interest for 2008 is projected to be $261 billion. What does that mean? That means our Nation is spending three-quarters of a billion dollars a day simply paying interest on the national debt before we borrow another billion dollars today. Every day, our Nation starts off owing three-quarters of a billion dollars in interest payments.

Let me tell you why that matters. Because the interest payments on the debt are dwarfing other priorities. The red is the amount of money we are spending of your tax money, Mr. Speaker, paying interest on the national debt.

We talk about our children and how we love them and how we value their education. Look at how much we are investing in education in this country. Again, the red demonstrates the amount of money we are spending in a year paying interest to the national debt, which continues to go up to the tune of about $1 billion a day. The light blue reflects how much we do, as a Nation, value education. It reflects how much we are spending in a year educating our children.

The green. Oh, we talk about how we support our men and women in uniform on the floor of this House. And I hope every Member that gets up and says that does. You know, money speaks louder than words. Look at our priorities. The green represents the amount of money our Federal Government is spending on veterans, including a new generation of veterans coming back from Iraq and Afghanistan. Look how that compares to the red, the amount of money we are spending simply paying interest on the national debt.

And this new buzz word ''homeland security.'' Oh, we all take our belt off and take our shoes off and go through all that at the airport, and we feel safer. Are we? Look at the purple. Look at how much we are investing in homeland security. Look at how much we are investing as a Nation under the President's budget, all of this is under the President's budget in keeping America safe, and look how all those, education, veterans, homeland security compare to the amount of money our Nation is spending paying interest on the national debt.

I represent a district about half of Arkansas, and about half of that is in the Delta region, one of the poorest regions in the country. We have a lot of hope in that region that someday I–69 will be completed. I–69 is an interstate that was announced in Indianapolis 5 years before I was born. I am 45. With the exception of about 40 miles in Kentucky and a few miles in Tennessee, none of that has been completed south of Indianapolis. Just to complete the Arkansas section that can create economic opportunities and help the Delta region realize an economic revival with will take some $1.6 billion. That's a lot of money we don't have as a Nation. Why? Because we are spending it paying interest on the national debt, a debt that continues to go up under these Republican policies and under this administration's budget.

As I said earlier, we are spending three-quarters of a billion dollars a day simply paying interest on the national debt. Give me about 2 days interest on the national debt, Mr. Speaker, and I can build I–69 through Arkansas and create all kinds of jobs and economic opportunities and help this poor Delta region recognize an economic revival.

On the western side of my State, folks have been waiting since I was a small child for the completion of Interstate 49. It, too, can create jobs and economic opportunities and open up the western side of Arkansas and complete the first north-south corridor through the middle of our country. I need $2 billion to complete I–49 in Arkansas. It's a lot of money, but it's about 3 or 4 days interest on the national debt.

We need new public schools built in this country for our children to be able to receive the very best education possible. We could build about 200 brand new elementary schools every single day in America just for the interest we are spending on the national debt.

My point, Mr. Speaker, is that America's priorities, education, veterans, homeland security, roads, infrastructure, are going to continue to go unmet until this Nation gets its fiscal house in order. That is what the fiscally conservative Democratic Blue Dog Coalition is all about. We are about restoring fiscal discipline and common sense to our government.

This week, the Democrats are going to offer a budget that is fiscally responsible. Our budget adheres to the PAYGO budgeting rules that I talked about earlier and provides a commitment to the compensation of statutory PAYGO requirements. Our legislation, I should say legislation that was passed by the Republican Congress and signed by President Bush, has increased mandatory spending by $262 billion over the last 5 years. The PAYGO rule, as applied to mandatory spending increases as well as tax cuts, will enforce much greater spending restraint than the Republicans passed over the last 5 years. And I have gone through the details of why in my presentation earlier.

The Democratic budget meets the President's levels of spending for national defense, very important to me and members of the Blue Dog Coalition. We've got to have a strong national defense. Our brave men and women in uniform are doing whatever we ask of them; and as long as they are willing and able to do that, it is our duty and our obligation to provide them the resources that they need to do their job as safely as possible. And it is also our duty and obligation to them to ensure they receive the health care and veterans benefits that they have earned as this new generation of veterans return from Afghanistan and Iraq. And the Democratic budget increases homeland security funding levels.

The Democratic budget reaches balance, a balanced budget by 2012, and provides for greater deficit reduction than the President's budget over 5 years. Total spending in 2012 will be 18.9 percent of GDP, exactly 1 percent lower than it will be this year and lower than it has been in any year since 2001. And, yes, that's Democrats offering that budget, a commonsense budget to restore fiscal discipline to our Nation's government. This is a lot different than how the other side tried to explain it.

Our budget provides accountability. If there is one thing our Nation needs as a government, it is to restore accountability to our government. Defense auditors estimate that more than one of six dollars they have audited for Iraq is suspect, including $2.7 billion in Halliburton contracts. The Democrat budget assumes substantial savings from more efforts by the Defense Department, with increased congressional oversight, to root out wasteful spending, building on just-passed reform legislation to reduce waste in Federal contracting.

□ 2310

You know, the Constitution of the United States of America gives Congress the duty, the authority to provide oversight; and for the past 6 years this Republican-led Congress has been nothing more than a rubber stamp for whatever this administration wants. That is not what the framers of our Constitution envisioned. I am not suggesting, Mr. Speaker, that we go on a witch hunt or start issuing a lot of subpoenas. But what I am suggesting is that it is time for this Congress to fulfill its constitutional duty and responsibility of providing oversight. And we have started doing that. No more flying into Washington on Tuesday and out on Thursday. You are seeing a new Congress that is cleaning up the mess, that is coming in on Monday and staying to Friday, rolling up their sleeves. And, yes, not just voting on the floor of the House, but meeting in committees and providing the oversight as required by the Constitution of the United States of America.

Also under the Democratic budget, the House committees will conduct performance reviews to make sure that government programs are working, and work to eliminate, yes, the Democratic budget will work to eliminate unnecessary and wasteful spending. Similar efforts saved billions of dollars under the Clinton administration which gave us the first balanced budget by a Democrat or a Republican in some 40 years.

The Congress will save millions of dollars by investing in efforts to identify and eliminate wasteful spending and improve government efficiency. Our budget addresses the permanent AMT reform. You heard the Republicans tonight talking about the Democratic budget is going to raise our taxes. We are not raising anyone's taxes. In fact, our budget calls for a permanent fix for the alternative minimum tax, commonly known as AMT, to provide tax relief, yes, tax relief, for middle-class families, without increasing the deficit, and reaffirms support for extending middle-income tax cuts consistent with the PAYGO rules, pay-as-you-go.

