United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, SATURDAY, DECEMBER 17, 2005 *No. 163*

House of Representatives

The House met at 2 p.m.

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

The Lord draws near. Come, let us worship.

My brothers and sisters, know that the Lord desires to be close to you. You have prayed, ''Thy kingdom come!''

Let the Lord's justice now guide all your judgments. Let the Lord's peace penetrate your hearts. The Lord God Himself will come and establish a new beginning in our humanity.

In you and through you, the Lord will lead people to true freedom.

Love the Lord with all your heart and with all your strength; then from within you, the Lord will rebuild the Nation.

The Lord draws near. Prepare the way for the Lord, for He comes. Prepare your people to meet the Lord your God. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

NOTICE

If the 109th Congress, 1st Session, adjourns sine die on or before December 20, 2005, a final issue of the Congressional Record for the 109th Congress, 1st Session, will be published on Friday, December 30, 2005, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 29. The final issue will be dated Friday, December 30, 2005, and will be delivered on Tuesday, January 3, 2006. Both offices will be closed Monday, December 26, 2005.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

H.R. 4195. An act to authorize early repayment of obligations to Bureau of Reclamation within Rogue River Valley Irrigation District.

The message also announced that the Senate has passed bills on the following titles in which the concurrence of the House is requested.

S. 310. An act to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 648. An act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

S. 1025. An act to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1552. An act to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009.

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to seven Members on each side for 1-minute speeches.

CONGRATULATING APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM

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

Ms. FOXX. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing and congratulating the 2005 NCAA Division I–AA Football National Champions, Appalachian State University.

This courageous and athletic group of students, along with their coaches and support staff from Boone, North Carolina, defeated the University of Northern Iowa last night in Chattanooga, Tennessee, by a score of 21–16. This marks the first time in history that a team from ASU has won a national championship. This championship culminates a tremendous year of Mountaineer football that saw the team finish the season 8–3, winning the Southern Conference championship before winning four playoff games, including last night's national championship game.

Mr. Speaker, I am proud of this football team and their coach, not just for winning a national championship but for the character and teamwork they display.

The Mountaineers have excelled under the leadership of Coach Jerry Moore, the winningest coach in the history of the Southern Conference. He has a talented staff, including Coach Lonnie Galloway, the son-in-law of our colleague from North Carolina, Robin Hayes.

I wish my duties in Washington did not prevent me from being in Chattanooga last night with so many Appalachian students, alumni, and supporters. I would have liked to have seen first hand the crushing defense in the fourth quarter, led by Jason Hunter and Marques Murrell. I wish I could have been there to witness in person the courage of quarterback Richie Williams, who played through a painful ankle injury suffered last week in the semi-final game against Furman.

Please join me in congratulating the Appalachian State University football team. I am proud of my long history with ASU. I am proud to represent this fine university in Congress. Go Mountaineers.

The SPEAKER pro tempore (Mr. HAYES). The Chair thanks the gentlewoman.

LIABILITY IMMUNITY FOR BIG PHARMA

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

Mr. KUCINICH. Wake up, America. In addition to giving away the Alaska National Wildlife Refuge to the oil companies, the Defense appropriations bill is rumored to contain a massive holiday gift to the pharmaceutical industry in the form of liability immunity for pandemic vaccines. The liability is not the reason for vaccine shortages, especially in the case of avian flu.

This giveaway will not result in increased vaccine production. Why does Big Pharma want these liability exemptions? Because there is reason to doubt the safety of at least one of these vaccines. Chiron, the same company which allowed contamination of half of last year's flu vaccine supply, is hoping to use MF59 in an avian flu vaccine. MF59 is a compound that contains squalene, which is on the short list of potential causes for the chronic debilitating illnesses experienced by our veterans of the first Persian Gulf war.

At a minimum, this issue must be debated in front of the American people, not slipped in behind closed doors into this large bill. I urge my colleagues to reject this liability immunity.

CONGRATULATING DIVISION I–AA NATIONAL CHAMPION APPALACHIAN STATE MOUNTAINEERS

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

Mr. COBLE. Mr. Speaker, the frigid unforgiving winds that normally blow across the Blue Ridge Mountains during the months of winter are blowing less brutally and less severely today. For on this day, these winds sweep across the campus of Appalachian State University, home of the National I–AA champions of intercollegiate football.

I attended Appalachian State, Mr. Speaker, and I know I speak for many in the Congress and many congressional staffers as well in conveying hearty congratulations and best wishes to Chancellor Peacock, Coach Moore, and the entire Appalachian community.

Mr. Speaker, I join you in enthusiastically declaring, Go Mountaineers from Appalachian State.

CHRISTMAS GIFTS FOR THE WEALTHY

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

Mr. DEFAZIO. Mr. Speaker, well, the Christmas tree is lit and decorated on the west front of the Capitol; but meanwhile here in the House Chamber, the Republican elves are toiling on the gifts to be put under the tree for the American people.

For the wealthiest, the investors who earn over $300,000 a year, fabulous gifts, huge new extensions of tax cuts. Unfortunately for seniors, working families, and the poor, there is nothing but a box of rhetoric. They even have to forego the usual lump of coal because it is too expensive with the Bush failed energy policy.

Even worse, the tax cut for the wealthiest among us, those who earn over $300,000 a year, will be paid for by cuts in student financial, food and nutrition assistance, school lunches, Medicaid care for poor people. The list kind of goes on and on. Merry Christmas.

WE CAN HAVE BOTH FREEDOM AND SECURITY

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

Mr. POE. Mr. Speaker, history has shown that free peoples are willing to give up civil liberties or freedom in the name of security. Our forefathers knew this, so our Constitution protects us from government taking rights in the name of security.

Mr. Speaker, people have rights. Government has no rights. Government has power and it obtains it when we forfeit our rights to the government. In this time of terrorism, our government uses high-tech surveillance to capture them. This is good. But the fourth amendment states: ''The right of people to be secure from unreasonable searches and seizures shall not be violated.''

It is the duty of the judiciary, not this body, not even the executive branch, to protect those rights and review searches.

When I was a judge in Texas, I signed hundreds of warrants. I was even the State wiretap judge, and I found that warrants make better police officers and they make better criminal cases.

In this post-9/11 era, we cannot allow our zeal to be safe to get in the way of judicial review of search warrants and wiretaps while continuing to provide tools for law enforcement to capture those terrorists. You see, Mr. Speaker, we can have it both ways. We can be safe and secure and maintain our civil rights as a free people. That's just the way it is.

MEDICARE INFORMED CHOICE ACT

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

Mr. LIPINSKI. Mr. Speaker, there is one issue of great concern that I hear about over and over again when I am back home, the needlessly complicated Medicare prescription drug program.

Seniors are confused and frustrated as they attempt to study 60 plans in order to first decide whether to join and then to choose a plan to sign up for. Many are simply giving up.

I have already held half a dozen informational seminars on the program and every session has been packed. There is clearly a problem.

Congress could and should make the progress better, more affordable, and less confusing by allowing Medicare to negotiate prices with drug companies. But the very least that Congress must do is pass a Medicare Informed Choice Act which would delay the enrollment penalty, prevent beneficiaries from losing their employer-based coverage, and allow seniors to switch plans if they make a mistake.

Given the current confusion, it is essential that we allow beneficiaries to take their time, check the facts, and know their options without being rushed to choose. We owe no less to our seniors.

IRAQ'S DEMOCRATIC VICTORY

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

Mr. WILSON of South Carolina. Mr. Speaker, yesterday's New York Times proclaims loudly that ''Iraqis, Including Sunnis, Voted in Large Numbers'' during Thursday's historic elections.

Throughout the world, people were waking up to the great news about Iraq's most recent democratic victory. USA Today discussed the inspiring turnout in Iraq, while even Knight Ridder declared that high voter turnout in Iraq promises fully representative parliament.

The National Review reported that U.S. troops describe a festive atmosphere across Iraq. The Los Angeles Times wrote that the ballot box is the new battle ground. The Boston Globe described how, for one Sunni family, casting ballots was an act of resistance.

I was particularly pleased to learn that the BBC reported the Iraqi vote met global standards. From New York to London, the mainstream media finally recognized and reported the clear successes of the election which delivered a devastating blow to terrorists and ultimately helped protect American families.

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

STOP THE MEDICARE INSANITY

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

Mr. PRICE of Georgia. Mr. Speaker, very few decisions are more personal or important than health care decisions. And when Washington gets involved in health care, especially in Medicare, government must put patients first.

Decisions already made, if not changed, will result in 38 percent of the doctors seeing fewer Medicare patients, half of physicians less likely to participate in Medicare Advantage and a third of the doctors no longer visiting nursing homes.

Unless Congress acts, the ability for seniors to access quality medical care will get worse.

The way our government pays doctors for taking care of our parents and our grandparents through Medicare is unbelievably broken. Physicians will be subjected to a 26 percent pay cut over the next 5 years, and an official of the government agency in charge of Medicare said they will cut doctors pay until they stop seeing Medicare patients and then they might fix it.

Mr. Speaker, then will be too late.

Americans deserve better from their representatives. Those who care for all of us are being driven out of business by a government that cares more about money than health. Let's stop this insanity.

□ 1415

RAISING THE MINIMUM WAGE

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

Mr. BROWN of Ohio. Mr. Speaker, Congress is about to go home in a few days either today, tomorrow, Monday, Tuesday, sometime in the next few days, and this House, again, has failed to increase the minimum wage.

There are large numbers of people in this country, people with children, often single mothers, sometimes, not usually, adults in their 20s and 30s and 40s who make $5.15 an hour. The Senate finally increased the minimum wage. The House is going to go home sometime in the next few days having failed to even bring up to a vote an increase in the minimum wage.

Since this House floor session began about 16 minutes ago, in that time, a minimum wage worker would have earned about $1.10 or $1.15. A CEO of a Fortune 500 company in this same 16 minutes would have earned about $1,500. Mr. Speaker, we can do a lot better in this body than we have done this year.

GREAT AND HEARTWARMING NEWS FROM IRAQ

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

Mr. HAYES. Mr. Speaker, great and heartwarming news from Iraq.

Early this morning, I received an e-mail from a soldier serving in Iraq which provides one small example of how democracy is progressing in Iraq and how our troops along with the Iraqi security forces are making a difference.

He wrote: ''The highlight of my day, Election Day, was in south Baghdad, where there were no polling stations in January 2005 and where many Sunnis did not vote in October 2005. I watched as two affluent local sheiks walked into the polling station together holding hands, which is a huge sign of respect here. What was moving about this was one sheik was Shia, the other Sunni. They told me how much they appreciated what the United States had done for them and that they could never repay us. The Sunni said, 'We are tired of violence and the fighting that destroys our people and our country; that they would work to make the U.S. proud and that the sacrifices of American soldiers is respected and appreciated.' ''

God bless our troops.

CIVIL LIBERTIES

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

Mr. FARR. Mr. Speaker, while we are locked up here today, I would like to wish my wife Sherry a very happy birthday. This week, I have been telling her, has been a real doozy for civil liberties.

We learned that both the Pentagon and the National Security Agency have been spying on thousands of innocent Americans. Apparently, the NSA was doing it at the direction of President Bush.

I was shocked to learn that one of those documented instances of the Pentagon domestic spying happened in my district.

A student protest against military recruiters at the University of California at Santa Cruz, which occurred this past April, was not only observed for suspicious activity, but the ''threat'' was declared ''credible.''

I cannot condemn these actions strongly enough. Using government time and money to spy on people exercising their constitutional freedoms is just ridiculous.

I have already signed on to two letters about these violations of privacy, calling on the NSA to fully explain the constitutionality of their surveillances and calling on the Department of Defense and the Department of Justice to investigate NSA's actions.

As Members of Congress, we must be diligent in our oversight of the Pentagon, but our job is next to impossible when the administration hides behind the cloak of national security to thwart the civil liberties of many Americans, as they have done with the Pentagon surveillance program.

The Pentagon must come forward with an explanation about why they were spying on the UCSC rally.

The right to express differing opinions was one of the founding principles of this country.

The voices of the American people must always be heard, whether this admistration agrees with them or not.

It is hypocritical for us to urge transparency in foreign governments while ignoring what our own government is doing in violation of its citizens' civil liberties.

WE SHOULD BE SUPPORTING PRESIDENT BUSH

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

Mr. BURTON of Indiana. Mr. Speaker, the liberal media and my liberal colleagues are attacking the President for protecting America. The wiretaps that he has ordered are legal, and he informed the Intelligence Committees 12 times about them.

What are we going to do? Are we going to wait around until terrorists attack us and then say we ought to check what they are saying on the telephone to their al Qaeda buddies?

The fact of the matter is the President is defending the United States of America, and we should be supporting him.

The PATRIOT Act, which is being stuck in the Senate, needs to be passed. We need to get these guys and stop them before they attack buildings in New York or Indianapolis or California or Washington, D.C., and the President wants to do that. That is why the PATRIOT Act is so important.

Let's talk about torture. Putting a guy on a water board who is about to blow up a bunch of soldiers in Baghdad and holding him under the water for a little bit to make him tell us what he is going to do or if he is going to cut somebody's head off that is an innocent civilian, or go into a school and blow up a bunch of kids is not what I call terrible. We are not pulling out their fingernails or cutting off their heads. We need to put pressure on them to tell us what's going on so we can save Americans and American troops.

This is a war. It is not a tea party. And we need to win it. The President is doing the right thing, and we need to support him. God bless President Bush.

FUNDING FOR SCHOOL DISTRICTS AFTER HURRICANES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have all appreciated the great charitable spirit of Americans as they welcomed into their homes and into their neighborhoods and into their States the victims of Hurricane Katrina and Rita and Wilma. But this appropriations bill that is making its way through the House and the Senate is crucial for survival of many of our school districts around the Nation.

Let me cite my colleagues a particular figure for Houston Independent School District. We are now paying $186,000 a day for the additional Katrina students who are in our school districts. We welcome them, but we cannot pay this burden alone. This is costing our school district an additional $30 million, and so far, we have been reimbursed by the Federal Government $164,000. My friends, $30 million, $186,000 a day, and all we have received is $164,000. In addition, we have got $300 million on hold, that the school district has not received.

We need this appropriations bill to be fully funded. We need the tax cuts to be put aside. We need FEMA to be able to do its job for those who are still waiting, languishing in shelters and needing homes, languishing in tents and needing trailers. We need this system to work on behalf of the working people of America and those who are in need.

Americans have opened their hearts and pocketbooks to those in need. The Federal Government, the greatest safety net that all of the people have, needs to do its job and do it now.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 623 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 623

Resolved, That it shall be in order at any time on the legislative day of Saturday, December 17, 2005, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

(2) The bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C. W. Bill Young Cell Transplantation Program.

(3) The bill (H.R. 4568) to improve proficiency testing of clinical laboratories.

(4) The bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

(5) The bill (H.R. 4579) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

(6) The bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

(7) The conference report to accompany the bill (S. 1281) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes.

(8) The conference report to accompany the bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

(9) A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The SPEAKER pro tempore (Mr. MCHUGH). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, this resolution provides that certain specified measures may be considered under suspension of the rules at any time on the legislative day of Saturday, December 17, 2005.

Mr. Speaker, the Republican leadership of this House has set forth a positive legislative agenda for the remainder of this week and the balance of the first session of the 109th Congress. The goal of this plan is to address a number of outstanding issues remaining on Congress's calendar before we adjourn that maintain our commitment to improving America's economy and national security.

Over the past year, we have passed a number of important new education, health care, tax, trade and national security bills that will keep Americans safer and healthier, create new jobs and improve our economy. This rule will allow the House to consider a number of additional bills today under suspension of the rules that will ensure that Congress can complete some additional important work before we adjourn for the holidays.

This rule makes in order the consideration of nine bills under suspension

of the rules. These bills accomplish necessary and noncontroversial goals, such as extending funding for the operation of State high-risk health insurance pools, providing for collection of human cord blood stem cells for medical treatment and research, and improving the proficiency testing of clinical laboratories.

The suspension authority will also allow us to consideration legislation to authorize appropriations for the Department of Justice, improve medical benefits for patients, extend important educational programs and help NASA to continue its human space flight, aeronautics and science programs.

Perhaps most notably, it provides for consideration of the conference report to extend the applicability of the Terrorism Risk Insurance Act. Extending TRIA is a goal upon which I have worked very closely with my friends and fellow House conferees, Chairman MIKE OXLEY and Chairman RICHARD BAKER, and I commend them for their hard work in preparing this bill for President Bush's signature.

This legislation represents a fiscally responsible response to the threats that acts of terrorism pose to the American economy. It also includes important taxpayer protections and will ensure that this important program does not expire and leave the marketplace for terrorism insurance in uncertainty.

After the tragedy of September 11, the marketplace for terrorism insurance largely disappeared. This lack of terrorism coverage terminated or delayed billions of dollars in commercial property financing, threatening business operations and development and job creation and our overall economy.

TRIA has proven its ability to stabilize the market, and it will continue to provide essential protection for businesses of all sizes in our country. I urge my colleagues to take the opportunity later today to follow up on this program's successful record and to reauthorize TRIA so that the program does not lapse and hurt businesses and policyholders around this great Nation.

Like TRIA, all of the bills scheduled for consideration by the Republican House leadership on behalf of all Americans enjoy broad support from Members of both the majority and the minority parties. This rule simply provides us with the tools needed to ensure that all of the important work is completed before we adjourn to our families and communities to celebrate for the holidays.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this uncontroversial and balanced rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend from Texas (Mr. SESSIONS) for the time.

Mr. Speaker, I guess it is appropriate that we are providing for suspension of the rules, since we learned yesterday that the President has suspended the law regarding spying on American citizens. I heard one of our colleagues earlier say that it was the law. I would remind him that this House has passed no such measure permitting spying on American citizens, even babies know that.

Mr. Speaker, as my colleague has already noted, this rule will permit the House to consider nine pieces of legislation under suspension of the rules. While I will not oppose this rule and intend to support the nine bills to which the rule applies, and I say that advisedly, taking into consideration the gentleman from Wisconsin (Mr. OBEY), my distinguished colleague, who will explain in detail the circumstances regarding Labor-HHS and the drastic implications for the finances of certain agencies.

I am deeply concerned that the House is again operating outside the boundaries of regular order.

□ 1430

For the last year, my friends in the Republican leadership have consistently convened the House a mere 3 days a week, occasionally 4. They have regularly sent Members home earlier than anyone else in this country gets off work. Sure, I certainly, and I believe all of us, appreciate going home a few hours earlier during the week. But forgive me, Mr. Speaker, if I am not the most sympathetic Member when the leadership cries legislative crisis time and time again over situations that it created.