The Democratic budgets includes a deficit neutral reserve fund that provides the framework necessary for permanent AMT relief for America's middle-income working families. While our plan to permanently reform AMT is a revenue and deficit neutral approach, the President's budget calls for a temporary 1-year fix and contributes to the already out-of-control deficits. Well, providing a permanent fix to the AMT will prevent millions, yes, millions, of hardworking Americans from facing a devastating tax increase this year.

The Democratic budget, our budget, will cut taxes for America's working families. President Bush's failed tax policies have left us with a debt of nearly $9 trillion. In fact, Mr. Speaker, as you can see here, again I will remind you, today the U.S. national debt: $8,841,089,074,666.40.

Well, in taking a revenue and deficit neutral approach to reforming the AMT, our budget is taking a measured and responsible approach to cleaning up the fiscal mess in which our Republican predecessors have left us. Over the past 6 years they have done these things, and now we have asked for a chance the clean them up, and we are in the process of doing that.

The Democratic budget meets the needs of veterans. Very important. Our budget meets previously unmet needs for veterans by increasing discretionary funding for the Department of Veterans Affairs from $36.5 billion to $43.1 billion. That is a $6.6 billion increase over fiscal year 2007. That is an 18.1 percent increase over last year, and a $3.5 billion increase, or 8.9 percent over the administration request for fiscal year 2008. Over the 5-year budget, the Democratic budget resolution includes $32 billion more to protect the health and well-being of our men and women in uniform than does the administration's request. And, yes, we owe it to our brave men and women in uniform, a new generation of veterans coming home from Iraq and Afghanistan. And, as a Nation, we had better be there for them and provide them the health care and the resources that they need, because they are there for us doing what our Nation is asking of them.

The additional funds will allow the Department of Veterans Affairs to provide excellent health care, keeping up with the high rate of health care inflation, and the continuing increases in new veterans entering the VA system. In fiscal year 2008, Mr. Speaker, the VA will treat 5.8 million patients. Yes, America is at war, and we need to recognize it and we need to properly fund the Veterans Administration to provide the health care and the needs of our new veterans coming home from Iraq and Afghanistan.

Our budget addresses the Veterans Administration's repair and maintenance backlog in the wake of a VA report that outlines 1,000 specific problems at VA facilities around the country. That is no way to honor our veterans. We have got to fix these 1,000 specific problems that have been outlined by the Veterans Administration, not only at Walter Reed, but all across this country.

Our budget increases efforts to address mental health, post-traumatic stress disorder, and traumatic brain injuries. The Democratic budget also rejects the Bush administration's proposed enrollment fees and near doubling of prescription copayments for America's veterans.

Mr. Speaker, in the last half of this hour I want to visit more about this budget that may very well be on the floor of this House on Thursday. Our budget provides for a strong national defense. Our budget provides for robust defense funding levels while targeting resources on the most pressing security concerns. It increase funding for veterans health care and services by $5.4 billion above current services. The Democratic budget provides more homeland security funding than the administration and provides funding for the 9/11 Commission recommendations. Yes, we are going to fund the bipartisan 9/11 Commission recommendations that should have been done several years ago.

In the area of health care, our budget accommodates an increase of $50 billion to expand children's health insurance to cover millions of additional uninsured children. Mr. Speaker, we have 48 million people in this country without health insurance. This is America. We are the leader of the free world, and we have got 48 million people in this country that don't have access to health care. And who are these? Not the people who don't want to work. If you don't want to work or can't work, you qualify for Medicaid, which is a health insurance program for the poor, the disabled, and the elderly.

These 48 million folks, who are they? Ten million of them are children. Children. And the rest of them are people that are trying to do the right thing and stay off welfare and they are working the jobs with no benefits. We want to expand children's health insurance to cover the millions of additional uninsured children in this country.

Education. The Democratic budget provides a 2008 program level that is $3 billion over current services for education, training, and social services, which includes funding for No Child Left Behind programs, special education, and aid to help students afford college. Now, this idea of No Child Left Behind was a great concept, but it has become nothing more than an unfunded mandate for our local school districts, and it has forced our schools and teachers to spend all their time teaching to

a test instead of teaching our children how to learn.

This No Child Left Behind business is so messed up, Mr. Speaker, that we are spending the whole school year teaching a test, and then giving the children the test in March on everything that they were supposed to learn through May. It is my understanding the reason they give the test in March on everything they are supposed to learn through May is they have got to do it early, as in March, so that the people that grade the tests can get the results back by October so the school district will have it to write a report that is due in September on how they are going to make the school better.

□ 2320

And they call it No Child Left Behind. It needs some serious fine tuning, and we need to put an end to this unfunded mandate and fund this program and fund our children's education.

Well, the budget, as I mentioned, also will provide aid to help students afford college. The Democratic budget increases funds for Head Start and child care.

Let me tell you, Mr. Speaker, that we live in a country where we get to choose where we work, where we worship, whom we marry. One of the few things in life we don't get to choose is who our parents are. Some children get really lucky. I did. Some don't. But as a Nation, I believe we have a duty and an obligation to be there for all children. And, Mr. Speaker, if we will invest in their education, in Head Start funding, if we will invest in the early years of a child's life, we can turn them into a productive, lifelong citizen of this country. Compare that to turning our backs on them and spending $25,000 a year warehousing them behind bars. The choice is easy for me, and that choice is reflected in our Democratic budget.

Well, the fiscally conservative Democratic Blue Dog Coalition in the past has had to write our own budget. Why? Because the Republican leadership wouldn't give us a seat at the table. They wouldn't listen to our ideas. They would not include our ideas in their budget. This year the new Democratic majority leadership invited the Blue Dog Coalition, the 43 of us that are fiscally conservative Democrats, to sit at the table and to help draft a commonsense budget that reflects our values, our priorities, and restores fiscal discipline to our Nation's government. We asked for several principles to be included in this budget, and I am pleased to tell you, Mr. Speaker, that the budget that will be on the floor of this House on Thursday includes all six of the provisions that we asked for. Again, we are in the middle, America is in the middle, and as you can see, we are ensuring that this new Democratic majority governs from the middle.

Here are the six points that we asked to be included in the budget, and they have been: Number one, as we mentioned earlier, the Democratic budget adheres to the House pay-as-you-go, PAYGO, rule, a principle long advocated by the Blue Dogs as a solution for putting an end to deficit spending and reducing the nearly $9 trillion national debt. Republican budgets over the past several years included a net total of hundreds of billions of dollars in new mandatory spending. By contrast, this budget includes a net total of zero dollars in new mandatory spending. Due to its adherence to PAYGO rules, any increases in mandatory spending must be offset elsewhere in the government. That means cut programs that don't work. Don't borrow more money from China and Mexico. That key provision is included in the budget that will be on the floor of this House, the Democratic budget, on Thursday.