There is a better way to run this body, and the Republicans continue to show that they are incapable of leading the House in an efficient and regular manner.

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

Mr. SESSIONS. Mr. Speaker, I, like my wonderful colleague, Mr. HASTINGS, am here doing the work of the American people. We are proud of what we are doing. It is just 1 week before Christmas, and we have a lot of work left to do. That is why we are here. We are here to work.

There are a number of my colleagues who showed up for work today prepared and ready. We know they miss their family and friends. NATHAN DEAL of Georgia, TOM PRICE of Georgia, and JOHN SHIMKUS of Illinois are just an example of three Members of Congress who, even on a weekend and even a week before Christmas, show up.

So it is my hope that this same spirit we all talk about today, of accomplishing our work on behalf of the American people, the importance of completing our work because we said we would do it, to be responsible to the people of this whole country, all the people, that that spirit will carry through because that is why we are here today.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman, my good friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I have to say I was struck by the gentleman from Texas crediting his fellow Republicans for showing up. Because if it were not for the combination of institutional incompetence and ideological extremism that dominates the Republican Party, none of us would have had to be here. So I guess we all deserve recognition as victims of that.

I actually think this motion should have been retitled. It should have been called Subversion of the Rules, not Suspension of the Rules, because that is what is happening. We are being at almost gunpoint, the metaphorical, parliamentary equivalent of gunpoint, being asked to debate under very restrictive measures bills that deserve more.

Let me talk about one, the terrorism risk insurance. I think it is an important bill, and I agree substantively with what the gentleman from Texas said. Unfortunately, the right wingers who dominate this administration and much of the congressional leadership in both Houses do not agree. They tried to kill this thing, until finally, at the overwhelming insistence of people who are involved in the economy of this country said that that would be irresponsible, they did the next best thing. They have forced us to deal with it in a constricted and inappropriate way.

We did take it up in the House, and we had a full markup in our committee, and we voted on it on the floor. In the Senate, and let us praise the rule change that now allows us to tell the truth about what goes on in the Senate, the Senate passed a very restricted version of this. The Senate chairman of the banking committee then refused to appoint conferees.

Interestingly, we are going to have to amend this rule, because the rule, reasonably, said let us take up on suspension the conference report on TRIA. And then the Rules Committee had to be reminded that there is no conference report on TRIA, because the Republican Senate chairman, knowing that he would have been outvoted in the conference, refused to allow one and, instead, individually dictated what would be in it.

So we are going to have to amend it, because if we had a vote on a conference report on TRIA, we would have no TRIA. They would not have a conference. The regular order has been totally subverted. Unfortunately, we have to accommodate it because we are up against a December 31 extension.

By the way, if the House Republican leadership had not delayed consideration of this bill, we could have done it months ago and not been vulnerable to that kind of extortion.

What we have now is a bill that leaves out, for example, the commission on how to deal with terrorism insurance that the families of September

11 have asked for. We will go into that further when we debate it, but the families of September 11 asked for a commission. We included it in the House bill. Chairman OXLEY and Chairman BAKER accommodated that reasonable request. It is not in the Senate Bill. And because of this outrageously high-handed legislative procedure, we do not have a chance to include it.

An important provision was adopted here in the House, sponsored by the gentlewoman from Florida, to prevent people who are traveling to what some insurance companies think are dangerous areas, like Israel, from being denied life insurance. That is not in the bill. Maybe some people do not like it, but we should have been able to have had a forum in which it could be debated and decided.

Instead, we have the right wing that controls the executive branch and both Houses of Congress grudgingly allowing a bare bones and, I think, inadequate form of extension. It is better than nothing. It is important to the economy, and the gentleman from Texas is right. But here is a combination of ideological extremism and a refusal to recognize the legitimacy of a democratic process here.

As we salute democracy in Iraq, and I am glad we saw it yesterday, I guess I am starting to get jealous of the Iraqis, because as of now there is more democracy being practiced under American auspices in Iraq than the leadership here in the House of Representatives is allowing on the floor of this body.

Mr. SESSIONS. Mr. Speaker, the gentleman from Massachusetts has very appropriately talked about this important act, this TRIA legislation; and I would like to take time to thank the ranking member of the Financial Services Committee (Mr. FRANK of Massachusetts) for not only his work for a long time on this bill but for working clearly and closely with industry and consumer groups to make sure that what we had control over of here in the House that we passed.

I do admit that there is frustration. There is frustration on my part, too, as the gentleman is well aware. And I will tell you that the process that has taken place may not be perfect, but I want to thank the gentleman not only for his support of the work that we were able to accomplish but for sticking with it.

The good part is there will be a process here today and the gentleman will be able to speak very clearly about his thoughts on that, and we will move forward.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will yield for just a moment, I want to thank the gentleman for his graciousness on that, and I appreciate that.

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

Mr. HASTINGS of Florida. Mr. Speaker, at this particular moment I am privileged to yield such time as he may consume to my good friend, the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time. I want to put the House on notice that I intend to ask for a rollcall on this rule. And if we do have a rollcall, I am going to vote against it, and I want to explain why.

One of the bills that this rule makes in order is the continuing resolution. At this point, this Congress has not passed the defense bill. It has not passed the Labor, Health, Education and Social Services appropriations bill. Together that equals about 65 percent of all the discretionary spending in the budget. We still have not passed those bills almost 3 months into the fiscal year.

Now, this resolution will allow the continuing resolution, which expires today, to continue until February 15. Now, it also says that we will not be able to amend the CR. However, there is nothing to prevent the Senate from amending the CR when it goes over there, and I fully expect them to try because they have a different set of priorities than the Republican House leadership. If you do not believe that, just ask Mr. STEVENS.

There is another problem with the CR, and that is that it funds both the Defense bill and the Labor, Health, and Education bill at a very much lower level and on a very much more restricted basis than I think is healthy. Example: on the Defense side, if the Defense appropriations bill does not pass, it means that money will trickle out to the military, but they will not be able to do the advanced procurement expenditures that they need if you are going to have intelligent planning.

On the Labor-Health side, what it means, and this is even more serious, I think, because I think there is a better chance that the defense bill may pass, but the Labor-Health bill right now is so inadequate that the majority leader in the Senate cannot get enough votes to pass it. And so now what they are doing is setting up this scenario: they are going to fund Labor-Health programs at a level $1.4 billion below the House-passed bill and $3 billion below last year. And because of the peculiarities of the formula, programs such as the Community Service Block Grants are going to be funded at a level 50 percent below last year. You might as well gut that program if you let that happen.

And why are they doing it? I think the reason they are doing it is because they know they cannot pass that turkey of a Labor-Health bill now as it is, so they are trying to set up a scenario in which in February Senators will have to vote for that inadequate bill in order to escape from the crisis which was manufactured by this inadequate and rigid CR.

I think House Members, if we are going to be asked to pass another CR, ought to have an opportunity to amend it. Coming from an agricultural State, I am told that the agreement just reached between the House and the Senate is going to allow Senator COCHRAN to put $2 billion wherever he wants it in agriculture, and I would kind of like to see some of that money going to the MILC program. But it is not going to under the way this is set up.

I would also like to amend the funding rate for a number of programs so that you do not indirectly, under the table, without a frontal vote, gut programs like the Community Services Block Grant.

So I want to put the House on notice, despite any agreement at the leadership level, I intend to ask for a rollcall vote because this is nuts.

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

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

I hope that the general body heard and understood Mr. OBEY's explanation, the fact remains that it would devastate programs in this country that people are totally relying upon; and, more importantly, my friends who espouse their support of the military, put the military in a position of not being able to do advanced procurement and to live at restrictive levels. That is not right. Therefore, we need to pay particular attention to the continuing resolution.

I would urge Members to be prepared to come back for this particular measure, in light of the explanations offered by my colleagues Mr. FRANK of Massachusetts and Mr. OBEY.

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

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

In the 8th paragraph, strike ''conference report to accompany the''

Mr. SESSIONS. Mr. Speaker, I want to thank my colleagues on both sides of the aisle for their thoughtful comments this morning about the circumstances, as we are here on December 17, almost a week before Christmas. I would like to thank all my colleagues for coming down and speaking clearly.

There is a lot of frustration, but I believe the process is important for us to follow through. I am proud of what we are doing. We can accomplish it all together.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. OBEY. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 190, not voting 30, as follows:

[Roll No. 663]

YEAS—213

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

NAYS—190

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

NOT VOTING—30

Akin
Baca
Barton (TX)
Becerra
Cardoza
Clay
Cubin
Cummings
Davis, Jo Ann
Davis, Tom
Diaz-Balart, M.
Ehlers
Gilchrest
Hoyer
Hyde
Istook
Kolbe
McCarthy
McCrery
Myrick
Pastor
Platts
Spratt
Stearns
Waters
Watson
Weldon (PA)
Westmoreland
Wexler
Young (FL)

□ 1518

Ms. HERSETH changed her vote from ''yea'' to ''nay.''

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 663 I was unavoidably detained. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

PROFICIENCY TESTING IMPROVEMENT ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4568) to improve proficiency testing of clinical laboratories, as amended.

The Clerk read as follows:

H.R. 4568

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 ''Proficiency Testing Improvement Act of 2005''.

SEC. 2. IMPROVEMENT OF PROFICIENCY TESTING OF CLINICAL LABORATORIES.

Notwithstanding any other provision of law, the Secretary of Health and Human Services—

(1) may not, during the one-year period beginning on the date of the enactment of this Act, conduct (or cause an entity with which the Secretary contracts to conduct) the proficiency testing referred to in section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv));

(2) shall revise such proficiency testing (or cause such testing to be revised)—

(A) to reflect the collaborative clinical decision-making of laboratory personnel involved in screening or interpreting cytological preparations;

(B) to revise grading or scoring criteria to reflect current practice guidelines;

(C) to provide for such testing to be conducted no more often than every 2 years; and

(D) to make such other revisions to the standards for such testing as may be necessary to reflect changes in laboratory operations and practices since such standards were promulgated in 1992; and

(3) shall make the revisions required by paragraph (2) within one year after the date of the enactment of this Act and before resuming proficiency testing referred to in such section.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

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

Each year, the licensed physicians and cytotechnologists who screen and interpret Pap tests save the lives of thousands of women by detecting the

earliest signs of cervical cancer, a common cancer in women. Without question, these professionals serve a vital role in the health care delivery system of this Nation, and we owe them our sincere admiration and appreciation for the services they perform.

However, our Federal bureaucracy has let these professionals and their patients down by neglecting to develop an effective and appropriate proficiency test for these individuals as required by the Clinical Laboratory Improvement Amendments of 1998, commonly referred to as CLIA. Instead, the Centers for Medicare and Medicaid Services have recently chosen to implement an outdated and flawed testing system that was finalized over 13 years ago.

This situation is unacceptable, and these professionals who are performing vital services deserve better.

And that is why I have introduced this legislation. H.R. 4568 will place a hold on the current CMS testing system and require that a new rule be developed that accomplishes the following four goals: First, to reflect the collaborative clinical decision-making of laboratory personnel involved in screening or interpreting cytological preparations; second, to revise grading or scoring criteria to reflect current practice guidelines; and, third, to provide for such testing to be conducted no more often than every 2 years; and, fourth, to make such revisions to the standards for such testing as may be necessary to reflect changes in the laboratory operations and practices since the standards were promulgated originally in 1992.

This is the least we can do for these professionals. And I want to thank my colleagues SUE MYRICK, TOM PRICE, JOHN SHIMKUS and SHERROD BROWN for joining me in sponsoring this legislation.

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

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

Joining my friend from Georgia, Mr. DEAL, I rise in support of H.R. 4568, the Proficiency Testing Improvement Act.

It makes perfect sense to take steps to ensure that women are receiving accurate results after they have had a Pap test. But it makes no sense to take false steps in that direction. Proficiency testing can be extremely useful, or it can make a bad situation worse. If the proficiency test itself is inaccurate, then both competence and incompetence get lost in the shuffle. It is almost worse than not knowing.

H.R. 4568 gives the Secretary of Health and Human Services authority to revise a 13-year-old regulation that CMS has only recently acted on. The regulation calls for a Federal program to test the proficiency of individual laboratory individuals who read Pap tests.

Since this rule was first proposed in 1992, significant advances, such as computer-assisted screening, location-guided screening, digital imaging, have made a positive impact on screening for cervical cancer.

The proficiency testing system embedded in the agency's rule has not been modified to reflect these significant advances. As a result, the system is rooted in outdated and obsolete medical standards and practices. In fact, the testing scheme adopted 13 years ago but just implemented by the Federal Government this year is based upon standards that go back to the late 1960s.

H.R. 4568 delays implementation of this testing program for 1 year so the agency can review and revise the program to reflect current medical practice. One can look at it from a quality perspective, a safety perspective, an access perspective or a fiscal perspective. From any of those angles, it is in no one's best interest to use the wrong test to evaluate proficiency. All they end up with are more questions.

I want to make clear the bill does not repeal this testing program. It simply puts the program on pause while the agency makes changes to reflect valid and up-to-date medicine and laboratory working conditions.

In September, I joined over 100 Members of the House, from both parties, in sending a letter to Secretary Leavitt, urging him to update the testing program before implementing it. The Secretary of HHS, for whatever reason, has not responded.

In February, the Clinical Laboratory Improvement Advisory Committee, which advises the Department of Health and Human Services, unanimously recommended that the agency revise and update this 13-year-old regulation; yet the agency continues to move forward with a January 1, 2006, implementation date.

If we are serious in this body about promoting quality health care, we should ensure that the Federal Government's regulations are keeping pace with 21st Century medicine. This bill will help do that. I urge my colleagues to support it.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a member of the Energy and Commerce Committee that has jurisdiction over this issue.

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

Mr. SHIMKUS. Mr. Speaker, I want to thank Chairman DEAL of the subcommittee for his work on this legislation, also Ranking Member BROWN, and I think they accurately have mentioned what this legislation does.

It wants to hold off these regulations that are decades old for new science and new technology and for safety and cost and efficiency and all those things.

I just want to take this time to thank Dr. James Miller, who runs a lab in Fayette County Hospital in Vandalia, Illinois, for always keeping me updated on issues facing the laboratory community.

In my district and across the country, we already have a shortage of medical lab technicians. These proficiency testing regulations would further reduce access to cytology services.

I urge my colleagues to support this legislation, H.R. 4568.

□ 1530

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH), who has been a terrific advocate for women's health in our country.

Ms. HERSETH. Mr. Speaker, I thank my friend from Ohio for yielding and for his long-standing commitment for health care issues facing this country.

Mr. Speaker, I rise today in support of H.R. 4568, the Proficiency Testing Improvement Act of 2005, because this legislation reflects a thoughtful compromise, and I am extremely pleased we are going to have an opportunity to address the underlying issues concerning the clinical laboratory proficiency testing regime currently being implemented by the Centers for Medicare and Medicaid Services.

As I toured laboratories in South Dakota earlier this year and discussed the proficiency test with pathologists in my State, it has become clear to me that the science and practice guidelines for cytology have advanced substantially in the 13 years since the initial design of the proficiency testing program.

I have serious concerns with the possibility of qualified physicians and lab personnel being penalized as a result of a test based on outdated standards, and I have concerns about the access problems this may create in rural areas.

The Clinical Laboratory Improvement Advisory Committee, which is charged with advising the Secretary of Health and Human Services on the standards governing clinical laboratories, has recommended that the Department of Health and Human Services revise the outdated regulation to reflect the advances in the practice of cytology.

When it became clear that Secretary Leavitt intended to proceed with the January 1 implementation date, as Mr. BROWN indicated, I joined with him and many others of this body to urge the Secretary to suspend the current testing program and make the necessary revisions to reflect the advances in science, technology and practice. But time grows short, and without any assurances that the flaws in the current regime will be addressed, it is necessary for us to act.

This legislation delays implementation of proficiency testing for 1 year to allow the Secretary to make the appropriate revisions and ensure a testing program that reflects medically and scientifically current standards for the

practice of cytology. This step is necessary to protect access to clinical laboratory services and to ensure the high quality of those services.

I want to express my sincere thanks to all those who have worked so hard in the last few weeks to bring this legislation to the floor before the end of the session. Ranking Members DINGELL and BROWN, Chairman DEAL, Mr. PRICE, have all been diligent and thoughtful throughout this process. And I also want to extend my thanks to Chairman BARTON for his flexibility and offer my prayers for his speedy recovery during the Christmas season.

I encourage my colleagues in the House to support H.R. 4568 and our colleagues in the Senate to act swiftly to pass this important legislation before we adjourn.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 4 minutes to my colleague, the gentleman from Georgia (Mr. PRICE), and to thank him for his efforts in shepherding this bill to the floor today.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, first, I want to thank Chairman DEAL for his leadership on this issue and Chairman BARTON as well for allowing this to go forward and thank particularly Mr. BROWN and Ms. HERSETH and Mr. DINGELL for working together to make certain that this issue is brought forward before we go home for the holiday.

Any testing, any testing, for quality in health care, must recognize and be tailored to real-life situations and the actual practice of medicine. As a physician, I have a real concern about quality health care and about how often government decisions may adversely affect that care.

In our State of Georgia, as the chairman knows, 40 percent of the pathologists in our State no longer read Pap smears. They no longer read Pap smears. The reason is not that they forgot how to read Pap smears. The reason is that the liability, the risk for reading a Pap smear at this point is greater than the benefit that they can derive themselves, and it is not worth putting their families at that personal financial risk to do so. If we go ahead with current CMS policy, I fear all across this Nation, we will see the remainder of the pathologists will no longer be able to read Pap smears, and consequently, the quality of care will be further diminished.

The reason that this test that has been proposed to move forward is flawed is because the practice of pathology is a collegial practice. If a pathologist is reading a slide to determine a diagnosis and he or she may have a question about it, they do not simply put it aside and not do anything about it. They call over Dr. Smith or Dr. Jones or one of the other personnel and ask them, what do you think? And they come to a decision together. Sometimes they may even take the specimen, that slide and the specimen they have, to a professor, to a university nearby or to a seminar that is being held and get other opinions. It is a collegial practice.

The test that is on the books right now and being proposed to be implemented January 1 on a mandatory basis does not recognize any of the collegiality of the practice of pathology or medicine for that matter.

So I believe that any testing that ought to be approved must be approved by the specialty society. The College of American Pathologists has wonderful individuals, scientists, individuals who understand the practice of medicine and also understand the science, and they must, they must, approve any test before it goes forward.