The second thing we asked for and got in this budget: The Democratic budget provides a commitment to the extension of statutory PAYGO requirements, a tool that was instrumental, as I mentioned earlier, in the return of the budget surpluses during the 1990s. Our budget resolution puts the House on record as endorsing an extension of the statutory version of PAYGO, pay-as-you-go, rules, which proved instrumental in bringing the budgets from large deficits of the early 1990s to the budget surpluses achieved by the end of that decade. We have now passed PAYGO as a rule in the House, and now in this budget we are endorsing it as law.

Number three, we asked for and received in this budget a provision for a strong national defense. The budget provides for a strong national defense and ensures that the protection of all Americans is the number one priority of our Federal Government. The preamble of the Blue Dog Coalition talks about fiscal discipline and talks about a strong national defense. It was important to us that we matched the funding request in the President's budget and provide increases in homeland security funding levels, and we have done that. The Democratic budget does that. It targets these resources to our most pressing security needs, and the budget includes an increase over the President's request for veterans health care and homeland security. That is the third point.

The fourth point that we asked for and got included in the budget: Unlike the President's budget, the Democratic budget is fiscally responsible and realistically reaches balance in 2012. Our budget puts an end to irresponsible deficit spending and has a better bottom line than the President's budget over 5 years by $234 billion and therefore accrues less debt and waste, fewer resources on interest payments on the national debt. Our budget holds the line on mandatory spending levels, putting our country back on the path toward fiscal responsibility.

The fifth thing we asked for and got in the budget, Mr. Speaker, provides for fiscally responsible tax relief. The budget calls for a permanent fix, not temporary, but a permanent fix, for the alternative minimum tax, AMT, to provide tax relief for middle-class families without increasing the deficit and reaffirms support for extending middle-income tax cuts consistent with PAYGO, pay-as-you-go, rules.

And, finally, number six, the last thing we asked for and got included in the budget: The Democratic budget contains tough program integrity measures to crack down on wasteful spending while ensuring that legitimate recipients of Federal funds and law-biding taxpayers are not penalized. That is what our new Democratic budget does. It will be on the floor of this House on Thursday.

Here is the alternative. This is what has been proposed by the President in his budget: The Bush administration has turned a projected 10-year budget surplus of $5.6 trillion into a projected 10-year deficit of $2.8 trillion. Under the last 6 years of fiscal irresponsibility, America's national debt has increased 50 percent to nearly $9 trillion, or $29,000 for every American. About 75 percent of America's new debt has been borrowed from foreign creditors, making our fiscal integrity a matter of national security. The national debt is up $3 trillion since 2001, and it will soar to more than $12 trillion by the end of 2012. President Bush has now borrowed more money from foreign nations than the previous 42 U.S. Presidents combined. Let me repeat that. This administration has borrowed more money from foreign central banks and foreign investors in the past 6 years than the previous 42 Presidents combined. You want to talk about a threat to our national security, there is one.

Well, the President's budget continues on the same fiscally irresponsible course. Under the President's budget, America's national debt will grow by $3 trillion over the next 5 years to $11.5 trillion, more than twice the size of the debt that the Bush administration inherited. Under the President's plan, deficits continue for the next 5 years. The deficit would increase by $24 billion in fiscal year 2008 if not for a growing Social Security surplus that is used to mask the true nature of the President's deficits. With honest and realistic accounting, under the President's budget, we have a deficit projected to rise to $464 billion by 2016. To hide this fact, the budget omits enormous costs, including the full cost of fixing the alternative minimum tax and the full cost for the Iraqi war, which is now costing us as taxpayers some $12 million an hour.

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$2.5 billion a week it costs us, $9 billion a month.

The President's budget cuts domestic purchasing power by $114 billion over 5 years. Well, the President's budget omits the full cost of the administration's policy in Iraq and Afghanistan,

which means the President will come back, as he did last week, asking for more emergency spending, asking for more supplemental measures, another way of trying to hide the true cost of the war in Iraq.

The President's budget only provides $50 billion for wars in Iraq and Afghanistan after fiscal year 2008, yet last week he asked for $95 billion just to get through the rest of this year. Despite the numerous underestimations provided in years past and the nearly half a trillion dollars spent already, again he has come in and underestimated the amount of money that will be needed for fiscal year 2008 in Iraq and Afghanistan.

The administration's budget discontinues the funding after just a down payment for 2009, even though the administration is increasing troop strengths and has no current plans to scale back operations in Iraq or Afghanistan.

Mr. Speaker, a recent CBO, Congressional Budget Office, scenario estimated war costs for Iraq, Afghanistan and the Global War on Terrorism, could be as much as $603 billion higher over 10 years than what is included in the administration's budget. The President's budget uses rosy assumptions that boost the bottom line. The President's 2008 budget relies on unrealistically rosy assumptions that the economy will grow its way back to a budget surplus.

For example, in 2012 it assumes revenues that are $155 billion higher than comparable projections made by CBO, the Congressional Budget Office. Without these optimistic assumptions, a claimed 2012 surplus of $61 billion becomes a $94 billion deficit.

The President's budget fails to address permanent AMT reform. The President's budget includes only a 1 year fix for the Alternative Minimum Tax. This will allow the number of taxpayers affected by the AMT to skyrocket from 3.5 million in 2006 to 26.5 million in 2008, and represents a $247 billion tax increase on middle class families over the next 5 years. That is in the budget President's budget, a $247 billion tax increase on middle-class families over the next 5 years.

Forty-three members of the fiscally conservative Democratic Blue Dog coalition do not support tax increases like the one found here in the President's budget. The AMT has been deliberately used by the Bush administration to mask, to hide, the cost of its tax cuts, which have been paid for by the middle-class.

The AMT has also taken back a large portion of the Bush tax cuts promised for middle-class families. In 2001, an act provided marriage penalty relief by increasing the standard deduction and the size of the 15 percent tax bracket, but it did not reduce the marriage penalty contained in the AMT. In essence the 2001 act did not provide marriage penalty relief for many married taxpayers.

Democrats are going to fix that in the budget voted on on the floor of this House on Thursday. It remains unfixed, however, in the President's budget.