I also believe that any test that would be of benefit to us as citizens and truly increase the quality of care would be a test that measured the quality of the facility which recognizes the collegiality of the practice of pathology, and not be necessarily physician-specific, because that does not recognize how these things are done.

So, this bill, I commend the chairman once again for bringing it forward. I believe it is a commonsense measure. It is a measure that, ultimately, I believe, will result in a better rule and a better ability of pathologists and other physicians across this Nation to practice. I urge adoption of this bill.

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

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. WELDON), a physician familiar with this issue.

(Mr. WELDON of Florida asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I thank the subcommittee chairman for his leadership on this issue.

I am not an OB/GYN, but as a general internist, I performed numerous Pap smears. I was not here in 1992 when this statute was put in place. If I had been, I would have voted against it. I do not think the Federal Government has any business being in this process.

I have to ask everybody in the Chamber a question: Why do we want to have a special test only for the pathologists? Why not a Federal test for the doctor performing the Pap smear? I frequently did breast exams at the same time. Why not a special test, a Federal test, for that? What about the mammogram? Why not a Federal exam for a mammogram?

We obviously do not do that for obvious reasons. Professional societies govern these issues. State statutes govern them, and this is just a huge area.

Physicians of various specialties perform a multitude of different tests. They review and do a multitude of different procedures, and it would virtually be impossible; it would involve a colossal expansion of the Federal Government into essentially an area traditionally of commerce.

Now, understanding, as I do, that this is in the law, another reason why this is a bad law is just the way it has played out. Thirteen years for the regulatory agency to finally bring regulations to the process, to put them forward, and, lo and behold, surprise, surprise, they are completely outdated. They are completely inconsistent with what has been going on.

Litigation forces and the College of American Pathology's policies have changed the landscape, and now you essentially have many pathologists, as my physician colleague Dr. Price said earlier, and I commend him for his leadership on this, many pathologists have abandoned this. And you literally have certain pathologists who are specializing in this. They read them all the time. They go to seminars all the time. When they get difficult smears, they take them to the university. They bring their colleagues in the room.

To me, this is a wasteful and inappropriate involvement of the Federal Government, and I am very, very pleased that the other side of the aisle is willing to go along with this 1-year delay. Hopefully, the Senate will approve this.

What I hope is, ultimately, we repeal this, because I believe it is completely unnecessary, and it is inserting the Federal Government in a place that I do not think the American public would really want us to be, and that is into the details of the practice of medicine, carving out one specific area of pathology. Why are we not credentialing pathologists who read thyroid biopsies? That can be very, very important. What about breast biopsies? So to single this out, to me it is almost bizarre.

Mr. Speaker, I commend the chairman of the subcommittee. I am certainly looking forward to working with him in the year ahead. I certainly commend the ranking member for his willingness to allow this to move forward, and I do hope the Senate concurs, and we are able to pass this.

WHAT THE BILL DOES?

In 1992 CMS, HCFA, proposed regulations that would require proficiency testing of pathology labs for pap tests.

Those regs sat on the shelf for the past 13 years, until earlier this year CMS decided to implement these 13-year-old regs.

This bill simply delays for one more year the implementation of these regulations and asks CMS to update their regulations to reflect the practice of medicine today both within the pathology labs and in how clinicians respond to those lab tests.

WHY IS THIS BILL NECESSARY?

CMS dusted off 13-year-old regs that do not reflect the current practice of medicine.

CMS is requiring that pathologists examine these test exams in a vacuum; however, pathologists and cytologist practice in a team today. The CMS regulations don't reflect this change in practice; they are testing in a manner that does not reflect how a pathology is practiced today.

The test asks pathologists/cytologists to distinguish between high- and low-grade lesions.

In 1992 the standard of practice for low-grade lesions was to continue repeat cytology testing while colposcoply and biopsy were ordered for high-grade lesions.

The standard of practice today is to order colposcopy and biopsy for both high- and low-grade lesions.

The exam also applies a double standard for scoring—one test for cytologists and another higher standard for pathologists.

WHO HAS ASKED CMS TO DELAY THESE REGS

Ten national pathology and cytology organizations; 49 State pathology medical societies; over 120 Members of Congress wrote CMS in October asking CMS to delay this testing; even CMS's own Clinical Laboratory Improvement Advisory Committee, CLIAC, unanimously moved that CMS revise the cytology PT regulations to reflect current practice, evidence based guidelines and antipated changes in technology.

CONCLUSION

This bill will provide for only a 1-year delay of these regulations so that CMS can update the regulations that they left sitting on the shelf for the past 13 years.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I was just listening to the last speaker, and I just wanted to bring something to the attention of the House.

In Maryland, we had a situation where we had Maryland General Hospital, which is in my district, as a matter of fact, within 6 blocks of my house, and one of the things that we discovered was that the hospital was providing tests whereby personnel in the hospital knew that these HIV and hepatitis tests, the results were the wrong results. In other words, there was some faulty machinery. There was some problem within the lab itself. And when the whistleblower went to blow the whistle, the whistleblower was fired.

Government does have a role in this. The government must have a role. Almost, not almost, every single person in this country at some point is subjected to some type of medical test. As a matter of fact, we in the State of Maryland, it was of such significance that we got the College of American Pathologists to revise their entire program so as to protect whistleblowers, to make sure that if there was retaliation against a whistleblower, that that clinical lab could lose its accreditation.

They also are spending $9 million over the next 2 years to revamp their whole process, because here is the College of American Pathologists who oversees some 6,000 clinical labs all around the world, and they realized that it was important that they give proper results and protect whistleblowers, have a better system. But I can tell you the thing that pushed them to do that was government intervention.

So I understand this particular piece of legislation. I think it makes sense. I wish we had a little bit more time to consider it. The fact is, I am not going to stand in the way of it, but I refuse to accept an argument that says that government has no role in this, because, again, the American public must, must, have confidence in medical tests, must be able to rely on them.

When we are talking about such subjects as medical malpractice, Mr. Speaker, if someone has the wrong results on a test, my God, it may result in all kinds of very unfortunate circumstances and expenses and pain and suffering to a family.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself 15 seconds just to respond to the gentleman and assure him that we understand his concerns with the whistleblower, but this is a situation in which government does have a role, but we are trying to make sure that government does not impose outdated regulations that are 13 years old and do not associate themselves with the current realities of the practice.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 4568. This legislation will put in place a 1-year delay of a problematic cytology testing program and will allow HHS to review and revise the program in order to better reflect current medical practice.

Numerous pathologists from my district in central and western Pennsylvania have expressed great concern over this testing program. I would like to share a portion of a letter I received from a well-respected pathologist from Roaring Springs, Pennsylvania, Dr. Bill Kirsch, regarding this issue. And I think it is extremely important to hear the words of a practicing pathologist and not just legislators on the floor of the House.

Dr. Kirsch first contacted me in August of this year saying the following:

''Although I have not received the survey material at this time, it was apparent when I read the initial introduction of this new testing procedure that it had little merit and was only vaguely related to the actual practice of cytopathology.

''My contention is this supposed proficiency examination will do little or nothing to improve the quality of the cytopathology services and only add to hospital expenses through fee and the paid time for the cytology tech staff and the pathologist forced to participate. There are other proficiency tests that I have subscribed to for a number of years and have helped me to become a better cytopathologist.

''The current proficiency testing by MIME has, in my opinion, no merit and does not deserve to be continued. It does not have the support of pathology or cytopathologist professionals and should not have even been initiated.''

Mr. Speaker, I respect the wisdom and experience of many of the doctors and laboratory professionals that have contacted me asking that we please ask HHS to step back and review this testing program. A vote for the commonsense legislation is just what the doctor ordered.

□ 1545

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), my colleague on the Health Subcommittee of Energy and Commerce.

Mr. BURGESS. Mr. Speaker, I thank the chairman and the ranking member for bringing this relevant and important piece of legislation to the floor today.

It is probably the cervical cytology that has been more responsible than any other medical test for the foundation of preventative medicine in the United States.

I cannot tell you of the change that has taken place in the science of cervical cytologies from 1988, when this language was first written, until the time I left practice in 2002. The change has been so rapid in the science of cytology; and the language in this legislation being over 10 years old, over a decade old, is inappropriate for the 21st century.

In this day and time, we now have thin-layer cytologies. We have liquid-based cytologies, none of which were available in the late 80s or early 90s. The accuracy of these tests is light years ahead of what it was. If you add to that the ability to do DNA typing on abnormal cells, a lot of problems with false negatives have been eliminated. The CLIA standards to affect this language at this point would be inappropriate. They would be draconian. In fact, they would be a big step backward.

I look forward to working with my chairman. I look forward to working with the committee with my fellow members to develop language that more accurately measures the performance of cytopathologists and pathologists.

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

Mr. Speaker, I was just looking through the CMS informational supplement on this whole issue, and I just wanted to read the reason that CMS could not get its act together through Secretary Thompson and now Secretary Leavitt, that they have delayed this so much longer than it needed to, and this is their sort of double speak, if you will:

''Implementation of cytology proficiency testing has taken an extended period of time due to the absence of qualified national proficiency testing organizations and insufficient number of reference cytology testing materials and significant technical difficulties. Currently, there are two CMS-approved cytology proficiency testing programs in the country for 2005, and we anticipate the approval of additional programs in 2006.''

So the last 5 years both Secretary Thompson and Secretary Leavitt have not been able to get this whole program up and running. Now we have this same cast of characters telling the country that we have got to implement the Medicare bill right now when plenty of people in this body, led by Ms. SCHAKOWSKY of Illinois and Mr. STARK from California, it said on the Medicare bill that we should push back the deadline for people who want to benefit from the Medicare prescription drug benefit program, who want to benefit but cannot yet make their minds up because of the complexity of it. And they will be actually financially penalized if they do not make that decision more quickly than many seniors feel that they are capable of making.

At the same time, we are also doing nothing to allow the Secretary of CMS to bring down the price of prescription drugs. In fact, this institution, this body, prohibited the government from negotiating lower prices. So while Secretary Thompson and now Secretary Leavitt could not get their act together on this, they seem to want to move forward too quickly on Medicare, forcing seniors to make a choice prematurely in the minds of many seniors or pay an economic financial penalty for every month they delay, and at the same time doing nothing to bring the price of prescription drugs down.

It all fits together in a peculiar way, Mr. Speaker. That does not mean this bill is not important. I join my colleague, Mr. DEAL, in support of it. As always, there is a little bigger picture here.

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

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

While my colleague, Mr. BROWN of Ohio, is my copartner in the issue of health care and he and I share many things in common, this bill being one of them, and I would disagree with his comments with regard to Medicare part D, I for one am pleased that we are finally offering senior citizens of this country the opportunity to have a prescription drug benefit plan.

We can disagree on that, and we will probably have some disagreements in the future; but I do want to thank Mr. BROWN of Ohio and his staff and the others on the minority side for their cooperation in dealing with this issue that is before us today on pathology licensure.

I think that it is a bill that we need to act on quickly, and hopefully our colleagues across the way will do likewise.

Mr. DINGELL. Mr. Speaker, I support H.R. 4568, the "Proficiency Testing Improvement Act of 2005," which requires the Secretary of the Department of Health and Human Services to update the federal program to test the proficiency of individual laboratory professionals who read Pap tests. This bill delays implementation of the program first proposed in 1992 so that revisions, including those recommended by the Clinical Laboratory Improvement Advisory Committee, can be made. Importantly, these revisions are required to be made within one year, and must be made before proficiency testing can resume.

This is a commonsense measure that will assure that regulations implemented by the Federal Government reflect current science, technology, and medical practice. I urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 4568.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Therapeutic and Research Act of 2005''.

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor, as determined by the Secretary pursuant to section 379(c) of the Public Health Service Act, in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary and consistent with section 379(d)(3) of the Public Health Service Act (42 U.S.C. 274k(d)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the C.W. Bill Young Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) RELATED CORD BLOOD DONORS.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration project under which qualified cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) AVAILABILITY.—Qualified cord blood banks that are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is released for transplantation or is transferred by the family to the C.W. Bill Young Cell Transplantation Program in accordance with guidance or regulations promulgated by the Secretary.

(3) INVENTORY.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the C.W. Bill Young Cell Transplantation Program.

(4) REPORT.—Not later than 90 days after the date on which the project under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the project that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the C.W. Bill Young Cell Transplantation Program for a period of at least 10 years;

(2) will make cord blood units collected pursuant to this section available through the C.W. Bill Young Cell Transplantation Program in perpetuity or for such time as determined viable by the Secretary; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational or does not meet the requirements of section 379(d)(4) of the Public Health Service Act (as added by this Act) and as a result may not distribute the units, transfer the units collected pursuant to this section to another qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) DURATION OF CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term of each contract entered into by the Secretary under this section shall be for 10 years. The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any

qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(3) PREFERENCE.—In considering contract extensions under paragraph (2), the Secretary shall give preference to qualified cord blood banks that the Secretary determines have demonstrated a superior ability to satisfy the requirements described in subsection (b) and to achieve the overall goals for which the contract was awarded.

(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term ''C. W. Bill Young Cell Transplantation Program'' means the C.W. Bill Young Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term ''cord blood donor'' means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term ''cord blood unit'' means the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(4) The term ''first-degree relative'' means a sibling or parent who is one meiosis away from a particular individual in a family.

(5) The term ''qualified cord blood bank'' has the meaning given to that term in section 379(d)(4) of the Public Health Service Act, as amended by this Act.

(6) The term ''Secretary'' means the Secretary of Health and Human Services.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) EXISTING FUNDS.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of cord blood shall remain available to the Secretary until the end of fiscal year 2007.

(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(3) LIMITATION.—Not to exceed 5 percent of the amount appropriated under this section in each of fiscal years 2007 through 2009 may be used to carry out the demonstration project under subsection (c).

SEC. 3. C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended to read as follows:

''SEC. 379. NATIONAL PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a C.W. Bill Young Cell Transplantation Program (referred to in this section as the 'Program'), successor to the National Bone Marrow Donor Registry, that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (d) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

''(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that

''(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

''(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

''(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

''(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

''(4) The membership of the Advisory Council—

''(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood banks and participating birthing hospitals, recipients of a bone marrow transplant, recipients of a cord blood transplant, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in bone marrow and cord blood transplantation, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, basic scientists with expertise in the biology of adult stem cells, and members of the general public; and

''(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

''(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

''(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

''(B) to limit the number of members of the Advisory Council with any such affiliation.

''(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

''(A) an annual report on the activities carried out under this section; and

''(B) not later than 6 months after the date of the enactment of the Stem Cell Therapeutic and Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

''(b) ACCREDITATION.—The Secretary shall, through a public process, recognize one or more accreditation entities for the accreditation of cord blood banks.

''(c) INFORMED CONSENT.—The Secretary shall, through a public process, examine issues of informed consent, including—

''(1) the appropriate timing of such consent; and

''(2) the information provided to the maternal donor regarding all of her medically appropriate cord blood options.

Based on such examination, the Secretary shall require that the standards used by the accreditation entities recognized under subsection (b) ensure that a cord blood unit is acquired with the informed consent of the maternal donor.

''(d) FUNCTIONS.—

''(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

''(A) operate a system for identifying, matching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

''(B) consistent with paragraph (3), permit transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available bone marrow donors listed in the Program;

''(C) carry out a program for the recruitment of bone marrow donors in accordance with subsection (e), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

''(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

''(E) carry out informational and educational activities in accordance with subsection (e);

''(F) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

''(G) provide for a system of patient advocacy through the office established under subsection (h);

''(H) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient through the office established under subsection (h);

''(I) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

''(J) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool; and

''(K) facilitate research with the appropriate Federal agencies to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations.

''(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

''(A) operate a system for identifying, matching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Federal and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood bank;

''(B) consistent with paragraph (3), allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units made available through the Program;

''(C) allow transplant physicians and other appropriate health care professionals to reserve, as defined by the Secretary, a cord blood unit for transplantation;

''(D) support studies and demonstration and outreach projects for the purpose of increasing

cord blood donation to ensure a genetically diverse collection of cord blood units;

''(E) provide for a system of patient advocacy through the office established under subsection (h);

''(F) coordinate with the qualified cord blood banks to support informational and educational activities in accordance with subsection (g);

''(G) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

''(H) with respect to the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances.

''(3) SINGLE POINT OF ACCESS; STANDARD DATA.—

''(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals and patients are able to search electronically for and facilitate access to, in the manner and to the extent defined by the Secretary and consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood units through a single point of access.

''(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this section to make available a standard dataset for purposes of subparagraph (A) in a standardized electronic format that enables transplant physicians to compare among and between bone marrow donors and cord blood units to ensure the best possible match for the patient.

''(4) DEFINITION.—The term 'qualified cord blood bank' means a cord blood bank that—

''(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank;

''(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the transmission of potentially harmful infections and other diseases;

''(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b);

''(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law;

''(E) has established a system for encouraging donation by a genetically diverse group of donors; and

''(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

''(e) BONE MARROW RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

''(1) RECRUITMENT; PRIORITIES.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In the case of populations that are identified under the preceding sentence:

''(A) The Program shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

''(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

''(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND ENROLLMENT.—

''(A) IN GENERAL.—The Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such information and educational activities shall include the following:

''(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

''(ii) Educating and providing information to individuals who are willing to serve as potential bone marrow donors.

''(iii) Training individuals in requesting individuals to serve as potential bone marrow donors.

''(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

''(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

''(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(1).

''(f) BONE MARROW CRITERIA, STANDARDS, AND PROCEDURES.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, marrow donor registries, marrow collection centers, and marrow transplant centers—

''(1) quality standards and standards for tissue typing, obtaining the informed consent of donors, and providing patient advocacy;

''(2) donor selection criteria, based on established medical criteria, to protect both the donor and the recipient and to prevent the transmission of potentially harmful infectious diseases such as the viruses that cause hepatitis and the etiologic agent for Acquired Immune Deficiency Syndrome;

''(3) procedures to ensure the proper collection and transportation of the marrow;

''(4) standards for the system for patient advocacy operated under subsection (h), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

''(5) standards that—

''(A) require the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

''(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosure; and

''(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of a method for integrating donor files, searches, and general procedures of the center or registry with the Program.

''(g) CORD BLOOD RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

''(1) RECRUITMENT; PRIORITIES.—The Program shall support activities, in cooperation with qualified cord blood banks, for the recruitment of cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence:

''(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

''(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall support activities under subparagraph (A) with respect to such populations.

''(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND DONATION.—

''(A) IN GENERAL.—In carrying out the recruitment program under paragraph (1), the Program shall support informational and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

''(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

''(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

''(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

''(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

''(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

''(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(2).

''(h) PATIENT ADVOCACY AND CASE MANAGEMENT FOR BONE MARROW AND CORD BLOOD.—

''(1) IN GENERAL.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an office of patient advocacy (in this subsection referred to as the 'Office').

''(2) GENERAL FUNCTIONS.—The Office shall meet the following requirements:

''(A) The Office shall be headed by a director.

''(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy covered under the Program.

''(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

''(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (d) to conduct an ongoing search for a bone marrow donor or cord blood unit and assist with information regarding third party payor matters.

''(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (d) to determine whether the search needs of the patient involved are being met, including with respect to the following:

''(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

''(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

''(iii) Identifying and resolving problems in the search, to the extent practicable.

''(F) The Office shall ensure that the following data are made available to patients:

''(i) The resources available through the Program.

''(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

''(iii) The post-transplant outcomes for individual transplant centers.

''(iv) Information concerning issues that patients may face after a transplant.

''(v) Such other information as the Program determines to be appropriate.

''(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

''(3) CASE MANAGEMENT.—

''(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

''(i) individualized case assessment; and

''(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

''(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients who have completed the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

''(i) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program. The Secretary may promulgate regulations under this section.

''(j) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

''(k) CONTRACTS.—

''(1) APPLICATION.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

''(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give consideration to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.

''(l) ELIGIBILITY.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

''(m) RECORDS.—

''(1) RECORDKEEPING.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose the amount and disposition by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

''(2) EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

''(n) PENALTIES FOR DISCLOSURE.—Any person who discloses the content of any record referred to in subsection (d)(4)(D) or (f)(5)(A) without the prior written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (f)(5)(B), shall be imprisoned for not more than 2 years or fined in accordance with title 18, United States Code, or both.''.

(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—Section 379A of the Public Health Service Act (42 U.S.C. 274l) is amended to read as follows:

''SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

''(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of a stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a donor.

''(b) INFORMATION.—The outcomes database shall include information in a standardized electronic format with respect to patients described in subsection (a), diagnosis, transplant procedures, results, long-term follow-up, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of a stem cell therapeutics product from a donor.

''(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

''(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood banks.''.

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by inserting after section 379A the following:

''SEC. 379A–1. DEFINITIONS.

''In this part:

''(1) The term 'Advisory Council' means the advisory council established by the Secretary under section 379(a)(1).

''(2) The term 'bone marrow' means the cells found in adult bone marrow and peripheral blood.

''(3) The term 'outcomes database' means the database established by the Secretary under section 379A.

''(4) The term 'Program' means the C.W. Bill Young Cell Transplantation Program established under section 379.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

''SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $34,000,000 for fiscal year 2006 and $38,000,000 for each of fiscal years 2007 through 2010.''.

(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking ''**NATIONAL BONE MARROW DONOR REGISTRY**'' and inserting ''**C. W. BILL YOUNG CELL TRANSPLANTATION PROGRAM**''.

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensing of cord blood units.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2520.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005. This legislation will expand the number of stem cell options available to Americans suffering from life-threatening diseases.

Every year, nearly two-thirds of the approximately 200,000 patients in need of a bone marrow transplant will not find a marrow donor that matches within their families. These patients must rely on the help of strangers to donate bone marrow or transplant. To assist these patients, Congress established the National Bone Marrow Registry to quickly facilitate unrelated donor transplants. Through this program, Congress made a significant investment to connect patients with a rich source of stem cells that offer immediate clinical benefits.

With scientific advances, Congress must now make changes to reflect new therapeutic options. Cord blood stem cell units have been shown to be a suitable alternative to adult bone marrow for the treatment of many diseases, including sickle cell anemia. This is an

especially important advancement for those Americans who have desperately searched for a bone marrow donor, but could not find a suitable match, even with the help of the National Bone Marrow Registry. As another rich source of stem cells, cord blood transplant is another chance at life for many patients.

The bill before us today builds on the critical investments we have made over the past two decades with the National Bone Marrow Registry and retools this design into a new, more comprehensive stem cell transplantation program which will include not only bone marrow but cord blood units.

Through a competitive contracting process, this new program will allow transplant doctors and patients to access information about cord blood units and bone marrow donors at the same time through a single point of access. This new program does not create a preference for either cord blood or bone marrow. Instead, it will provide comprehensive information about both sources to stem cells to doctors and patients and allow them to make the clinically most appropriate choice.

I would like to recognize Congressman BILL YOUNG. It is his drive and steadfast support for an idea of a national registry for bone marrow that lead to the program's creation. Mr. YOUNG has continuously supported improving this program and does so today by reformatting the program's design. I am pleased that Congress is recognizing his dedication by naming the new program the C.W. Bill Young Cell Transplantation Program.

Lastly, I would like to note that through the discussions with the Senate, we have improved the original House bill to make the program more effective, including improved patient advocacy and case management services. We have created a new demonstration program to allow families with a sick child who could be helped with a cord blood transplant from a sibling to bank cord blood from newborns should they decide to have another child. We have also expanded the clinical outcomes database to include biologically related donors in addition to unrelated donors.

Finally, we require the Food and Drug Administration to provide a report on its progress in developing licensure requirements for cord blood units.

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

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank my colleague and friend from Georgia on the Energy and Commerce Committee for his leadership on issues like this.

Mr. Speaker, I rise today in support of this legislation; however, I am concerned that the other body has chosen to send us only the cord blood bill today. This bill is essentially the same bill that the House passed last May by a vote of 431–1. The legislation is important, and it will help advance medical research which is why I support it and why we passed it by such an overwhelming majority last spring. What we need to be clear about, though, is what this bill really will and will not do; and we also need to be clear that this bill is not a substitute for embryonic stem cell research, the Castle-DeGette bill, H.R. 810, which is an important bill to advance scientific research to affect diseases that will potentially kill millions of Americans.

Like adult stem cells, umbilical cord stem cells have proven over the last decade or so to be a reliable source of blood-forming stem cells that are used as a technique to treat blood diseases like leukemia and lymphoma. That established technique has led to about 600 cord blood transplants which were performed in the United States in 2004 to treat blood disorders. But these cord blood cells are not regenerative and they are not reprogramming, which is why they cannot be used to be made into other types of stem cells that can cure other types of diseases besides blood-related diseases.

It is true that cord blood has been reliably used for a number of years, and that is why it is so important that we pass this cord blood registry. But we must not overstate or exaggerate the capabilities of cord stem cells. Significant limitations exists that must be considered.

Unlike human embryonic stem cells, stem cells from umbilical blood cord cannot continually reproduce themselves. Instead of proliferating, they quickly evolve into specialized cells. Umbilical cord stem cells cannot be induced to form diverse nonblood cell types, as I mentioned. Although some initial experiments appear to be promising, few stem cell researcher now believe that umbilical cords will be a reliable source of replacement cells other than blood cells.

Now, I support this very early research that I talked about, as I support any kind of research that could lead to stem cells that could cure diseases. But these studies are few, and they have not shown conclusive results.

Finally, umbilical cord stem cells are in short supply. Only a small number of cells can be obtained from each umbilical cord, making it hard to obtain enough stem cells for treatment.

□ 1600

Because of the limitations, we must also support embryonic stem cell research. I do not need to tell the House that, though, because we already did that with support from both sides of the aisle.

Last May, this House passed both the umbilical cord stem cell legislation along with H.R. 810, the Stem Cell Research Enhancement Act. H.R. 810, cosponsored by myself and Congressman MIKE CASTLE, expands the number of embryonic stem cell lines that are eligible for federally funded research. The goal of the legislation is to accelerate scientific progress toward life-saving cures and treatments for a wide range of diseases, not just blood-related diseases.

Unfortunately, the other body has not yet embraced the wisdom of the people's House. Here is what has happened in our country because of our failure to federally fund embryonic stem cell research: As I think we can all agree, the National Institutes of Health is not only one of the foremost institutions, probably the foremost institution for medical research in the world, but it also stands as the gold standard in the world in defining ethical research. Because NIH is not able to fund embryonic stem cell research, it is limited in its ability to define the ethics for that research, certainly in this country but definitely abroad.

Many here have heard about the embryonic stem cell studies that have been done in South Korea, and frankly, Mr. CASTLE and I, the research community and others have warned for a long time that when you take embryonic stem cell research offshore, not only do you lose your ethical ability to oversee that research, but you also lose the ability to make sure that the studies are done in a scientifically sound manner. We saw what we hoped to be some tremendous advancements in South Korea last year, but now what we are seeing is news out of South Korea that the scientific method and also the ethics have been called into question.

If we allowed ethical stem cell research, looked over by the National Institutes of Health, in this country, this would not happen, and we would have advances in science fueled by the engine of the NIH but also overseen by their ethical guidelines.

That is why we need to pass H.R. 810. We need to make sure that we bring the ethics as well as the scientific method back under the umbrella of the NIH so that we can continue to be a leader in this research in the world.

Mr. Speaker, it is time for the other body of Congress to move forward on swift passage of H.R. 810 so that we can retain our leadership position in the world.

Again, I support the bill that is before us today. It is a very important registry for cord blood, and it is also important for expansion of cord blood for blood diseases that affect so many, including in the minority community, but we also need to move forward with H.R. 810 so that we can have scientific progress that is done in an ethical manner and that will cover the waterfront in curing diseases that will affect millions of Americans.

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

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. BURGESS) be allowed to control the remainder of the time on our side.

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

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, it occurred to me on the way to work this afternoon that it is especially fitting that during this season of holiness and faith and surpassing religious significance that Congress send to the President a bill designed to effectuate cures of some of the most devastating diseases and cancers on earth.

Not only has God in His wisdom and goodness created a placenta and umbilical cord to nurture and protect the precious life of an unborn child, but now we know that another gift awaits us immediately after birth. Something very special is left behind, cord blood that is teeming with life-saving stem cells. Indeed, it is one of the best kept secrets in America that umbilical cord blood stem cells and adult stem cells are curing people of a myriad of terrible conditions and disease and are now showing the plasticity and pluripotency that my previous colleague just mentioned. So I would hasten to correct the gentlelady from Colorado that cord blood stem cells are not just for blood-related diseases, it also has the capability increasingly, as research shows, to do other miraculous things as well.

Let me just remind Members that we passed this legislation 6 months ago. Many things have happened since those 6 months. Much progress has been made. This bill law will establish a national program to collect upwards of 150,000 units, with great diversity, so that most Americans who suffer from anomalies that could be cured by cord blood will be able to get it.

Let me thank so many people, the Speaker, TOM DELAY, ROY BLUNT, JOE BARTON whom we all pray for and wish a very speedy recovery. Let me thank my friend on the other side of the aisle, the gentleman from Alabama (Mr. DAVIS) and the Congressional Black Caucus for the yeoman's work that they expended in getting this legislation first passed in the House, then passed over on the Senate side, because there was a Democratic hold on it regrettably, TOM HARKIN, but then he lifted it.

Let me especially thank Senator FRIST for the good work he did; SAM BROWNBACK; MIKE ENZI; ORRIN HATCH; JON KYL; so many others as well as so many here; the gentleman from Florida (Mr. WELDON); the gentleman from Pennsylvania (Mr. PITTS); the gentleman from California (Mr. DANIEL E. LUNGREN); the gentleman from Indiana (Mr. PENCE) and I could go on and on. I have a list of three pages of people who have been instrumental in getting this legislation to the point where it will be passed and sent down to the President for signature.

Let me especially thank Cassie Bevan in the Majority Leader's Office who has worked so hard. She is amazing. John Cusey, on September 11, 2001, put together our first drafting meeting on this legislation. He too is amazing. That is how far back it goes. It has been a long time coming, and so many others. Cheryl Jaeger, Chuck Clapton, Kikki Kless in the Speaker's Office, Nicole Gustafson and Autumn Fredericks in the ProLife Caucus, Eric Euling in Senator FRIST's office and Doug Branch with Senator BROWNBACK and some of the others were outstanding. I will put the full statement in regarding all the many, many fine people who worked on this.

I will insert the remainder of my statement and the material I referred to previously at this point in the RECORD.

Cord-blood stem cells are, as we speak, treating and curing patients. Amazingly, we are on the threshold of systematically turning medical waste, umbilical cords and placentas, into medical miracles for huge numbers of very sick and terminally ill patients who suffer from such maladies as leukemia and sickle cell anemia. And because this legislation promotes cord-blood research as well, we can expect new and expanded uses of these very versatile stem cells.

For the first time ever, our bill establishes a nationwide stem cell transplantation system. It also authorizes the national bone marrow transplant system and combines both under a new program, providing an easy, single-access point for information for doctors and patients and for the purpose of collecting and analyzing outcomes data.

The cord blood stem cell portion of this bill will provide federal funding to increase the number of cord blood units available to match and treat patients. The goal is to reach a total inventory of 150,000 units so that matched stem cells will be available to treat more than 90 percent of patients, especially focusing on providing genetic diversity. The legislation would also link all the cord blood banks participating in the inventory program into a search system that would allow transplant physicians to search for cord blood and bone marrow matches through a single access point. The national program would promote stem cell research by requiring any participating cord blood banks to donate units not suitable for transplant because of disease or size to researchers who are working on new applications for cord blood stem cells. The National Bone Marrow Registry authorization expired on September 30, 2003. The bill reauthorizes an updated program through fiscal year 2010 for $34 million in FY06 and $38 million for each additional year of the program.

In the more than 6 months since we passed this bill, even more advances have been made in the field. Peer-reviewed studies have been published showing increased plasticity and flexibility. In August, it was released that cord blood stem cells are as flexible as embryonic stem cells. Two young Maryland siblings have been cured of severe combined immune deficiency syndrome by cord blood from unrelated donors. Victims of Krabbe's and Hurler's diseases have found new hope in cord blood treatments—these are severe genetic neurological diseases that kill most of their victims before they reach 2 years old. A Duke University group treated newborns with cord blood—the lead author, Dr. Maria Escolar, now reports of the oldest survivor that the seven-year-old is ''now running, jumping and doing well in school.'' Earlier this month, Michelle Farrar from Leesburg, Virginia, traveled to South Korea to be treated for her spinal cord injury. True hope exists for countless other medical conditions, ranging from heart attacks to muscular dystrophy to diabetes.

Just over a month ago, Dr. Brian Mason, an OB/GYN at Detroit's St. John Hospital, explained that ''People literally are dying on the transplant list who could be cured with this.'' I am so happy that for those people, delayed action on this bill has ended. No longer will they be denied access to the cures that are out there. Those suffering from the nearly 70 often terminal diseases will now get the cures that the legislation will make available to them. The door to the treatments that have cured people like Keone Penn, Steven Sprague, and Jacklyn Albanese will now be opened for thousands of others.

As I mentioned before, there are so many people who deserve thanks in helping get this bill moved through the legislative process on both sides of the Hill. Among those people are Rich Doerflinger and Mark Gallagher from the U.S. Conference of Catholic Bishops, Dr. David Prentice and David Christensen from the Family Research Council, the staff of the New York Blood Center including Pablo Rubenstein, Cladd Stevens, and Kathleen Reichert, Sue Ramthun who has been so personally invested in this issue, Dr. Edward Guindi at Cordus and NBA Hall of Famer Julius ''Dr. J'' Erving, Richie Weiblinger with the Senate Budget Committee, and the folks at Concerned Women for American, Focus on the Family, and the Susan B. Anthony List. I am ecstatic that we are passing it through here today and getting it to the President, so that we may set up this network that will absolutely save thousands of lives.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2½ minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank my friend from Colorado for yielding.

Let me first begin by congratulating my friend from New Jersey (Mr. SMITH) for what he has done in the last several years, and I thank my friend from New Jersey for letting me walk just a short stem of this path with you. You asked me a couple of years ago to join you as the lead Democratic sponsor on this bill, but let the record very clearly reflect that way before that this was a cause of yours. It was something you believed in very strongly, and I thank you for your persistence, and I thank you for your courage on this issue.

Let me just say a couple of things. First of all, I want to thank our colleagues in the Senate. As the gentleman from New Jersey just said, initially, there was a reluctance to move this bill in the Senate, not because of any doubts about the substance of the bill. This bill has been the classic example of uncontroversial legislation, but there were some in the Senate who believed that this bill should not be given a vote unless the stem cell bill was given a vote.

I understood the force of their argument. I voted for the stem cell bill on

this side. I understood the political analysis they were making, but every now and then, this Chamber gets to do something that shines beyond politics. Every now and then, this Chamber gets to find something that we can give the American people that does not admit to a liberal or conservative or Democrat or Republican level, and in the last 24 hours, that happened.

So I thank Senator HARKIN and I thank Senator REID for deciding to take the politics out of this issue, on our side of the aisle, Democratic side. I thank them for letting this bill come to a vote, and this is a good Christmas present to give to many families around this country who have the tragedy of sickle cell anemia, who have the tragedy of diabetes in their family and who count on some look to science to improve it.

The final point that I will make, I will pick up on what my friend, the gentlewoman from Colorado (Ms. DEGETTE), said. I happen to think that God gave us the power of genius for a reason. God gave us the power of genius to somehow close the gap between this imperfect world and what we could be. This is an example of that power of genius being used to save lives.

I agree with her that stem cell research is an example of the power of genius. So I simply say in conclusion, this is what happens when we find a paradigm, a way of talking about issues that cuts us out of the crisscross of politics.

This is good legislation. I thank the gentleman from New Jersey for working with me on it and urge the Members of this House to pass it.

Mr. BURGESS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic Research Act. Cord blood is already making a groundbreaking difference in the treatment of patients who are suffering from over 67 diseases, including leukemia and sickle cell disease. Cord blood is tremendously versatile. Its transplants do not require exact matches. It is frozen, and it is ready to go. It works for adults. Cord blood benefits minority patients who have difficulty finding exact matches and others with rare tissue types.

The possibilities for cord blood in research are almost limitless since cord blood can potentially become any cell type in the body, and it is plentiful, since it is derived from umbilical cords that hospitals routinely discard.

H.R. 2520 will provide Federal funding to increase the number of cord blood units available for patient genetic matching and treatment, link all cord blood banks in a searchable inventory and promote research in cord blood stem cell research.

This is a bill we can truly support. I urge my colleagues to vote for this legislation that will help create new hope and new opportunities for doctors and patients who are urgently seeking cures.

God always gives us a spare part. Umbilical cords are that spare part.

Ms. DEGETTE. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I would like to thank my friend from Colorado for yielding me time.

Mr. Speaker, this is a great day for the countless number of Americans who may receive the gift of health and prolonged life because of what will be provided in this bill.