Congress has recently enacted a series of temporary fixes that limited the expansion of the AMT, Alternative Minimum Tax, to about 4 million taxpayers. But if left unchanged, next year the AMT will become a burden on the pocketbooks of millions of middle-class Americans.

Well, the President's budget also includes additional hidden taxes and fee increases. For example, the President's budget raises taxes on about 30 million families with employer-provided health insurance by over $300 billion over 10 years. The President's plan will result in a growing proportion of seniors paying higher Medicare premiums every year by eliminating indexing of the income related premium and extending it to the Medicare prescription drug benefit. These proposals will increase premiums paid by seniors to the tune of $5.5 billion over the next 5 years.

Veterans, I told you what the Democratic budget is going to do for veterans. Let's look at the President's. The President's budget proposes new enrollment fees and increases copayments for veterans healthcare. These fee collections will cost veterans $2.3 billion from 2008 to 2012.

The President's budget also imposes medical fees on TRICARE, the health insurance plan for military retirees under the age of 65. The increased fees imposed on military retirees will amount to $1.9 billion in 2008 and $14.5 billion over 5 years.

The President's budget eliminates, doesn't cut, it eliminates, a $9 million traumatic brain injury program at a time when hundreds of Iraq and Afghanistan veterans are returning home needing help as a result of these traumatic brain injuries.

Education. We talked about what the Democratic budget will do for education. Let's look at the President's. The President's budget cuts funding for elementary and secondary education, denying 3.2 million children the extra reading and math help they were promised by the so-called No Child Left Behind Act.

The Bush budget eliminates higher education programs designed to help lower income students afford college, including the Perkins loans, the Supplemental Educational Opportunity Grant Program and the Leveraging Educational Assistance Partnership Program. Approximately 1.5 million students would lose financial aid awards as a result of these Bush higher education cuts.

Mr. Speaker, the Bush budget eliminates, not cuts, it does not cut, it eliminates 44 education programs, including Supplemental Opportunity Education Grants, Education Technology, Even Start, Ready to Teach, school counseling, mentoring and school drop out prevention.

The President's budget cuts, I am sorry, it doesn't cut, it eliminates, 44 education programs that can help to lift up our young people. The President's budget cuts discretionary education funding by $1.5 billion, or 2.6 percent below fiscal year 2007.

Well, the President's budget also reduces the availability of low cost loans for financially needy students by proposing to recall $419 million from Perkins loan revolving funds held by 1,315 colleges and universities. This will be the first step toward recalling $3.2 billion over 5 years from these revolving funds, which are used to provide low income loans averaging $2,000 to financially needy students.

The President's budget eliminates the $771 million Supplemental Educational Opportunity Grant Program and the $65 million Leveraging Educational Assistance Partnership Program, both of which help lower income students afford a higher education.

Overall, Mr. Speaker, approximately 1.5 million students would lose financial aid awards as a result of these Bush higher education cuts.

The Bush budget cuts funding for Head Start by $100 million. If enacted, this cut in the President's budget means that up to 13,500 children will be cut from the program next year.

There are cuts to healthcare. There are so many cuts. There are cuts to agriculture. There are cuts to homeland security.

Mr. Speaker, I know as our time winds down that it is important that we look at the President's budget, it is important that we look at the Democratic budget and that we ask ourself, which one reflects our values, our priorities? Which one reflects America's values and priorities?

I am proud that this new Democratic majority on the Budget Committee, under the leadership of Chairman SPRATT, that they sat with us, 43 member strong fiscally conservative Democratic Blue Dog Coalition and gave us input in helping write a common sense budget that meets America's values and priorities, while restoring common sense and fiscal discipline to our Nation's government.

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And I hope on Thursday, Mr. Speaker, we will see this budget, this commonsense budget pass that does reflect our values. It relates to our children and education, to our working families, to our seniors and their security, their Social Security and their retirement security and their health care security, and to children, some 10 million without health insurance tonight.

It is a commonsense budget that can help us return to the days of a balanced budget, that can help us put an end to this deficit spending, that can help us put an end to this reckless spending that we have seen for the past 6 years occur day after day on the floor of this House Chamber.

Mr. Speaker, as I close this evening, I remind you that as you walk the halls of Congress, as you walk the

House Office Buildings, you will note this Blue Dog Coalition poster reminding every Member of Congress and those who walk the halls that today the U.S. national debt is $8,841,089,074,666.40. And every one of us, every man, woman and child in America, our share is $29,326.47.

Mr. Speaker, I submit to you that it is our duty and obligation to restore fiscal discipline to our national government; and that when we leave here someday we will be able to say to our children and grandchildren that we helped make this country a better place for all of us to call home.

With that, Mr. Speaker, on behalf of the 43 member strong, fiscally conservative Democratic Blue Dog Coalition, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANDREWS (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. RODRIGUEZ) to revise and extend their remarks and include extraneous material:

Mr. RODRIGUEZ, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. SHEA-PORTER, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mrs. BOYDA of Kansas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, March 28.

Ms. FOXX, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, March 28.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.; to the Committee on Financial Services.

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program; to the Committee on Education and Labor.

ADJOURNMENT

Mr. ROSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 28, 2007, 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:

972. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reprocessed Single-Use Devices; Requirement for Submission of Validation Data [Docket No. 2006N-0335] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

973. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reprocessed Single-Use Devices; Requirement for Submission of Validation Data; Withdrawal [Docket No. 2006N-0335] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

974. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

975. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 535 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2006 (Pub. L. 109-102); to the Committee on Foreign Affairs.

976. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting extension of the waiver of Section 907 of the FREEDOM Support Act, Pub. L. 102-511, with respect to assistance to the Government of Azerbaijan; to the Committee on Foreign Affairs.

977. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2006 through January 31, 2007; to the Committee on Foreign Affairs.

978. A letter from the Deputy Secretary, Department of State, transmitting the Department's report on the status of the use of Pub. L. 107-228 Authority for Russian Federation Debt Reduction for Nonproliferation; to the Committee on Foreign Affairs.

979. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

980. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

981. 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 Habit for the Spikedace (Meda fulgida) and the Loach Minnow (Tiaroga cobitis) (RIN: 1018-AU33) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

982. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the American Crocodile Distinct Population Segment in Florida from Endangered to Threatened (RIN: 1018-AI41) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

983. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D-2007-08 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AU57) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

984. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating the Greater Yellowstone Area Population of Grizzly Bears as a Distinct Population Segment; Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife; 90-Day Finding on a Petition to List as Endangered the Yellowstone Distinct Population Segment of Grizzly Bears (RIN: 1018-AT38) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

985. 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; Bering Sea and Aleutian Islands; 2007 and 2008 Final Harvest Specifications for Groundfish [Docket No. 070213033-7033-01; I.D. 112706A] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 477. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; with amendments (Rept. 110–75). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1132. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; with an amendment (Rept. 110–76). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 727. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; with an amendment (Rept. 110–77). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 274. Resolution providing for consideration of the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes (Rept. 110–78). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 275. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal year 2009 through 2012 (Rept. 110–79). 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. LIPINSKI (for himself, Mr. INGLIS of South Carolina, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOYD of Florida, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. CLEAVER, Mr. COSTA, Mr. DOYLE, Mr. GERLACH, Ms. GIFFORDS, Mr. GILCHREST, Mr. GORDON, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Mr. HONDA, Ms. KAPTUR, Mr. KUHL of New York, Mr. LAMPSON, Mr. LEVIN, Mr. MARKEY, Ms. MCCOLLUM of Minnesota, Mr. MCNULTY, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mr. REICHERT, Mr. SHULER, Mr. SMITH of Washington, Mr. WAXMAN, Mr. WELCH of Vermont, and Mr. WYNN):

H.R. 1705. A bill to amend title 40, United States Code, to direct the Administrator of General Services to install energy efficient lighting fixtures and bulbs in constructing, altering, and maintaining public buildings; to the Committee on Transportation and Infrastructure.

By Mr. NUNES (for himself and Mr. THOMPSON of California):

H.R. 1706. A bill to provide for assistance to United States exporters of certain fruits and vegetables in order to ensure better access to foreign markets; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. PLATTS, Mr. HONDA, Mr. LAHOOD, Mr. GUTIERREZ, Mr. PAUL, Mr. SERRANO, Mr. PETRI, Mr. HINCHEY, Mr. WALSH of New York, Mr. LEVIN, Mrs. BIGGERT, Mr. COHEN, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. HOLT, Mrs. CAPPS, Mr. MEEHAN, Mr. KIND, Mr. GRIJALVA, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. RUSH, Mr. KILDEE, Mr. DEFAZIO, Mr. FARR, Ms. MATSUI, Mr. KUCINICH, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, Mr. GEORGE MILLER of California, Mr. WYNN, Mrs. MALONEY of New York, Mr. YARMUTH, Mr. CAPUANO, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. ISRAEL, Mr. BAIRD, Mr. FATTAH, Ms. BALDWIN, Mr. HIGGINS, Mr. CONYERS, Ms. ESHOO, Mr. MCNULTY, Ms. WATSON, Ms. ZOE LOFGREN of California, Mr. OBERSTAR, Mr. MOORE of Kansas, Mr. WAXMAN, Ms. KAPTUR, Mr. DELAHUNT, Ms. CARSON, Ms. LINDA T. SÁNCHEZ of California, Mr. CROWLEY, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. CARNAHAN, Mr. PAYNE, Mr. LYNCH, Mr. STARK, Mr. LARSON of Connecticut, Mr. PASCRELL, Mr. CLAY, Ms. WATERS, Mr. OLVER, Mr. ACKERMAN, Mr. UDALL of New Mexico, Mr. ALTMIRE, and Mr. WEXLER):

H.R. 1707. A bill to suspend the authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. HARMAN (for herself and Ms. WATERS):

H.R. 1708. A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for noise compatibility projects; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida:

H.R. 1709. A bill to authorize resources for sustained research and analysis to address Colony Collapse Disorder, and for other purposes; to the Committee on Agriculture.

By Ms. HOOLEY:

H.R. 1710. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Ms. HOOLEY:

H.R. 1711. A bill to amend the Elementary and Secondary Education Act of 1965 to improve certain accountability and assessment provisions; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1712. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE (for herself and Mr. SHAYS):

H.R. 1713. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MACK:

H.R. 1714. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York:

H.R. 1715. A bill to authorize the Secretary of Homeland Security to make grants to address homeland security preparedness shortcomings of units of municipal and county government; to the Committee on Homeland Security.

By Mr. MCCAUL of Texas (for himself, Mr. HILL, Mr. EHLERS, Ms. SCHWARTZ, and Mr. MCCOTTER):

H.R. 1716. A bill to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Science and Technology.

By Mr. MCCAUL of Texas (for himself, Mr. PICKERING, Mr. LANGEVIN, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, and Ms. JACKSON-LEE of Texas):

H.R. 1717. A bill to amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility; to the Committee on Homeland Security, and in addition to the Committees on Agriculture, and 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. MOORE of Kansas (for himself, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HOLT, Mr. MCCAUL of Texas, Mr. REYES, Mr. SHAYS, and Mr. WEXLER):

H.R. 1718. A bill to provide additional student loan forgiveness to teachers of foreign languages; to the Committee on Education and Labor.

By Ms. MOORE of Wisconsin (for herself and Mr. ROGERS of Kentucky):

H.R. 1719. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business.

By Mr. PAUL (for himself, Mr. DUNCAN, Mr. MCHUGH, Mr. BARTLETT of Maryland, and Mr. GARRETT of New Jersey):

H.R. 1720. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. WOLF, Mr. CLYBURN, Mr. GRIJALVA, Mr. WEXLER, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. HASTINGS of Florida, Mr. KING of New York, Ms. BEAN, Mr. KLEIN of Florida, Mr. MAHONEY of Florida, Mr. BISHOP of New York, Mr. KLINE of Minnesota, Mr. THOMPSON of California, and Mr. CANNON):

H.R. 1721. A bill 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; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Ms. CASTOR, Mr. KLEIN of Florida, Mr. MILLER of Florida, Mr. CRENSHAW, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, Mr. BUCHANAN, Ms. GINNY BROWN-WAITE of Florida, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BOYD of Florida, Mr. MAHONEY of Florida, Mr. FEENEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. KELLER, Mr. STEARNS, Mr. PUTNAM, Mr. MEEK of Florida, Mr. MICA, Mr. YOUNG of Florida, and Mr. WELDON of Florida):

H.R. 1722. A bill to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the ''Leonard W. Herman Post Office''; to the Committee on Oversight and Government Reform.

By Mr. WILSON of Ohio (for himself and Mr. CLAY):

H.R. 1723. A bill to amend the National Housing Act to ensure fair appraisals in connection with mortgages insured under the

FHA single family mortgage insurance program; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. NADLER, Mr. DINGELL, Ms. VELÁZQUEZ, Ms. CLARKE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Ms. SOLIS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Ms. CARSON, Mr. CASTLE, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. DOYLE, Mr. EDWARDS, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HALL of Texas, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LATHAM, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. REYES, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHAYS, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. TAYLOR, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. WU, and Mr. WYNN):

H.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 101. Concurrent resolution expressing the sense of Congress that the bicentennial of the 1807 Abolition of the Slave Trade Act, which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves, should be commemorated; to the Committee on Foreign Affairs.

By Mr. SCHIFF (for himself and Mr. WOLF):

H. Con. Res. 102. Concurrent resolution supporting the goals and ideals of observing the National Day of Human Trafficking Awareness each year to raise awareness of and opposition to human trafficking; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mrs. BIGGERT, Mr. FRANK of Massachusetts, Mr. BACHUS, Mrs. MALONEY of New York, Ms. BEAN, Mr. CLAY, Mr. CLEAVER, Mr. CROWLEY, Mr. DAVIS of Kentucky, Mrs. DRAKE, Mr. GERLACH, Mr. GILLMOR, Mr. AL GREEN of Texas, Mr. HENSARLING, Mr. HODES, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KLEIN of Florida, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. ORTIZ, Mr. PEARCE, Ms. PRYCE of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SIRES, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, Mr. CASTLE, Mr. RAMSTAD, Mr. BILBRAY, Mrs. MILLER of Michigan, Mr. DENT, Mr. SHAYS, Mr. DANIEL E. LUNGREN of California, Mr. DREIER, Ms. GINNY BROWN-WAITE of Florida, Mr. WELLER, Mr. BOOZMAN, Mr. CAMPBELL of California, Mr. MICA, Mr. SHIMKUS, Mr. KIRK, Mr. BURGESS, Mr. MCCAUL of Texas, Mr. PENCE, Mr. MCHENRY, Mr. TIBERI, Mr. SESSIONS, Mr. ROSKAM, Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. FORBES, Mr. NEUGEBAUER, Mr. LAHOOD, Mr. BAKER, Mr. LEWIS of Kentucky, Mr. LATOURETTE, Mr. MCCOTTER, Mr. TIAHRT, Mr. EHLERS, Ms. FOXX, Mr. HERGER, Mr. GILCHREST, Mr. HASTERT, Mr. FEENEY, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. PUTNAM, Mrs. CAPITO, Mr. MANZULLO, Mr. WALDEN of Oregon, Mr. BILIRAKIS, Mr. BACA, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. BECERRA, Mr. GONZALEZ, Mr. SALAZAR, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Ms. HARMAN, Mr. DOGGETT, Mr. KIND, Mr. LARSON of Connecticut, Mr. SESTAK, Mr. FATTAH, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. LINCOLN DAVIS of Tennessee, Mr. BARROW, Mr. SCOTT of Virginia, Ms. SOLIS, Ms. SUTTON, Ms. HOOLEY, Ms. BALDWIN, Mr. HARE, Mrs. CAPPS, Mr. CAPUANO, Mr. CONAWAY, Mr. BOREN, Ms. HIRONO, Mr. MILLER of North Carolina, Mr. LYNCH, Mrs. JONES of Ohio, and Mr. WATT):

H. Res. 273. A resolution supporting the goals and ideals of Financial Literacy Month, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. DRAKE (for herself, Mr. HAYES, and Mr. MCINTYRE):

H. Res. 276. A resolution honoring the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community; to the Committee on Armed Services.

By Mr. GRIJALVA:

H. Res. 277. A resolution expressing support for the designation and goals of ''National Hispanic Media Week'' in honor of the Hispanic media of the United States; to the Committee on Oversight and Government Reform.

By Mr. RENZI:

H. Res. 278. A resolution recognizing the 125th anniversary of Payson, Arizona; to the Committee on Oversight and Government Reform.

By Mr. TOWNS:

H. Res. 279. A resolution congratulating East New York Transit Technical High School of Brooklyn, New York, on winning the 2006-2007 PSAL New York City Boys Basketball Championship; to the Committee on Education and Labor.

By Mr. TOWNS:

H. Res. 280. A resolution congratulating Thomas Jefferson High School on winning the 2006-2007 PSAL New York City A-League Girls Basketball Championship; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

12. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1817 urging the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill; to the Committee on Armed Services.

13. Also, a memorial of the Legislature of the State of Kansas, relative to House Resolution Number 6008 urging the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WALSH of New York introduced a bill (H.R. 1724) for the relief of Maria Manzano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. BLUMENAUER, Ms. LEE,

Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. HOBSON, Mr. GRIJALVA, and Mr. COURTNEY.

H.R. 74: Mr. MCNERNEY.

H.R. 98: Mr. MCCAUL of Texas.

H.R. 154: Mr. DOGGETT.

H.R. 211: Mr. GEORGE MILLER of California, Mr. TIBERI, Mr. GRIJALVA, and Mr. FARR.

H.R. 241: Mr. WALBERG.

H.R. 243: Mr. GONZALEZ and Mr. BOREN.

H.R. 260: Mr. LEVIN.

H.R. 274: Mr. DONNELLY.

H.R. 371: Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. LATOURETTE, Ms. HOOLEY, Mr. GRIJALVA, and Mr. WELCH of Vermont.

H.R. 393: Ms. CLARKE.

H.R. 397: Mr. MILLER of Florida and Mr. BAKER.

H.R. 400: Mr. GEORGE MILLER of California.

H.R. 402: Mr. BOREN.

H.R. 406: Mr. REYES, Mr. FATTAH, Mr. PAYNE, Mr. JOHNSON of Georgia, and Ms. ESHOO.

H.R. 410: Mr. MEEK of Florida.

H.R. 411: Mr. THORNBERRY.

H.R. 458: Ms. CLARKE.

H.R. 459: Ms. CLARKE.

H.R. 506: Mr. PRICE of North Carolina and Mr. UDALL of Colorado.

H.R. 539: Mr. UDALL of Colorado and Mrs. SCHMIDT.

H.R. 549: Mr. TIBERI.

H.R. 579: Mr. SALAZAR, Mr. PETERSON of Minnesota, Mr. KLEIN of Florida, and Mr. MCHUGH.

H.R. 583: Mr. LEWIS of Kentucky, Mrs. DRAKE, Mr. HOLDEN, Mr. SOUDER, Ms. MCCOLLUM of Minnesota, and Mr. NADLER.

H.R. 621: Mr. ROSS, Mr. COURTNEY, and Mr. SMITH of New Jersey.

H.R. 622: Ms. CLARKE.

H.R. 653: Mr. WEXLER.

H.R. 661: Mr. AL GREEN of Texas.

H.R. 668: Ms. ROS-LEHTINEN.