Cord blood and bone marrow stem cell treatments have been proven effective in combating over 65 different debilitating diseases, including leukemia, sickle cell anemia and osteoporosis.

Cord blood transplants have proven to be a viable alternative for those with difficulty finding an exact bone marrow match. Since the match does not have to be exact, this research benefits both children and adults alike and is especially helpful for people of various races and ethnicities. This bill will offer a much greater opportunity for a cure for thousands of Americans around this country who often struggle with blood matches.

But cord blood also holds the great potential of producing pleural potential cells that could cure many other diseases such as juvenile diabetes, a disease that I live with every day.

Mr. Speaker, I am proud that we are acting to advance the possibility that this type of treatment will provide. A national cord blood bank will facilitate the expanded use of proven treatment to improve the health of so many Americans inflicted with these horrible diseases. This is a great Christmas gift of health to the American people.

Mr. BURGESS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Florida (Mr. WELDON), someone who has really been a leader in this issue.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding me the time, and I rise in strong support of this piece of legislation. I am extremely pleased that we were able to see the Senate finally move it forward and that it is going to move from here on to the President's desk.

The reason I am very pleased is this is not theoretical, as some treatment modalities that we often talk about in this body. This is real and now. There have been 67 different diseases in humans reported in the medical literature successfully treated with cord blood. So we are not even talking about research anymore. We are talking about clinical applications.

Indeed, one of those diseases I am most excited about, and that is sickle cell anemia. I had the opportunity to treat sickle cell anemia in my clinical practice, and I can tell my colleagues here that is one of the most unfortunate conditions to see a young child writhing in pain on a gurney in an emergency room in a sickle cell crisis. And to be told that cord blood stem cells have cured children with sickle cell anemia, I never thought in my life that I would actually see the day when sickle cell anemia could be cured.

This bill authorizes funds for the expansion of the existing bone marrow bank, which is a bank that essentially I am registered with. It has my name, and if somebody needs a transplant, they can try to find me and get my blood, but in this case, we are taking the placental blood and the cord blood from 3 million live births a year and creating a bank so that everybody would have a match and the potential for regenerative medicine would be here and now.

□ 1615

So I am very, very pleased that we are bringing this to the floor. I am very glad it is finally going to move on to the President's desk, because people will be helped by this now. I am also very delighted to have been part of it, and Mr. SMITH deserves a tremendous amount of credit for his unflagging efforts on this.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), my compadre and cosponsor of H.R. 810.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from Colorado for yielding me this time, and I am also pleased to rise in support of this legislation, as we did before when it was on the floor of the House of Representatives. I think it does make a difference.

But we do need to understand some of the differences amongst the various things that we are talking about, because this is essentially dealing with a blood type of stem cell. It is great for use in a lot of blood diseases, as has been pointed out, particularly leukemia, lymphoma, and perhaps others at a later time.

But even with those benefits, we need to stress some of the limitations. And one of them is just the difficulty of getting these and the lack of them. I have actually visited a storage location for these and have seen that as a real problem.

Embryonic stem cells, which are in H.R. 810, which Senator FRIST promises will be brought up sometime in the course of the next year, do not have those limitations. It allows these embryonic stem cells to be used in a way that they could be formed into any stem cell in your body, and that is just not true of the cells that are before us here today. They have the potential to treat a wide range of diseases and injuries because they can reproduce themselves almost indefinitely. The best scientific evidence in this country indicates that umbilical stem cells can do neither at this time.

My point is this: we need, as far as I am concerned, to advance all of this type of research. That is really what it is all about. We need to give people an opportunity. We need to understand that one out of three people in the United States of America, and I assume across the world, and perhaps a greater percentage across the world, suffer from some type of disease that could be helped by stem cell research.

For that reason, in my judgment, we need to do everything in our power here in the Congress of the United States to pass any of this legislation that would help advance the medical research that could save or help the lives of so many people across the United States and across the world. For that reason, I absolutely support this legislation.

But I would beseech everybody to really understand the science and the medicine behind all of the stem cell legislation, including embryonic stem cell legislation, so that we can come to agreement as to complete stem cell research to aid everybody. And the sooner we do that, the better. Every day that is lost is a day that somebody is going to be ill longer. And we need to get about it as soon as we possibly can.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time and for the opportunity to speak in support of this bill.

I was here when we passed the bill on the House side earlier in the year; and I am very pleased, especially pleased today, that the Senate chose to agree with us that this is an exceptionally valuable treatment now. And it is one that we must address and make more easily available to all Americans now.

People talk about all different kinds of stem cell research, but cord blood stem cells are being used today. Cord blood has cured people today. Cord blood, if made available, can cure a whole lot of people tomorrow. It is rich in the type of stem cell that is similar to those found in bone marrow, and bone marrow transplants have been done for years. However, cord blood is better. Physicians tell us that it is a better treatment and a treatment that is more likely to be successful.

It makes sense for us in Congress to work hard to try to fund the NIH to help cure diseases. It makes most sense for us to help make available cures that are already known to work. This bill will allow more collection of cord blood stem cells. It will allow the collection and storage of those from diverse populations that currently may not be able to access this kind of treatment. It will help many, many more people who can be cured with cord blood to be cured.

That is what we are about here, Mr. Speaker. The story of Keone Penn, who actually had a connection to my hometown of Pittsburgh, his doctor, now at the university, helped cure him of a very severe form of sickle cell anemia with treatment from cord blood. Anthony Dones, who had a cord blood transplant, was cured of a very rare form of osteoporosis using cord blood. Katherine Marguerite Sutter, at only 5 months was diagnosed with AML. She too was cured by use of cord blood, and the story I like the most, because on the Web site for the New York Cord Blood Center, it shows a picture of her in her wedding gown. She suffered through transfusions for 20 years before she too was cured with cord blood.

Mr. Speaker, I am very pleased to be here today and also very pleased to have bipartisan support for this bill, because it will help many, many more people tomorrow.

Ms. DEGETTE. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to thank Representative CHRIS SMITH for his tireless efforts in bringing this very important lifesaving legislation forward and getting me to work with him to get the Senate to do the right thing and put this forward.

I would also like to say I supported the stem cell research bill also because I feel it has a broader significance to lifesaving measures. In this 21st century, we cannot afford to not look at both of these as provisions for helping to save the lives of American people. This is why I stand before you today in support of H.R. 2520.

Too many members of the minority population live with life-threatening diseases. We must provide them with the benefits of cord blood stem cells. Cord blood stem cells can be used for bone marrow reconstitution by transplantation to recipients with certain abnormalities such as leukemia and lymphoma, genetic disorders such as sickle cell anemia, and acquired diseases.

The promise of using stem cells for medical treatment has been the focus of research projects that are showing encouraging results. Cord blood stem cells have been triggered to differentiate into neural cells, which could lead to treatments for diseases such as Alzheimer's and Parkinson's. They have also proven their ability to turn into blood vessel cells, which could someday benefit treatment for heart disease, allowing patients to essentially grow their own bypass.

We need the hope that cord blood stem cells can bring. Sickle cell anemia is the most common inherited blood disorder in the United States, affecting 70,000 to 80,000 Americans. The disease occurs in approximately one in 500 African American newborns. People with sickle cell disease have a diminished quality of life and greatly enhanced fatality rate.

The suffering has gone on far too long. We must use every resource at our disposal to cure this and other blood-related diseases. In my district, I have a lot of young children who have sickle cell disease. These cord blood cells would certainly help in furthering their lives.

I ask all my colleagues to please support H.R. 2520. I believe it should pass today.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, this is a bright day for many individuals suffering from previously untreatable diseases, and I commend our colleagues in the Senate for passing the Stem Cell Therapeutic Research Act of 2005. It was the right thing to do. It will save many lives and avoid the ethically divisive issue of the destruction of human embryos for stem cell research.

As we have heard today, cord blood stem cells have helped effectively treat over 67 diseases in human beings, including leukemia, sickle cell, lupus, multiple sclerosis, type I diabetes, Parkinson's, and even blindness. Cord blood cells show great promise for helping spinal cord patients, many of whom have experienced improved sensation and movement from cord blood stem cell treatments.

Cord blood stem cells also possess the regenerative flexibility to form virtually every type of human tissue. And research has shown these cells are far less susceptible to transplant rejection than bone marrow.

I want to commend my colleague, Mr. SMITH, for his tireless effort in this regard, and for the leadership of Mr. DAVIS on this important issue. Their efforts transcend political differences. Mr. Speaker, this bill truly represents good science.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the distinguished gentlewoman from Colorado for yielding me this time and for the leadership she has given, along with the Congressman from Delaware on this stem cell legislation, and we hope that we will see that move.

I want to thank Mr. SMITH, Mr. DAVIS, Ms. MILLENDER-MCDONALD, and the many others who have been so supportive on this legislation, the collection and maintenance of human cord blood stems. Just a few minutes from now we will be discussing the NASA reauthorization bill, and I raise that point because I believe it is the mission of the United States to be at the forefront of science and research to save lives.

The world looks to our leadership, our labs, our scientists, our inventors, our medical professionals as they do to the Texas Medical Center to be able to add enhancement to the quality of lives. In my community alone, I realize that the organizations that fight against leukemia, multiple sclerosis,

lupus, and sickle cell anemia are looking forward to the passage of this legislation and a new day of research.

Those newborn African American babies who are born with sickle cell also will benefit from this kind of research. But this does not highlight a particular minority group. This research, this maintenance of the human cord blood stem cells will in actuality provide the underpinnings of the research for all kinds of medical science.

So I ask my colleagues to support this legislation. And the important aspect of it singularly is for America to take her rightful and prominent place in medical research to save lives around the world.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in strong support of H.R. 2520. The fact of the matter is, I believe all of us would like to support the application of science and technical research to the problems of the day. There are times when we have moral dilemmas, and reference has been made to another bill involving embryonic stem cells which does divide many people in this country because of the ethical dilemma that is presented.

That is why it is so wonderful we have come today in support, those who may find themselves on the other side of the dilemma in the other respect, and come in common support for the cord blood stem cell bill. This is both a therapeutic and research bill. It is therapeutic in that it affords the banking of units that will be allowed to help people now, diseases that can be affected by the use of these units now.

So much of what we do here is theoretical. We hope that things might be accomplished by what we do. But we know that this will accomplish success right away. Secondly, it allows for research to see how far we can go in this area. It gives the opportunity for this which would otherwise be thrown away, placenta blood and the blood from the cord that is thrown away now on every single day, to be utilized for both research and for life-giving purposes.

□ 1630

Mr. Speaker, if I had the ability to, I would change the name of this bill to the Giving Life Twice bill, once with the production of new life and secondly with the use of that blood that otherwise would be thrown away to help someone else sustain their life; or we could call this the Lifeline bill. We are extending a lifeline of hope to those who otherwise would have no hope.

This is a joyous day here in this body. People may disagree on other matters, coming together in strong support for a bill that will save lives and save lives now.

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

Mr. Speaker, today we are fortunate to take the first step of what I see as a two-step process, and that is passage of this cord blood bill which, as I said, we passed last May in this House by an overwhelming vote.

The second step, of course, will be when the other body passes H.R. 810, which also passed last May, and when that bill is finally signed into law.

The two bills working together will greatly expand availability of research and of cures for Americans who suffer not just from blood-related diseases but from diseases like Alzheimer's, Parkinson's, nerve damage, and so many other diseases that cannot be reached simply by cord blood. That is the day that a true dawning of a new scientific era will occur in this country.

This is a good bill today, and I urge all of my colleagues to support it, and I want to thank my colleagues on both sides of the aisle for their co-sponsorship. But let us be clear exactly what this bill does. It authorizes a new granted program to provide subsidies to cord blood stem cell banks to expand the inventory of high quality cord blood units. It sets up a registry for cord blood, which will in some cases take the place of bone marrow transplants which it is beginning to supersede. This will be enormously important, particularly for sickle cell patients who will be helped. The bill also authorizes research on the clinical outcomes of patients who are recipients of a stem cell therapeutics product from biologically related and unrelated donors. That is what this bill does. This bill does not set up any cures for any diseases, nor does it do anything to put ethical controls onto stem cell research and other types of research that are scientifically being explored now and need the oversight of the National Institutes of Health.

So this is a good start. I commend all my colleagues. It is going to make us all feel good to go home for the holidays knowing that certain classes of patients will be helped. But I would say to my friends on both sides of the aisle, let us not stop there. In the second session of this Congress, let us take the bold scientific step necessary to provide cures for diseases that affect tens of millions of Americans and citizens around the world.

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

Mr. BURGESS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I believe this is a bold scientific step to pass this legislation today, and I am pleased that the Senate released their hold on it and passed this bill. It is good legislation.

We heard during the arguments on the previous bill that was debated here on the floor, science certainly moves a lot more swiftly than the legislative process, and that is certainly true in this case today. By allowing this bill, we are going to allow hundreds, perhaps thousands of Americans the opportunity for a cure that we were withholding by delaying passage of this bill.

I have heard diseases like Alzheimer's and Parkinson's referenced. Alzheimer's and Parkinson's, unfortunately, are unlikely to be cured by umbilical cord stem cells, but they are also unlikely to be cured by embryonic stem cell research. The promise for cure for these diseases lies in protein science and our understanding of the human genome, not in stem cell research.

This bill is a good bill because it authorizes a significant amount of money for the collection, the documentation and the maintenance of 150,000 new stem cell lives. These are pluripotential cells.

What has changed since we had our debate on the stem cell lines here last spring? Well, we have read a lot of stuff in the newspapers just the past 2 weeks about some of the changes, some of the research that has now been withdrawn. Think about this, Mr. Speaker: We do not even know what research is just out there over the horizon. What if we unlock some of the proteinemic keys that allow us to understand what signals one cell to another? What if we could make the umbilical cord stem cell behave more like the embryonic stem cell? Think of that, Mr. Speaker. Then we have got 150,000 lines banked and ready to go when that research which is being done in my home State of Texas at the University of Texas Southwestern Medical School, if that research shows the promise that it one day may, we will have 150,000 cell lines banked and ready to go.

Mr. Speaker, this procedure, this technique, this ability to bank umbilical cord cells allows for there to be greater diversity within the marrow donor pool than was previously known. It has been difficult to get minority populations to become marrow donors. Now we will be able to collect that cell material at the time of birth painlessly, at no risk to anyone, material that was otherwise going to be discarded, and it will be put into these stem cell lines. And the database will be there for people to reference and find these life-saving cures that will be now available by umbilical cord stem cells.

We are expanding America's inventory of cord blood cells today, and that is a good thing for all Americans. Whether they are sick or not, one day they may need this technology. We have the ability and the capacity within our hands to expand this program and save American lives, and I say that is a good thing.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005.

Long before my days as the Ranking Member on the Research Subcommittee, I have been a strong advocate of all types of research.

Stem cell research holds the potential to help paralyzed people walk, help blind people see, and re-generate organ tissue without immune rejection.

As our colleagues on the other side of the Capitol concur, H.R. 2520 is a good start. This bill would allow the Secretary of Health and Human Services to work with cord blood banks to collect and maintain cord blood for the purpose of stem cell research.

The cord blood would be collected with informed consent, in a manner that complies with Federal and State regulations, and from a genetically diverse population.

It is my hope that this legislation will give us a taste of the marvelous potential of stem cell research, and I urge my colleagues to support this legislation.

Mr. HOLT. Mr. Speaker, I rise to congratulate the State of New Jersey on its national leadership in efforts to treat deadly and debilitating illnesses. Yesterday, New Jersey became the first State in the Nation to award public funds to conduct human embryonic stem cell research.

Under the leadership of Acting Governor Richard Codey and NJCST Executive Director Sherrie Preische, the New Jersey Commission on Science and Technology (NJCST) will award 17 grants totaling $5 million to scientists at corporate, non-profit, and university laboratories to research the potential of stem cells as a means to diagnose, treat, cure, and prevent disease. Each scientist will receive around $300,000 to conduct their research. Three of these grants will go to scientists researching embryonic stem cells.

Since the formation of the New Jersey Stem Cell Institute, New Jersey has established itself as a leader in furthering potentially lifesaving research on adult stem cells. And by awarding these research grants, New Jersey is actively working to support groundbreaking research on embryonic stem cells, which hold great promise in improving health care as we know it.

Embryonic stems cells—undifferentiated cells produced early in embryonic development—offer possible treatments for a variety of diseases from cancer to Parkinson's disease to diabetes. Ultimately, scientists may be able to develop reparative tissue, treat a host of debilitating diseases, and even generate organs specifically tailored to a person's unique genetic blueprint. This research offers mankind the prospect of overcoming devastating diseases, affording us the opportunity to live longer, healthier lives. For these advances to take place, we must invest public funding in critical research to support scientists, rather than restrict them.

I am proud that the people of New Jersey have committed public funds for this important research, and I am glad that New Jersey has moved quickly to distribute grants to researchers so that their work can begin. I am particularly pleased that these grants were awarded after exhaustive ethical review led by former Princeton University President Harold Shapiro, and that research ethics will play an important role as the awardees move forward with their research.

I am confident that States who have established programs with similar goals will move quickly to support this research as well. But despite the forward thinking and progressive research that New Jersey and other states are exploring, it is unfortunate that the Federal Government has delayed and restricted research using federal dollars. I am hopeful that the leadership of New Jersey to fund embryonic stem cell research will have tremendous dividends, not just for New Jersey, but for society. New Jersey understands that it is ethical and wise to invest in research that will benefit so many. The Federal Government must recognize this fact as well.

Again, I congratulate New Jersey for supporting ground-breaking research on embryonic stem cells. I ask unanimous consent to include a list of the researchers who have received these important stem cell research grants in the RECORD.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2520.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2005

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

The Clerk read as follows:

H.R. 4519

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 ''State High Risk Pool Funding Extension Act of 2005''.

SEC. 2. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended to read as follows:

''SEC. 2745. RELIEF FOR HIGH RISK POOLS.

''(a) SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (d)(1)(A) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of enactment of the State High Risk Pool Funding Extension Act of 2005 for the State's costs of creation and initial operation of such a pool.

''(b) GRANTS FOR OPERATIONAL LOSSES.—

''(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that—

''(A) restricts premiums charged under the pool to no more than 200 percent of the premium for applicable standard risk rates;

''(B) offers a choice of two or more coverage options through the pool; and

''(C) has in effect a mechanism reasonably designed to ensure continued funding of losses incurred by the State in connection with operation of the pool after the end of the last fiscal year for which a grant is provided under this paragraph;

the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) and allotted to the State under paragraph (2), a grant for the losses incurred by the State in connection with the operation of the pool.

''(2) ALLOTMENT.—Subject to paragraph (4), the amounts appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) for a fiscal year shall be allotted and made available to the States (or the entities that operate the high risk pool under applicable State law) that qualify for a grant under paragraph (1) as follows:

''(A) An amount equal to 40 percent of such appropriated amount for the fiscal year shall be allotted in equal amounts to each qualifying State that is one of the 50 States or the District of Columbia and that applies for a grant under this subsection.

''(B) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to such a State bears the same ratio to such appropriated amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals (as determined by the Secretary) in all qualifying States that so apply.

''(C) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to a State bears the same ratio to such appropriated amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools (as determined by the Secretary) in all qualifying States that so apply.

''(3) SPECIAL RULE FOR POOLS CHARGING HIGHER PREMIUMS.—In the case of a qualified high risk pool of a State which charges premiums that exceed 150 percent of the premium for applicable standard risks, the State shall use at least 50 percent of the amount of the grant provided to the State to carry out this subsection to reduce premiums for enrollees.

''(4) LIMITATION FOR TERRITORIES.—In no case shall the aggregate amount allotted and made available under paragraph (2) for a fiscal year to States that are not the 50 States or the District of Columbia exceed $1,000,000.

''(c) BONUS GRANTS FOR SUPPLEMENTAL CONSUMER BENEFITS.—

''(1) IN GENERAL.—In the case of a State that is one of the 50 States or the District of Columbia, that has established a qualified high risk pool, and that is receiving a grant under subsection (b)(1), the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) and allotted to the State under paragraph (3), a grant to be used to provide supplemental consumer benefits to enrollees or potential enrollees (or defined subsets of such enrollees or potential enrollees) in qualified high risk pools.

''(2) BENEFITS.—A State shall use amounts received under a grant under this subsection to provide one or more of the following benefits:

''(A) Low-income premium subsidies.

''(B) A reduction in premium trends, actual premiums, or other cost-sharing requirements.

''(C) An expansion or broadening of the pool of individuals eligible for coverage, such as through eliminating waiting lists, increasing enrollment caps, or providing flexibility in enrollment rules.

''(D) Less stringent rules, or additional waiver authority, with respect to coverage of pre-existing conditions.

''(E) Increased benefits.

''(F) The establishment of disease management programs.

''(3) ALLOTMENT; LIMITATION.—The Secretary shall allot funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) among States qualifying for a grant under paragraph (1) in a manner specified by the Secretary, but in no case shall the amount so allotted to a State for a fiscal year exceed 10 percent of the funds so appropriated for the fiscal year.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a State that, on the date of the enactment of the State High Risk Pool Funding Extension Act of 2005, is in the process of implementing a program to provide benefits of the type described in paragraph (2), from being eligible for a grant under this subsection.

''(d) FUNDING.—

''(1) APPROPRIATION FOR FISCAL YEAR 2006.—There are authorized to be appropriated for fiscal year 2006—

''(A) $15,000,000 to carry out subsection (a); and

''(B) $75,000,000, of which, subject to paragraph (4)—

''(i) two-thirds of the amount appropriated shall be made available for allotments under subsection (b)(2); and

''(ii) one-third of the amount appropriated shall be made available for allotments under subsection (c)(3).

''(2) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2007 THROUGH 2010.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2007 through 2010, of which, subject to paragraph (4)—

''(A) two-thirds of the amount appropriated for a fiscal year shall be made available for allotments under subsection (b)(2); and

''(B) one-third of the amount appropriated for a fiscal year shall be made available for allotments under under subsection (c)(3).

''(3) AVAILABILITY.—Funds appropriated for purposes of carrying out this section for a fiscal year shall remain available for obligation through the end of the following fiscal year.

''(4) REALLOTMENT.—If, on June 30 of each fiscal year for which funds are appropriated under paragraph (1)(B) or (2), the Secretary determines that all the amounts so appropriated are not allotted or otherwise made available to States, such remaining amounts shall be allotted and made available under subsection (b) among States receiving grants under subsection (b) for the fiscal year based upon the allotment formula specified in such subsection.

''(5) NO ENTITLEMENT.—Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

''(e) APPLICATIONS.—To be eligible for a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on grants provided under this section. Each such report shall include information on the distribution of such grants among States and the use of grant funds by States.

''(g) DEFINITIONS.—In this section:

''(1) QUALIFIED HIGH RISK POOL.—

''(A) IN GENERAL.—The term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2), except that a State may elect to meet the requirement of subparagraph (A) of such section (insofar as it requires the provision of coverage to all eligible individuals) through providing for the enrollment of eligible individuals through an acceptable alternative mechanism (as defined for purposes of section 2744) that includes a high risk pool as a component.

''(2) STANDARD RISK RATE.—The term 'standard risk rate' means a rate—

''(A) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

''(B) that is established using reasonable actuarial techniques; and

''(C) that reflects anticipated claims experience and expenses for the coverage involved.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I am pleased that we are on the verge of passing H.R. 4519, the State High Risk Pool Funding Extension Act. Simply put, this bill will help more people get health insurance.

People with preexisting conditions or high health care expenses face major difficulties when they seek to purchase health insurance. This is especially true for workers in small businesses or those who are self-employed, so they often go without health insurance and turn to government programs like Medicaid when they become sick or disabled.

This bill authorizes Federal grant money to help fund the initial startup and operation of State high risk pools. Risk pools allow eligible individuals to purchase health insurance, pay premiums and receive health coverage through private insurers. This grant money will allow States with these pools to cover more individuals and reduce the premiums they must pay.

Mr. Speaker, my home State of Texas was left out of the Federal funding when this program was created, and now States like my State of Texas will have the ability to access these Federal funds. This bill will help reduce the number of uninsured and provide affordable health insurance for more Americans. That is an important part, affordable health insurance, one of the things we talk about every day in this body.

I want to thank the bill's sponsors, JOHN SHADEGG and ED TOWNS, and I want to thank their staffs for their hard work on this bill. I would also note that the bill before us today is the result of bipartisan and bicameral compromise, and I want to additionally thank the staff at the Senate Health Education Labor and Pensions Committee for their efforts on this legislation. Lastly, I would like to thank the staff of the Energy and Commerce Committee, including Bill O'Brien on the majority staff, Amy Hall and Bridgett Taylor on Ranking Member JOHN DINGELL's staff for their efforts to develop this bipartisan proposal that will help States to insure individuals who would otherwise not have been able to get affordable health coverage.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I consume.

Mr. Speaker, I am pleased to support H.R. 3204, which authorizes funding for State high risk insurance pools. I commend my colleagues Mr. SHADEGG and Mr. TOWNS for their hard work on this legislation.

In many States, high risk insurance pools are the only options for individuals who have been denied access to coverage in the commercial insurance system. This legislation before us is intended not only to strengthen existing high risk pools but to help States without such pools, my State of Ohio is one of them, to establish them. But as we reauthorize this legislation, it is important to place high risk insurance pools in context. These pools are a symptom of a troubled insurance system, not a cure for it.

The fact is, health insurance itself is supposed to serve as a high risk pool. It used to be that health insurance was offered to everyone at the same premium because any one of us could be the unlucky one to need health care that we simply could not afford. By spreading the risk broadly, good health insurance could be affordable for everyone regardless of their health needs. But commercial insurers did what businesses do: They figured out, of course, how to maximize profits. You cannot blame them for that. You can, however, blame us, blame this Congress, blame State legislators, blame policymakers for letting them get away with it.

The best way to earn profits in the health insurance industry is simple: It is to avoid insuring people who might actually use their coverage. Health insurers use every trick in the book, as we know, that they can come up with to avoid those people. To the extent that they can get away with it, commercial insurers underwrite and price people who need coverage right out of the insurance market. Private health insurance used to be a community; now it is a country club. So we are left with stop-gap mechanisms like high risk insurance pools. They are far from ideal, but our most vulnerable citizens would be worse off without them. We should make sure high risk insurance pools are available. But we should also keep

working until we render them unnecessary.

I appreciate the author's willingness to accept an amendment I offered during committee to ensure that States use at least 50 percent of the bill's funding to expand to the pool or to improve the high risk coverage. As it stands today, States can and States have used Federal risk pool funding to replace dollars collected for the pool from private health insurers, leaving the risk pools themselves no better off. That is a subversion of the bill's purpose. That is a questionable use of Federal funding.

My amendment reminds the States the Federal high risk pool funding is intended to expand the quality and the reach of high risk pools, not to let commercial insurers again off the hook for making these pools necessary. I urge my colleagues to support this legislation on behalf of individuals disenfranchised from private health insurance.

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

Mr. BURGESS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. SHADEGG. Mr. Speaker, I want to begin by thanking the full committee chairman, Mr. BARTON, who is not with us today, who has been hospitalized as a result of a medical problem and, I understand, doing well; the ranking member, Mr. DINGELL; the chairman of our subcommittee, Mr. DEAL; as well as the ranking member, Mr. BROWN, for moving this important legislation forward. It is in fact critically important legislation for all Americans but particularly for those with preexisting conditions and those with chronic illnesses.

H.R. 4519 extends Federal funding, which was first made available under the Trade Act of 2002, for the establishment and the operation of State high risk pools. The bill provides $15 million in seed grants to any State or, as a result of a bipartisan amendment of the bill, to any territory which has not yet created a State high risk pool for creation of that high risk pool. That is very important, because a number of States do not yet have them. This money is available as $1 million one-time grants for the creation of such a high risk pool.

In addition, it provides $75 million in each of the fiscal years between 2006 and 2010 for the operational expenses of these high risk pools. Those moneys are allocated according to a formula referred to a moment ago by the ranking member, Mr. BROWN. That formula includes the number of qualifying States, the number of uninsured individuals and the number of individuals enrolled in the State's high risk program. These moneys are extremely important, and I think it is important also to note that territories are available both for the seed grants to establish a high risk pool and for the operational grants.

□ 1645

State high risk pools, as have been noted here, help provide health insurance for those who have preexisting conditions or chronic illnesses or who for any other reason cannot afford health insurance. High risk pools allow individuals who are eligible to purchase health insurance to pay a premium and receive coverage.

Because they are at-risk people with very high medical needs, these premiums are capped in the high risk pool, and often the premiums do not cover the cost of the health insurance that is provided. As a result, the cost of operating the pool needs to be subsidized or offset by the States. States operating these pools make up that shortfall, and the operating funds that are provided here assist in doing that.

There are many things that we can do in this area of health insurance; and I agree with my colleague, Mr. BROWN, that high risk pools are not in fact a solution; they are, in fact, rather a symptom of a problem we have in health insurance today.

I think that there is much more that we can and should do to make health insurance affordable and available to all Americans. I would like to see us create here in this Congress a refundable tax credit for all Americans so that they can go out and purchase health insurance themselves. We have sadly today in America some 44 million-plus who cannot afford health insurance and who are, therefore, uncovered.

If we were to create a tax credit allowing people to take a portion of the income taxes they would otherwise send to the government to go buy health insurance, and for those who are poor and do not pay income taxes now, make that a refundable tax credit, that is, actually provide them with a voucher or with cash to go buy health insurance, we could cut the number of uninsured in America dramatically. And that would be a huge step forward in this Nation, to reduce the number of uninsured and make sure that everyone in this country has health insurance.

Unfortunately, that legislation is not before us at this point. It is the kind of progress that I hope we can make. But this legislation is. Before we move forward on the idea of a refundable tax credit, we must make sure that we take care of those who are most in need in America. High risk pools are a targeted tool for the uninsured. They are a safety net.

In addition to providing access to insurance for those with preexisting conditions and the chronically ill, they also alleviate the need for cross-subsidization. All of us are aware that those of us buying insurance today pay a higher premium because of the needs of those who cannot afford insurance.

High risk pools alleviate that need. I join my colleagues in calling for the passage of this legislation. I appreciate that it is a bipartisan effort, and I want to thank my colleagues on the opposite side of the aisle for their help. I urge passage of the legislation.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank my friend from Texas for the time.

Mr. Speaker, I rise in strong support of H.R. 4519, which would extend seed grant money for the creation and operation of high risk pools. I thank my friend, Mr. SHADEGG, for bringing this. This is extremely important legislation. It has the potential, if it works right, to help all of us pay lower premiums in the future for our insurance policies.

This is a nonpartisan issue. High risk pools have quietly become very important and are a very important part of our Nation's public-private patchwork of health care coverage. The folks covered are often times employed. They are paying taxes. But they cannot get coverage under a normal insurance plan.

Pools are already covering thousands of people who through no fault of their own do not have access to group health insurance and cannot simply afford the coverage in the individual market. Thirty-one States are already operating high risk pools that offer good coverage at reasonable prices.

I hope with the passage of this bill my home State now will be able to join that number. Mr. Speaker, this legislation takes us a step closer to making sure that everyone can purchase the health insurance protection they need. I know the worries associated with a serious health condition, and my constituents know the danger that catastrophic health care costs can pose to working families, especially rural families and the self-employed. High risk pools reduce costs on the government in the long term by providing a private safety net of coverage.

I urge my colleagues to support this legislation, and I hope at some point in time we will take up Mr. SHADEGG's idea of tax credits for health care. But in the meantime, we need to make sure we get these high risk pools in place, and that will allow many Americans to buy health care insurance because the premiums will be reduced.

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

Mr. BURGESS. Mr. Speaker, just in closing, I would say that I do appreciate Mr. SHADEGG bringing this bill to the floor today. I appreciate him bringing up the concept of the refundable tax credit. I, too, think this is important legislation, that we in the Chamber today have some of the best minds on the health subcommittee. I hope we can work together to get that passed next year.

I hope we can look at other opportunities such as what Governor Jeb Bush

is doing down in the State of Florida for purchasing insurance for those working poor who cannot afford it. But this is a good bill; this is good legislation. It will be very helpful back in my home State of Texas.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 4519, the State High Risk Pool Funding Extension Act of 2005. I do so mainly because this bill would not only extend the authorization for Federal support for State high risk health insurance pools until 2010, but also because it provides, for the first time, authorization for the U.S. territories to receive this Federal support. With this Federal support, the U.S. territories will be able to establish and operate high risk health insurance pools like those already successfully operating in several States.

The costs of providing health care in the U.S. territories are very high due to the number of uninsured individuals, the prevalence of chronic diseases among residents, significant transportation expenses, and small risk pools over which to spread the cost of health insurance. Additionally, the vast majority of employers in the U.S. territories are small businesses. Like most small businesses nationwide, Guam's small businesses are limited in their financial ability to offer affordable health coverage to their employees.

The State high risk pool model is an innovative method to address the need for health insurance for high risk populations. To date, 31 States have established high risk health insurance pools. However, section 201(b) of the Trade Act of 2002 (Public Law 107–210), which authorized Federal funding for the creation and initial operation of high risk pools in the States did not include the U.S. territories among those eligible to receive this funding. The ineligibility of the U.S. territories for this assistance remains a concern. Previous versions of this bill being considered today to reauthorize this Federal program did not include the U.S. territories among those to be qualified to receive seed funding and additional grants to initiate and operate high risk pools.

However, the bill before us today, the product of negotiations over the last several months, does include the U.S. territories. H.R. 4519 will enable Guam and the other U.S. territories to form high risk insurance pools. The establishment of such pools will save the Federal Government Medicaid resources, because individuals with chronic illnesses will have another alternative to utilize to pay for expensive healthcare services. Assisting the U.S. territories in operating high risk pools will help the local treasuries with insuring high risk individuals. The establishment of high risk pools will reduce the risk of the general pool of health insurance consumers in the U.S. territories. This will allow for greater competition in the health insurance market, reduced costs for consumers, and will result in more economically manageable and affordable employee health plans for small businesses.

I came to this floor on July 27 of this year to highlight the need to include the U.S. territories in this Federal program, when this House debated H.R. 3204, the precursor to the bill before us today. The gentleman from Arizona, Mr. SHADEGG, the author of this bill, recognized this need. The gentleman from Georgia, Mr. DEAL, and the gentleman from Ohio, Mr. BROWN, supported this request. I thank them for their leadership and for their attention to and understanding of the needs of the U.S. territories. Additionally, I want to thank the gentleman from Texas, Mr. BARTON, and the gentleman from Michigan, Mr. DINGELL, the chairman and the ranking Democratic member of the House Committee on Energy and Commerce, respectively, and their staffs, for their attention to this issue. I thank all of these gentlemen for their cooperation and assistance on this important issue. Together, with my colleagues from the Virgin Islands, Mrs. CHRISTENSEN, American Samoa, Mr. FALEOMAVAEGA, and Puerto Rico, Mr. FORTUÑO, we were able to improve the legislation to take into account the needs of the U.S. territories. I look forward to working with the U.S. Department of Health and Human Services and the Government of Guam in establishing a high risk pool in Guam with Federal seed money.

I urge my colleagues to support H.R. 4519.

Mr. DINGELL. Mr. Speaker, I am pleased the House is taking up H.R. 4519, a bill to reauthorize funds for State high risk health insurance pools, a program that was first passed in the Trade Adjustment Assistance Act. This bill also makes a number of improvements to the program.

High risk pools are by no means a solution for all of the more than 45 million uninsured in this nation. As long as we, however, continue to have a system of health care cobbled together as it is, high risk pools will fill part of the void.

Unfortunately, these high risk pools have included very high premiums and limited benefits. When Congress first provided funding for these pools, the majority of the States used the funding to lower assessments on insurance companies rather than improve benefits or reduce out-of-pocket costs for families. H.R. 4519 includes an important provision that would ensure some portion of this Federal funding goes to improving the pools by reducing premium costs or improving benefits for those who need health care.

And although we have taken a small step here to do good, the Congress is considering a budget reconciliation package that includes harsh cuts in the program that provides health insurance to more than 50 million Americans—Medicaid. These cuts would strip benefits and increase out-of-pocket costs for low-income families and individuals, including children, pregnant women, and those living with disabilities.

If Congress were really determined to help the uninsured, we would begin by rejecting the provisions in the reconciliation package that cut coverage and increase costs for our most vulnerable citizens.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 4519.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Violence Against Women and Department of Justice Reauthorization Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:

''SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

''(a) DEFINITIONS.—In this title:

''(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

''(2) CHILD ABUSE AND NEGLECT.—The term 'child abuse and neglect' means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

''(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

''(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

''(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

''(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

''(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

''(4) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

''(5) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

''(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

''(B) court security personnel;

''(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

''(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

''(6) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

''(7) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

''(A) the length of the relationship;

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.

''(8) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) The length of the relationship.

''(ii) The type of relationship.

''(iii) The frequency of interaction between the persons involved in the relationship.