H.R. 676: Ms. SUTTON.

H.R. 678: Mr. BOREN and Mr. DELAHUNT.

H.R. 690: Mr. BOREN.

H.R. 694: Mr. BACA and Mr. ROTHMAN.

H.R. 695: Ms. SHEA-PORTER and Mr. KAGEN.

H.R. 728: Mr. KILDEE and Mr. WEXLER.

H.R. 735: Ms. CLARKE.

H.R. 771: Mrs. BONO.

H.R. 784: Mr. FARR.

H.R. 818: Ms. CLARKE.

H.R. 853: Mr. UPTON.

H.R. 871: Mr. BISHOP of Georgia.

H.R. 923: Mr. MORAN of Virginia.

H.R. 943: Mr. BISHOP of Georgia, Mr. CHANDLER, Mr. GRIJALVA, Mr. HIGGINS, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Mr. BOSWELL, Mr. PITTS, Mr. RYAN of Ohio, and Mr. MORAN of Virginia.

H.R. 962: Mr. LANTOS.

H.R. 971: Mr. MILLER of Florida, Mr. CONAWAY, Mr. SMITH of Nebraska, and Mr. SKELTON.

H.R. 980: Mrs. MILLER of Michigan, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. ENGLISH of Pennsylvania, Mr. LOEBSACK, Ms. HERSETH, Mr. SARBANES, Mr. JOHNSON of Illinois, Mr. KING of New York, Mr. MCHUGH, Mr. BERMAN, Mr. TIM MURPHY of Pennsylvania, and Mr. SHIMKUS.

H.R. 1061: Ms. BERKLEY.

H.R. 1064: Mr. REYES, Mrs. NAPOLITANO, Mr. FATTAH, Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Ms. BORDALLO, Mr. MATHESON, Ms. ESHOO, Mr. SKELTON, and Mr. ETHERIDGE.

H.R. 1069: Mr. MEEK of Florida.

H.R. 1070: Mr. FATTAH and Mr. MEEKS of New York.

H.R. 1072: Mr. OBERSTAR, Ms. KILPATRICK, Mr. REYES, Ms. BORDALLO, Ms. SCHAKOWSKY, and Mr. ISRAEL.

H.R. 1076: Mr. WELLER and Mr. KUHL of New York.

H.R. 1087: Mr. HARE.

H.R. 1091: Mr. PUTNAM and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1093: Ms. ROS-LEHTINEN.

H.R. 1098: Ms. HIRONO, Mr. BOUCHER, Mr. COSTA, Mr. MCNULTY, Mr. HODES, and Mr. MOORE of Kansas.

H.R. 1102: Mr. FILNER, Mr. LAHOOD, Mr. SOUDER, Ms. BALDWIN, and Mr. HINCHEY.

H.R. 1154: Mr. SAM JOHNSON of Texas, Mr. HINOJOSA, Mr. PETRI, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. CLAY, Mrs. EMERSON, Mr. FRANK of Massachusetts, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. DELAURO, Ms. WATSON, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. CLEAVER, Mr. PASTOR, Mr. WATT, Ms. KAPTUR, Mr. WU, Mr. VAN HOLLEN, Mr. DINGELL, Ms. GINNY BROWN-WAITE of Florida, and Mr. HARE.

H.R. 1155: Mr. WEXLER.

H.R. 1192: Mr. AL GREEN of Texas, Mr. FARR, and Mr. CLEAVER.

H.R. 1222: Mr. BOREN, Mrs. EMERSON, and Mr. GRIJALVA.

H.R. 1223: Mr. GRIJALVA.

H.R. 1232: Mr. THOMPSON of California, Ms. MCCOLLUM of Minnesota, and Mrs. NAPOLITANO.

H.R. 1236: Mr. WYNN, Mr. GRIJALVA, Mr. TOWNS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. ORTIZ, Ms. ESHOO, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. ETHERIDGE, and Mr. BARROW.

H.R. 1238: Mr. SERRANO and Mr. COHEN.

H.R. 1259: Mr. ISRAEL.

H.R. 1260: Mr. DAVID DAVIS of Tennessee, Mr. TANNER, Mr. COHEN, and Mr. GORDON.

H.R. 1261: Mr. RADANOVICH.

H.R. 1268: Mr. UDALL of New Mexico, Mr. HODES, and Mr. ARCURI.

H.R. 1280: Mr. LOBIONDO.

H.R. 1283: Mr. HOLDEN, Mr. WEXLER, Mr. TIBERI, Mr. SCOTT of Virginia, Mr. CAMP of Michigan, and Ms. MCCOLLUM of Minnesota.

H.R. 1302: Ms. SCHAKOWSKY, Mr. BAIRD, Mr. HIGGINS, Mr. SIRES, Mr. COSTA, and Mr. EHLERS.

H.R. 1303: Mr. TERRY, Mr. SHAYS, and Mr. MCHUGH.

H.R. 1314: Mr. ROGERS of Alabama, Mr. WHITFIELD, and Mr. KUHL of New York.

H.R. 1318: Mr. PETERSON of Minnesota.

H.R. 1328: Mr. UDALL of Colorado, Mr. ALLEN, and Mr. WALDEN of Oregon.

H.R. 1329: Mr. CONAWAY.

H.R. 1333: Mr. BUYER and Ms. HERSETH.

H.R. 1343: Mr. DELAHUNT, Mr. FORBES, Mr. WEXLER, Mr. NADLER, Mr. WAXMAN, and Mr. DAVID DAVIS of Tennessee.

H.R. 1344: Mr. GUTIERREZ, Mr. SALAZAR, Mr. LATOURETTE, Mr. MICHAUD, Mr. BOSWELL, and Ms. WOOLSEY.

H.R. 1350: Ms. MCCOLLUM of Minnesota.

H.R. 1353: Mr. GONZALEZ.

H.R. 1354: Mr. SHULER and Mr. KLEIN of Florida.

H.R. 1359: Mr. DAVID DAVIS of Tennessee.

H.R. 1380: Mr. BARTLETT of Maryland, Mrs. CHRISTENSEN, and Mr. COHEN.

H.R. 1385: Mr. FILNER.

H.R. 1386: Mr. BRALEY of Iowa.

H.R. 1388: Mr. CUMMINGS.

H.R. 1389: Mr. TOM DAVIS of Virginia.

H.R. 1391: Mr. BLUMENAUER.

H.R. 1392: Mrs. MYRICK.

H.R. 1399: Mrs. BACHMANN, Mr. MOLLOHAN, Mr. BOOZMAN, Mr. GARRETT of New Jersey, and Ms. FALLIN.