''(9) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 50 years of age or older that constitutes the willful—

''(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

''(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

''(10) INDIAN.—The term 'Indian' means a member of an Indian tribe.

''(11) INDIAN COUNTRY.—The term 'Indian country' has the same meaning given such term in section 1151 of title 18, United States Code.

''(12) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

''(13) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(14) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

''(15) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

''(16) LEGAL ASSISTANCE.—The term 'legal assistance' includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

''(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

''(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

''(17) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

''(18) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

''(19) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

''(20) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance

of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

''(21) RURAL AREA AND RURAL COMMUNITY.—The term 'rural area' and 'rural community' mean—

''(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

''(B) any area or community, respectively, that is—

''(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

''(ii) located in a rural census tract.

''(22) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

''(23) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(24) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''(25) STATE.—The term 'State' means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

''(26) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

''(27) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

''(28) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic or sexual violence that is—

''(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

''(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

''(29) TRIBAL COALITION.—The term 'tribal coalition' means—

''(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaska Native women.

''(30) TRIBAL GOVERNMENT.—The term 'tribal government' means—

''(A) the governing body of an Indian tribe; or

''(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(31) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

''(A) the governing body of any Indian tribe;

''(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

''(C) any tribal nonprofit organization.

''(32) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

''(33) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

''(34) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

''(35) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

''(36) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

''(b) GRANT CONDITIONS.—

''(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.

''(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

''(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

''(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

''(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

''(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

''(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

''(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(4) NON-SUPPLANTATION.—Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

''(5) USE OF FUNDS.—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

''(6) REPORTS.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

''(7) EVALUATION.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

''(A) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

''(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

''(8) NONEXCLUSIVITY.—Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.

''(9) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program under this title may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

''(10) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

''(11) TECHNICAL ASSISTANCE.—If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this title, the Office has the authority to continue setting aside amounts greater than 8 percent.''.

(b) CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.—

(1) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an annual report, beginning 1 year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(2) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than 1 month after the end of each even-numbered fiscal year,''.

(3) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Section 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–3) is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

(4) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Section 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking ''shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section.'' and inserting ''shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.''.

(c) DEFINITIONS AND GRANT CONDITIONS IN CRIME CONTROL ACT.—

(1) PART T.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by striking section 2008 and inserting the following:

''SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.

''In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(2) PART U.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

''SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.

''In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(d) DEFINITIONS AND GRANT CONDITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–2 note) is amended to read as follows:

''SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.

''In this division the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking ''$185,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$225,000,000 for each of fiscal years 2007 through 2011''.

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

''(13) supporting the placement of special victim assistants (to be known as 'Jessica Gonzales Victim Assistants') in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

''(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

''(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

''(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

''(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; and

''(14) to provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

''(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as 'Crystal Judson Victim Advocates,' to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

''(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police ('Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project' July 2003));

''(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (14) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol.''.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: ''and describe how the State will address the needs of underserved populations''; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

''(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.''.

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''5 percent'' and inserting ''10 percent'';

(B) in paragraph (2), striking by ''1/54'' and inserting ''1/56'';

(C) in paragraph (3), by striking ''and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54'' and inserting ''coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56''; and

(D) in paragraph (4), by striking ''1/54'' and inserting ''1/56'';

(2) in subsection (c)(3)(B), by inserting after ''victim services'' the following: '', of which at least 10 percent shall be distributed to culturally specific community-based organization''; and

(3) in subsection (d)—

(A) in paragraph (3), by striking the period and inserting ''; and''; and

(B) by adding at the end the following:

''(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.''.

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by adding at the end the following:

''(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

''(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.

''(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law.''.

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

''(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

''(e) JUDICIAL NOTIFICATION.—

''(1) IN GENERAL.—A State or unit of local government shall not be entitled to funds under this part unless the State or unit of local government—

''(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

''(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

''(i) the period ending on the date on which the next session of the State legislature ends; or

''(ii) 2 years.

''(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under subsection (a) shall be distributed to other States and units of local government, pro rata.''.

(g) POLYGRAPH TESTING PROHIBITION.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

''SEC. 2013. POLYGRAPH TESTING PROHIBITION.

''(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

''(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.''.

SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking ''$65,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$75,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this paragraph shall remain available until expended.''.

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence, dating violence, sexual assault, and stalking as serious violations'';

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after ''State'' the following: '', tribal, territorial,'';

(B) in paragraph (1), by—

(i) striking ''mandatory arrest or''; and

(ii) striking ''mandatory arrest programs and'';

(C) in paragraph (2), by—

(i) inserting after ''educational programs,'' the following: ''protection order registries,'';

(ii) striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking'';

(D) in paragraph (3), by—

(i) striking ''domestic violence cases'' and inserting ''domestic violence, dating violence, sexual assault, and stalking cases''; and

(ii) striking ''groups'' and inserting ''teams'';

(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(F) in paragraph (6), by—

(i) striking ''other'' and inserting ''civil''; and

(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and

(G) by adding at the end the following:

''(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

''(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, nongovernmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

''(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

''(12) To develop, enhance, and maintain protection order registries.

''(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.'';—

(3) in subsection (c)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

''(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense.''; and

(4) by striking subsections (d) and (e) and inserting the following:

''(d) SPEEDY NOTICE TO VICTIMS.—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

''(1) certifies that it has a law or regulation that requires—

''(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

''(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

''(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

''(2) gives the Attorney General assurances that it laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

''(A) the period ending on the date on which the next session of the State legislature ends; or

''(B) 2 years.

''(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: '', dating violence, sexual assault, or stalking''.

(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

''SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

''Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities.''.

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

(B) inserting after ''effective aid to'' the following: ''adult and youth''; and

(C) inserting at the end the following: ''Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.'';

(2) by striking subsection (b) and inserting the following:

''(b) DEFINITIONS.—In this section, the definitions provided in section 40002 of the Violence Against Women Act of 1994 shall apply.'';

(3) in subsection (c), by inserting ''and tribal organizations, territorial organizations'' after ''Indian tribal governments'';

(4) in subsection (d) by striking paragraph (2) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual

assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;''.

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)—

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

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2007 through 2011.''; and

(B) in paragraph (2)(A), by—

(i) striking ''5 percent'' and inserting ''10 percent''; and

(ii) inserting ''adult and youth'' after ''that assist''.

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by striking ''using funds derived from a source other than the Corporation to provide'' and inserting ''providing'';

(B) in clause (i), by striking ''in the United States'' and all that follows and inserting ''or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or''; and

(C) in clause (ii), by striking ''has been battered'' and all that follows and inserting '', without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).''; and

(2) in subsection (b)(2), by striking ''described in such subsection'' and inserting '', sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))''.

(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle J—Violence Against Women Act Court Training and Improvements

''SEC. 41001. SHORT TITLE.

''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

''SEC. 41002. PURPOSE.

''The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

''(1) improved internal civil and criminal court functions, responses, practices, and procedures;

''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

''(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

''(4) enabling courts or court-based or court-related programs to develop new or enhance current—

''(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

''(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

''(C) offender management, monitoring, and accountability programs;

''(D) safe and confidential information-storage and -sharing databases within and between court systems;

''(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

''(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

''(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

''SEC. 41003. GRANT REQUIREMENTS.

''Grants awarded under this subtitle shall be subject to the following conditions:

''(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

''(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

''(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

''(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

''(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

''(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

''(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

''SEC. 41004. NATIONAL EDUCATION CURRICULA.

''(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

''(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

''(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

''SEC. 41005. TRIBAL CURRICULA.

''(a) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

''(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

''(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

''SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 to 2011.

''(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

''(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.''.

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended by—

(1) striking ''or Indian tribe'' each place it appears and inserting '', Indian tribe, or territory''; and

(2) striking ''State or tribal'' each place it appears and inserting ''State, tribal, or territorial''.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking ''and enforced as if it were'' and inserting ''and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were''.

(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

''(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) PROTECTION ORDER.—The term 'protection order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking ''2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser'' and inserting ''2261A—

''(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

''(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship''.

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

''SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

''SEC. 41102. PURPOSE AREAS.

''Grants made under this subtitle may be used—

''(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

''(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

''(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

''(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

''SEC. 41103. ELIGIBLE ENTITIES.

''Entities eligible for grants under this subtitle include—

''(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

''(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

''(3) States or State agencies;

''(4) local governments or agencies;

''(5) Indian tribal governments or tribal organizations;

''(6) territorial governments, agencies, or organizations; or

''(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

''SEC. 41104. GRANT CONDITIONS.

''Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

''SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 through 2011.

''(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

''(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.''.

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''2001'' and inserting ''2007''; and

(2) by striking ''2006'' and inserting ''2011''.

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:

''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

''There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ACT OF TRAFFICKING.—The term ''act of trafficking'' means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or a local government.

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

(4) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means a person subjected to an act of trafficking.

(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) USE OF FUNDS.—A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) RESTRICTIONS.—

(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

''(2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.''.

(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking ''January 1, 1995'' and inserting ''January 1, 2010''.

(c) CLARIFICATION OF PROGRAM GOALS.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

(1) in subsection (a), by striking ''to expand'' and inserting ''to initiate, sustain, and expand'';

(2) subsection (b)—

(A) in paragraph (1)—

(i) by striking ''subsection (a) shall be'' and inserting the following: ''subsection (a)—

''(A) shall be'';

(ii) by striking ''(2) may be'' and inserting the following:

''(B) may be''; and

(iii) in subparagraph (B) (as redesignated), by striking ''to initiate or expand'' and inserting ''to initiate, sustain, and expand''; and

(B) in the first sentence of paragraph (2)—

(i) by striking ''(1)(a)'' and inserting ''(1)(A)''; and

(ii) striking ''to initiate and to expand'' and inserting ''to initiate, sustain, and expand''; and

(3) by adding at the end the following:

''(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are

authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation's criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.''.

(d) REPORT.—Subtitle B of title II of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011 et seq.) is amended—

(1) by redesignating section 218 as section 219; and

(2) by inserting after section 217 the following new section:

''SEC. 218. REPORT.

''(a) REPORT REQUIRED.—Not later than December 31, 2006, the Inspector General of the Department of Justice shall submit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

''(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

''(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

''(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

''(A) the length of time a child spends in foster care;

''(B) the extent to which there is an increased provision of services;

''(C) the percentage of cases permanently closed; and

''(D) achievement of the permanent plan for reunification or adoption.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d), is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $12,000,000 for each of fiscal years 2007 through 2011.''.

(2) PROHIBITION ON LOBBYING.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d) and amended by paragraphs (1) and (2), is further amended by adding at the end the following new subsection:

''(c) PROHIBITION ON LOBBYING.—No funds authorized under this subtitle may be used for lobbying activities in contravention of OMB Circular No. A–122.''.

SEC. 113. PREVENTING CYBERSTALKING.

(a) IN GENERAL.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

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

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

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

''(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).''.

(b) RULE OF CONSTRUCTION.—This section and the amendment made by this section may not be construed to affect the meaning given the term ''telecommunications device'' in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

''§ 2261A. Stalking

''Whoever—

''(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional distress to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

''(2) with the intent—

''(A) to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate, or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

''(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

''(i) that person;

''(ii) a member of the immediate family (as defined in section 115 of that person; or

''(iii) a spouse or intimate partner of that person;

uses the mail, any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);

shall be punished as provided in section 2261(b) of this title.''.

(b) ENHANCED PENALTIES FOR STALKING.—Section 2261(b) of title 18, United States Code, is amended by adding at the end the following:

''(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.''.

SEC. 115. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

''§ 2265A. Repeat offenders

''(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

''(b) DEFINITION.—For purposes of this section—

''(1) the term 'prior domestic violence or stalking offense' means a conviction for an offense—

''(A) under section 2261, 2261A, or 2262 of this chapter; or

''(B) under State law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

''(2) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.''.

SEC. 116. PROHIBITING DATING VIOLENCE.

(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''; and

(2) in paragraph (2), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''.

(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

''(10) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

''(A) the length of the relationship; and

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.''.

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

SEC. 118. UPDATING PROTECTION ORDER DEFINITION.

Section 534 of title 28, United States Code, is amended by striking subsection (e)(3)(B) and inserting the following:

''(B) the term 'protection order' includes—

''(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 119. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

SEC. 120. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various underserved and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns;

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2007 through 2011.

SEC. 121. ENHANCING CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section, the Attorney General, through the Director of the Violence Against Women Office (referred to in this section as the ''Director''), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director.

(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

(B) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

(D) Section _____ of the Violence Against Women Act of 1994 (42 U.S.C. _____), Older Battered Women.

(E) Section _____ of the Violence Against Women Act of 2000 (42 U.S.C. _____), Disabled Women Program.

(b) PURPOSE OF PROGRAM AND GRANTS.—

(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to promote:

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources.

(B) The development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director shall make grants to community-based programs for the purpose of enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural and linguistic responses to domestic violence, dating violence, sexual assault, and stalking.

(3) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally and linguistically specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally and linguistically specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) ELIGIBLE ENTITIES.—Eligible entities for grants under this Section include—

(1) community-based programs whose primary purpose is providing culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally and linguistically specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) REPORTING.—The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally and linguistically accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) GRANT PERIOD.—The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural and linguistic access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) NON-EXCLUSIVITY.—Nothing in this Section shall be interpreted to exclude linguistic and culturally specific community-based programs from applying to other grant programs authorized under this Act.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—

(A) lost productivity;

(B) medical and mental health care;

(C) police and fire services;

(D) social services;

(E) loss of and damage to property; and

(F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

(7) Barriers for older victims leaving abusive relationships include—

(A) the inability to support themselves;

(B) poor health that increases their dependence on the abuser;

(C) fear of being placed in a nursing home; and

(D) ineffective responses by domestic abuse programs and law enforcement.

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women's programs surveyed—

(A) only 35 percent of these programs offered disability awareness training for their staff; and

(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and

abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9–1–1 operator, or even in acquiring information about their rights and the legal system.

(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES.

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

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and child victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

''(2) to provide for technical assistance and training relating to sexual assault to—

''(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES AND TERRITORIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

''(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

''(i) 24 hour hotline services providing crisis intervention services and referral;

''(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

''(iv) information and referral to assist the sexual assault victim and family or household members;

''(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

''(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

''(3) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

''(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

''(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

''(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

''(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

''(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of the combined States or the population of the combined territories.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

''(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

''(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

''(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

''(4) DISTRIBUTION.—

''(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

''(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

''(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

''(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

''(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

''(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

''(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

''(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

''(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(D) design and conduct public education campaigns;

''(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

''(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

''(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

''(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

''(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such

time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

''(e) GRANTS TO TRIBES.—

''(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian country and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

''(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

''(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

''(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

''(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

''(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).''.

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

''SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

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

''(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

''(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

''(B) law enforcement agencies;

''(C) prosecutors;

''(D) courts;

''(E) other criminal justice service providers;

''(F) human and community service providers;

''(G) educational institutions; and

''(H) health care providers;

''(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

''(3) to increase the safety and well-being of women and children in rural communities, by—

''(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

''(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

''(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

''(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

''(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; and

''(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

''(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

''(d) ALLOTMENTS AND PRIORITIES.—

''(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

''(2) ALLOTMENT FOR SEXUAL ASSAULT.—

''(A) IN GENERAL.—Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of $45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of $50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of $55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

''(B) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

''(3) ALLOTMENT FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

''(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

''(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $55,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

''(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.

SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:

''SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

''(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

''(2) to enhance direct services to such individuals.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used—

''(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

''(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

''(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

''(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

''(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

''(A) the Americans with Disabilities Act of 1990; and

''(B) section 504 of the Rehabilitation Act of 1973;

''(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

''(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

''(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

''(A) a State;

''(B) a unit of local government;

''(C) an Indian tribal government or tribal organization; or

''(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

''(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.''.

SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

''SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

''(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

''(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

''(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

''(3) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

''(4) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

''(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—

''(1) a State;

''(2) a unit of local government;

''(3) an Indian tribal government or tribal organization; or

''(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

''(c) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of underserved populations are being addressed.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking ''$5,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$10,000,000 for each of the fiscal years 2007 through 2011''.

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d)(2), by inserting ''(including technology training)'' after ''train;''

(2) in subsection (f)(2)(A), by inserting '', including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline'' after ''hotline personnel''; and

(3) in subsection (g)(2), by striking ''shall'' and inserting ''may''.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.

(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

(6) Only one State specifically allows for minors to petition the court for protection orders.

(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.

(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2007 through 2011.

''(2) NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not less than $1,500,000 shall be available for allotment under subsection (b).''.

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

''SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.

''(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve youth victims of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

''(2) a community-based organization specializing in intervention or violence prevention services for youth;

''(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

''(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

''(2) TYPES OF PROGRAMS.—Such a program—

''(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

''(B) shall include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

''(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

''(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

''(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

''(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

''(d) AWARDS BASIS.—

''(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

''(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

''(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

''(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2007 through 2011.

''SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.

''(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and

sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to carry out the purposes of this section.

''(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

''(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

''(B) shall include a court or law enforcement agency partner; and

''(C) may include—

''(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

''(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and underserved communities;

''(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

''(iv) faith-based entities that deal with the concerns and problems faced by youth;

''(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

''(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

''(vii) Indian Health Service, tribal child protective services, the Bureau of Indian Affairs, or the Federal Bureau of Investigations; or

''(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

''(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

''(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

''(2) to establish and enhance linkages and collaboration between—

''(A) domestic violence and sexual assault service providers; and

''(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

''(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

''(ii) to include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

''(iii) to include where appropriate legal assistance, referral services, and parental support;

''(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

''(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

''(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

''(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

''(f) DISTRIBUTION.—In awarding grants under this section—

''(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

''(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

''(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

''(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

''(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

''(1) the activities implemented by the recipients of the grants awarded under this section; and

''(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

''(A) the staffs of courts;

''(B) domestic violence, dating violence, sexual assault, and stalking victim service providers; and

''(C) law enforcement agencies and community organizations.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 in each of fiscal years 2007 through 2011.

''SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

''(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

''(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

''(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

''(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

''(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of underserved populations.

''(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

''(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

''(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

''(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

''(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

''(B) domestic violence or dating violence in child protection cases; and

''(C) the needs of both the child and nonabusing parent;

''(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers;

''(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

''(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

''(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of certain populations in the court and child welfare system; and

''(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to underserved populations, and other necessary supportive services.

''(h) GRANTEE REQUIREMENTS.—

''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

''(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

''(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

''(A) shall include a State or local child welfare agency or Indian Tribe;

''(B) shall include a domestic violence or dating violence victim service provider;

''(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

''(D) may include a court; and

''(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.