H.R. 1418: Mr. HOLT.

H.R. 1424: Mr. GERLACH and Mr. EHLERS.

H.R. 1439: Ms. BALDWIN and Mr. MCCOTTER.

H.R. 1441: Ms. JACKSON-LEE of Texas, Mr. KIRK, Mr. MCCARTHY of California, Mr. SIRES, Ms. BERKLEY, and Ms. SHEA-PORTER.

H.R. 1453: Mr. HOLT.

H.R. 1469: Mr. SIRES.

H.R. 1497: Mr. LANTOS and Mr. MORAN of Virginia.

H.R. 1498: Ms. LEE, Mrs. CUBIN, and Mr. KAGEN.

H.R. 1507: Mr. EMANUEL, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. MEEKS of New York, Mr. ROTHMAN, Mr. OLVER, Ms. BALDWIN, Mr. FARR, and Mr. MCGOVERN.

H.R. 1522: Mr. MCKEON, Mr. HINOJOSA, Mr. FORTUÑO, Mr. JEFFERSON, Mr. BRADY of Texas, Mr. MCNULTY, Mr. MARIO DIAZ-BALART of Florida, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Mr. TIBERI, Mr. BARRETT of South Carolina, Mr. ROGERS of Michigan, Mr. JONES of North Carolina, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mrs. BONO, Mr. MACK, Mr. KUHL of New York, Mr. FORBES, Mrs. CAPITO, Mr. DAVID DAVIS of Tennessee, Mr. DUNCAN, Mr. FOSSELLA, Mr. KIRK, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mrs. BIGGERT, Mr. CHABOT, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. PLATTS, Mr. SMITH of Texas, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. HIGGINS, Mr. PASTOR, Mr. BACA, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. DENT, Mr. FRANKS of Arizona, and Mr. BOUSTANY.

H.R. 1527: Mrs. EMERSON.

H.R. 1539: Mr. LUCAS and Ms. FALLIN.

H.R. 1541: Mr. JOHNSON of Georgia, Mr. MCGOVERN, and Mrs. CHRISTENSEN.

H.R. 1542: Ms. KILPATRICK, Mr. HOLT, Mr. SERRANO, Mr. GRIJALVA, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. STARK, and Mr. LARSON of Connecticut.

H.R. 1564: Mr. GRIJALVA and Ms. SCHAKOWSKY.

H.R. 1576: Mr. BOREN.

H.R. 1593: Mr. ISSA.

H.R. 1600: Mr. BAIRD, Mr. MCCOTTER, Mr. LANTOS, and Mr. GALLEGLY.

H.R. 1613: Ms. FALLIN, Ms. FOXX, Mr. HUNTER, Mr. TERRY, and Mr. POE.

H.R. 1616: Mr. MORAN of Virginia, Mr. WAXMAN, Ms. SUTTON, Mr. TIAHRT, Mr. LYNCH, Mr. PRICE of North Carolina, and Ms. HIRONO.

H.R. 1620: Mr. MCDERMOTT.

H.R. 1622: Mr. FORBES, Mrs. DRAKE, and Mr. CANTOR.

H.R. 1638: Mr. ENGEL, Mr. TOWNS, and Mr. WEINER.

H.R. 1640: Mr. POE, Mr. SAM JOHNSON of Texas, and Mr. FEENEY.

H.R. 1647: Mr. KIND, Mr. OBERSTAR, Mr. CHANDLER, Mr. MILLER of North Carolina, Mr. HIGGINS, Mr. BONNER, Mrs. CAPPS, Mr. ROGERS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. RAMSTAD, Ms. KAPTUR, Mr. DEFAZIO, Mr. FOSSELLA, Mr. SIRES, and Mr. WELDON of Florida.

H.R. 1650: Mr. KAGEN.

H.R. 1653: Mr. COSTA, Ms. MCCOLLUM of Minnesota, Mr. CROWLEY, Mr. FILNER, Mr. HONDA, Mr. LEWIS of Georgia, Mrs. CAPPS, Ms. SLAUGHTER, Mr. NADLER, Mr. MCNULTY, Mr. STARK, and Mr. DOYLE.

H.R. 1664: Mr. CANTOR, Mr. GOODE, Mrs. DRAKE, Mrs. JO ANN DAVIS of Virginia, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, Mr. FORBES, Mr. TOM DAVIS of Virginia, and Mr. SCOTT of Virginia.

H.R. 1671: Ms. CLARKE.

H.R. 1676: Mr. HINOJOSA, Mr. MEEKS of New York, and Mr. KENNEDY.

H.R. 1678: Mr. ELLISON.

H.R. 1683: Mr. WALBERG.

H.J. Res. 3: Mr. ENGLISH of Pennsylvania.

H.J. Res. 12: Mr. SKELTON.

H.J. Res. 39: Ms. SHEA-PORTER.

H. Con. Res. 26: Ms. CLARKE.

H. Con. Res. 29: Ms. CLARKE.

H. Con. Res. 68: Mr. GERLACH, Ms. CLARKE, Ms. BORDALLO, and Mr. LAMPSON.

H. Con. Res. 71: Mr. SCOTT of Virginia.

H. Con. Res. 90: Mr. HILL.

H. Con. Res. 91: Mrs. McCARTHY of New York.
H. Con. Res. 98: Mr. FORBES.
H. Con. Res. 100: Ms. LEE.
H. Res. 33: Mr. HOBSON, Mr. STUPAK, and Mr. REHBERG.
H. Res. 76: Mr. PAYNE, Ms. CLARKE, Mr. HARE, and Mr. GENE GREEN of Texas.
H. Res. 111: Mrs. EMERSON.
H. Res. 114: Ms. CLARKE.
H. Res. 171: Mr. GRAVES, Mr. AKIN, and Mr. BLUNT.
H. Res. 179: Mrs. BACHMANN and Mr. GORDON.
H. Res. 227: Mr. BAIRD.
H. Res. 247: Ms. CORRINE BROWN of Florida, Mr. Ellison, Mr. PAYNE, Mr. EMANUEL, and Mr. SCOTT of Virginia.
H. Res. 252: Mr. HOBSON.
H. Res. 258: Mr. UPTON and Mr. KENNEDY.
H. Res. 267: Mr. KINGSTON, Mr. UDALL of Colorado, and Mr. LEWIS of Kentucky.
H. Res. 272: Mr. BERMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Mr. IKE SKELTON, or a designee, to H.R. 1538, the Wounded Warrior Assistance Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(d), 9(e), or 9(f) of the Rule XXI.