''SEC. 41204. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

''(a) SHORT TITLE.—This section may be cited as the 'Supporting Teens through Education and Protection Act of 2005' or the 'STEP Act'.

''(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

''(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

''(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

''(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

''(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

''(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

''(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

''(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

''(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

''(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

''(f) GRANT TERM AND ALLOCATION.—

''(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

''(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

''(g) DISTRIBUTION.—

''(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

''(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

''(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

''(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

''(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

''(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

''(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

''(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

''(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

''(k) REPORTING AND DISSEMINATION OF INFORMATION.—

''(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

''(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

''(l) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.

''(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.''.

SEC. 304. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2007 through 2011 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(3) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $12,000,000 for fiscal year 2007 and $15,000,000 for each of fiscal years 2008 through 2011.

(f) REPEAL.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is repealed.

SEC. 305. JUVENILE JUSTICE.

Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (7)(B)—

(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii) the following:

''(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;''.

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 10402. SAFE HAVENS FOR CHILDREN.'';

(2) in subsection (a)—

(A) by inserting '', through the Director of the Office on Violence Against Women,'' after ''Attorney General'';

(B) by inserting ''dating violence,'' after ''domestic violence,'';

(C) by striking ''to provide'' and inserting the following:

''(1) to provide'';

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

''(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

''(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(A) set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;

''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

''(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

''SEC. 41301. FINDINGS.

''Congress finds that—

''(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

''(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

''(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

''(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

''(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

''(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

''(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

''(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

''SEC. 41302. PURPOSE.

''The purpose of this subtitle is to—

''(1) prevent crimes involving violence against women, children, and youth;

''(2) increase the resources and services available to prevent violence against women, children, and youth;

''(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

''(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

''(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

''(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

''SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of underserved populations;

''(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

''(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

''(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2011.

''(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

''(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

''(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

''(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

''(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

''(B) ensure linguistically, culturally, and community relevant services for underserved communities.

''SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

''(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall—

''(A) consider the needs of underserved populations;

''(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2007 through 2011.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

''(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

''(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

''(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

''(B) ensure linguistically, culturally, and community relevant services for underserved communities;

''(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

''(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

''(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

''(iii) link new parents with existing community resources in communities where resources exist; and

''(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

''SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of underserved populations;

''(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

''(C) awarding up to 8 percent for the funding of technical assistance for grantees and nongrantees working in this area from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2011.

''(c) USE OF FUNDS.—

''(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities—

''(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

''(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) that include at a minimum—

''(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

''(II) strategies to help participants be as safe as possible; or

''(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

''(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

''(d) ELIGIBLE ENTITIES.—

''(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

''(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

''(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

''(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

''(D) a program that provides culturally specific services.

''(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

''(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

''(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) eligible entities pursuant to subsection (c)(1)(A) shall describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

''(B) ensure linguistically, culturally, and community relevant services for underserved communities;

''(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

''(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.''.

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PURPOSES.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) USE OF FUNDS.—The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in Department of Health and Human Services-related provisions this title, including strategies addressing underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2007 through 2011.

SEC. 403. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.

(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of

health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

''SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

''(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

''(1) be an accredited school of allopathic or osteopathic medicine;

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

''(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

''(C) a plan for consulting with community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

''(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

''(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

''(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

''(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

''(B) provide stipends to students who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other off-site training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

''(3) REQUIREMENTS.—

''(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

''(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

''(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

''(d) REQUIREMENTS OF GRANTEES.—

''(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

''(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,000,000 for each of fiscal years 2007 through 2011. Amounts appropriated under this subsection shall remain available until expended.''.

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) AUTHORITY TO AWARD GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be—

''(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

''(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

''(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

''(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

''(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

''(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety and prohibits insurance discrimination.

''(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

''(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.

''(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

''(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

''(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

''(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

''(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.

''(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

''(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

''(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

Subtitle B of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

''CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

''SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

''(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

''(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

''(1) With respect to the authority of the Centers for Disease Control and Prevention—

''(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations;

''(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

''(C) measure the comparative effectiveness and outcomes of efforts under this Act to reduce violence and increase women's safety.

''(2) With respect to the authority of the Agency for Healthcare Research and Quality—

''(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

''(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

''(c) USE OF DATA.—Research funded under this section shall be utilized by eligible entities under section 399O of the Public Health Service Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.''.

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

''Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

''SEC. 41401. FINDINGS.

''Congress finds that:

''(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

''(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

''(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

''(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

''(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

''(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

''(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

''(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

''(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

''(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

''(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

''(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

''SEC. 41402. PURPOSE.

''The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

''(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

''(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

''(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

''(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

''SEC. 41403. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'assisted housing' means housing assisted—

''(A) under sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

''(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

''(C) under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

''(D) under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013);

''(E) under title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12701 et seq.);

''(F) under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

''(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

''(H) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

''(3) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(4) the term 'public housing' means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

''(5) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

''(6) the terms 'homeless', 'homeless individual', and 'homeless person'—

''(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

''(B) includes—

''(i) an individual who—

''(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

''(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

''(III) is living in an emergency or transitional shelter;

''(IV) is abandoned in a hospital; or

''(V) is awaiting foster care placement;

''(ii) an individual who has a primary nighttime residence that is a public or private place

not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

''(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

''(7) the term 'homeless service provider' means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

''(8) the term 'tribally designated housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

''(9) the term 'tribally designated housing entity' means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21));

''SEC. 41404. COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration of Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

''(2) AMOUNT.—The Secretary of Health and Human Services shall award funds in amounts—

''(A) not less than $25,000 per year; and

''(B) not more than $1,000,000 per year.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

''(1) shall include a domestic violence victim service provider;

''(2) shall include—

''(A) a homeless service provider;

''(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

''(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

''(3) may include a dating violence, sexual assault, or stalking victim service provider;

''(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

''(5) may include a public housing agency or tribally designated housing entity;

''(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

''(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

''(8) may include a State, tribal, territorial, or local government or government agency; and

''(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.

''(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1) shall develop sustainable long-term living solutions in the community by—

''(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

''(B) assisting with the placement of individuals and families in long-term housing; and

''(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

''(3) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

''(4) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

''(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

''(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

''(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

''(1) give priority to linguistically and culturally specific services;

''(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

''(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

''(g) DEFINITIONS.—For purposes of this section:

''(1) AFFORDABLE HOUSING.—The term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

''(2) LONG-TERM HOUSING.—The term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

''(A) rented or owned by the individual;

''(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

''(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

''(h) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

''(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

''(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

''SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

''(a) PURPOSE.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

''(1) education and training of eligible entities;

''(2) development and implementation of appropriate housing policies and practices;

''(3) enhancement of collaboration with victim service providers and tenant organizations; and

''(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice ('Director'), and in consultation with the Secretary of Housing and Urban Development ('Secretary'), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families ('ACYF'), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

''(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

''(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

''(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—Eligible grantees are—

''(A) public housing agencies;

''(B) principally managed public housing resident management corporations, as determined by the Secretary;

''(C) public housing projects owned by public housing agencies;

''(D) tribally designated housing entities; and

''(E) private, for-profit, and nonprofit owners or managers of assisted housing.

''(2) SUBMISSION REQUIRED FOR ALL GRANTEES.—To receive assistance under this section, an eligible grantee shall certify that—

''(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

''(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

''(C) it does not discriminate against any person—

''(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

''(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

''(D) plans are developed that establish meaningful consultation and coordination with local

victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

''(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

''(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

''(e) CERTIFICATION.—

''(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

''(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

''(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

''(B) producing a Federal, State, tribal, territorial, or local police or court record.

''(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(4) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable law.

''(B) NOTIFICATION.—Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

''(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

''(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

''(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

''(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

''(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

''(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

''(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

''(7) developing and implementing more effective security policies, protocols, and services;

''(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

''(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

''(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

''(h) TECHNICAL ASSISTANCE.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.''.

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) IN GENERAL.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting ''the Department of Housing and Urban Development, and the Department of Health and Human Services,'' after ''Department of Justice,'';

(B) by inserting '', including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking'' after ''other organizations''; and

(C) in paragraph (1), by inserting '', dating violence, sexual assault, or stalking'' after ''domestic violence'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting '', dating violence, sexual assault, or stalking'' after ''violence'';

(C) by inserting before paragraph (2), as redesignated, the following:

''(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing.''; and

(D) in paragraph (3)(B) as redesignated, by inserting ''Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.'' after ''assistance.'';

(3) in paragraph (1) of subsection (c), by striking ''18 months'' and inserting ''24 months'';

(4) in subsection (d)(2)—

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

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

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

''(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and'';

(5) in subsection (e)(2)—

(A) in subparagraph (A), by inserting ''purpose and'' before ''amount'';

(B) in clause (ii) of subparagraph (C), by striking ''and'';

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

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

''(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources.''; and

(6) in subsection (g)—

(A) in paragraph (1), by striking ''$30,000,000'' and inserting ''$40,000,000'';

(B) in paragraph (1), by striking ''2004'' and inserting ''2007'';

(C) in paragraph (1), by striking ''2008'' and inserting ''2011'';

(D) in paragraph (2), by striking ''not more than 3 percent'' and inserting ''up to 5 percent'';

(E) in paragraph (2), by inserting ''evaluation, monitoring, technical assistance,'' before ''salaries''; and

(F) in paragraph (3), by adding at the end the following new subparagraphs:

''(C) UNDERSERVED POPULATIONS.—

''(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

''(ii) Priority shall be given to projects developed under subsection (b) that primarily serve underserved populations.''.

SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

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

(C) by inserting after paragraph (1) the following:

''(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.'';

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

''(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

''(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

''(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

''(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.''.

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after ''immunodeficiency syndrome,'' the following: ''victims of domestic violence, dating violence, sexual assault, and stalking''.

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

(1) by adding at the end of subsection (a) the following:

''(8) CONFIDENTIALITY.—

''(A) VICTIM SERVICE PROVIDERS.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of a Homeless Management Information System personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of a Homeless Management Information System nonpersonally identifying data that has been deidentified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

''(B) **DEFINITIONS**

''(i) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(I) a first and last name;

''(II) a home or other physical address;

''(III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(IV) a social security number; and

''(V) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

''(ii) VICTIM SERVICE PROVIDER.—The term 'victim service provider' or 'victim service providers' means a nonprofit, nongovernmental organization including rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

''(B) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

''(C)(i) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

''(ii) Notwithstanding clause (i), an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

''(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

''(iv) Nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

''(v) Nothing in clause (i) may be construed to limit the authority of an owner, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

''(vi) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(2) in subsection (d)—

(A) in paragraph (1)(A), by inserting after ''public housing agency'' the following: ''and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission'';

(B) in paragraph (1)(B)(ii), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(C) in paragraph (1)(B)(iii), by inserting after ''termination of tenancy'' the following: '', except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights or program assistance, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (II) notwithstanding subclause (I), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager under this section may bifurcate a lease, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (IV) nothing in subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(3) in subsection (f)—

(A) in paragraph (6), by striking ''and'';

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

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

''(8) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

''(9) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

''(10) the term 'stalking' means—

''(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and

''(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

''(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

''(i) that person;

''(ii) a member of the immediate family of that person; or

''(iii) the spouse or intimate partner of that person; and

''(11) the term 'immediate family member' means, with respect to a person—

''(A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

''(B) any other person living in the household of that person and related to that person by blood and marriage.'';

(4) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: ''That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission if the applicant otherwise qualifies for assistance for admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(B) in paragraph (7)(C), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence'';

(C) in paragraph (7)(D), by inserting after ''termination of tenancy'' the following: ''; except that (i) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (ii) notwithstanding clause (i), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (iv) nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate, assistance to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.''; and

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

''(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

''(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant.

''(B) CONSTRUAL OF LEASE PROVISIONS.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.

''(C) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.

''(D) EXCEPTIONS.—

''(i) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE FOR CRIMINAL ACTS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.

''(ii) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution possession of property among the household members in cases where a family breaks up.

''(iii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR LEASE VIOLATIONS.—Nothing in subparagraphs (A), (B), or (C) limit any otherwise available authority of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate.

''(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.

''(v) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(5) in subsection (r)(5), by inserting after ''violation of a lease'' the following: '', except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit''; and

(6) by adding at the end the following new subsection:

''(ee) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—An owner, manager, or public housing agency responding to subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the owner, manager, or public housing agency requests such certification.

''(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection or in subsection (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency, or assisted housing provider may extend the 14-day deadline at their discretion.

''(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting owner, manager, or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(D) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, or public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, or public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(E) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by an owner, manager, public housing agency, or assisted housing provider based on the certification specified in paragraph (1)(A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manger, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of

subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5).

''(F) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to an owner, manager, or public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by an owner, manager, or public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing;

''(ii) required for use in an eviction proceeding under subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), or (o)(20),; or

''(iii) otherwise required by applicable law.

''(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 8 of the United States Housing Act of 1937 of their rights under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5), including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5).''.

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following:

''(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking'';

(3) in subsection (l)(5), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence'';

(4) in subsection (l)(6), by inserting after ''termination of tenancy'' the following: ''; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (B) notwithstanding subparagraph (A), a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (D) nothing in subparagraph (A) limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (E) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated; and (F) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.''; and

(5) by inserting at the end of subsection (t) the following new subsection:

''(u) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the public housing agency requests such certification.

''(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the public housing agency has requested such certification in writing, nothing in this subsection, or in paragraph (5) or (6) of subsection (l), may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.

''(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(D) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(E) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

''(F) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by a public housing agency, or assisted housing provider based on the certification specified in subparagraphs (A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by subparagraph (D) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by a public housing agency or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsection (l)(5) and (6).

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing;

''(ii) required for use in an eviction proceeding under subsections (l)(5) or (6); or

''(iii) otherwise required by applicable law.

''(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 6 of the United States Housing Act of 1937 of their rights under this subsection and subsections (l)(5) and (6), including their right to confidentiality and the limits thereof.

''(3) DEFINITIONS.—For purposes of this subsection, subsection (c)(3), and subsection (l)(5) and (6)—

''(A) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

''(B) the term 'dating violence' has the same meaning given the term in

''(C) the term 'stalking' means—

''(i)(I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

''(II) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

''(ii) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

''(I) that person;

''(II) a member of the immediate family of that person; or

''(III) the spouse or intimate partner of that person; and

''(D) the term 'immediate family member' means, with respect to a person—

''(i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

''(ii) any other person living in the household of that person and related to that person by blood and marriage.''.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle N of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902) is amended by adding at the end the following:

''Subtitle O—National Resource Center

''SEC. 41501. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

''(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an

eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence. The resource center shall provide information and assistance to employers and labor organizations to aid in their efforts to develop and implement responses to such violence.

''(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

''(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

''(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

''(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of underserved communities.

''(c) USE OF GRANT AMOUNT.—

''(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence.

''(2) RESPONSES.—Responses referred to in paragraph (1) may include—

''(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence;

''(B) providing conferences and other educational opportunities; and

''(C) developing protocols and model workplace policies.

''(d) LIABILITY.—The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011.

''(f) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.''.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly;'';

(B) in subclause (III)(aa)—

(i) by inserting ''Federal, State, or local'' before ''investigation''; and

(ii) by striking '', or'' and inserting ''or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or''; and

(C) in subclause (IV), by striking ''and'' at the end;

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and''; and

(3) by inserting after clause (ii) the following:

''(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.''.

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and''.

(c) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(2) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

''(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that the severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) was at least one central reason for the alien's unlawful presence in the United States.''.

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 803. ADJUSTMENT OF STATUS.

(a) VICTIMS OF TRAFFICKING.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security, or in the case of subparagraph (C)(i), the Attorney General,''; and

(B) in subparagraph (A), by inserting at the end ''or has been physically present in the United States for a continuous period during the investigation or prosecution of acts of trafficking and that, in the opinion of the Attorney General, the investigation or prosecution is complete, whichever period of time is less;'';

(2) in paragraph (2), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(3) in paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(b) VICTIMS OF CRIMES AGAINST WOMEN.—Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 12255(m)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General may adjust'' and inserting ''Secretary of Homeland Security may adjust''; and

(B) in subparagraph (B), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in paragraph (3)—

(A) by striking ''Attorney General may adjust'' and inserting ''Secretary of Homeland Security may adjust''; and

(B) by striking ''Attorney General considers'' and inserting ''Secretary considers''; and

(3) in paragraph (4), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CLARIFICATION OF DEPARTMENT OF JUSTICE AND DEPARTMENT OF HOMELAND SECURITY ROLES.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended—

(1) in subsections (b)(1)(E), (e)(5), and (g), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) in subsection (c), by inserting '', the Secretary of Homeland Security'' after ''Attorney General''.

(b) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by inserting ''and the Secretary of Homeland Security'' after ''Attorney General''; and

(B) in subclause (II)(bb), by inserting ''and the Secretary of Homeland Security'' after ''Attorney General''.

(2) in clause (ii), by inserting ''Secretary of Homeland Security'' after ''Attorney General'';

(3) in clause (iii)—

(A) in subclause (II), by striking ''and'' at the end;

(B) in subclause (III), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(IV) responding to and cooperating with requests for evidence and information.''.

(c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)) is amended by striking ''Attorney General'' each place it occurs and inserting ''Secretary of Homeland Security''.

(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting ''or the Secretary of Homeland Security'' after ''Attorney General''.

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''or section 204(a)(1)(B)(iii)'' after ''204(a)(1)(A)'' each place it appears; and

(B) in subclause (III), by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,'' and inserting ''a VAWA self-petitioner''; and

(2) by adding at the end the following:

''(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).''.

(b) APPLICATION OF CSPA PROTECTIONS.—

(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

''(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age and the individual shows that the abuse was at least one central reason for the filing delay. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).''.

(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

''(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

''(B) clause (ii) or (iii) of section 204(a)(1)(B);

''(C) section 216(c)(4)(C);

''(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

''(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

''(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

''(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).''.

SEC. 812. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien's overstaying the grant of voluntary departure.

''(3) NOTICE OF PENALTIES.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.''.

SEC. 813. REMOVAL PROCEEDINGS.

(a) EXCEPTIONAL CIRCUMSTANCES.—

(1) IN GENERAL.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking ''serious illness of the alien'' and inserting ''battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

(b) DISCRETION TO CONSENT TO AN ALIEN'S REAPPLICATION FOR ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien's reapplication for admission after a previous order of removal, deportation, or exclusion.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the officials described in paragraph (1) should particularly consider exercising this authority in cases under the Violence Against Women Act of 1994, cases involving nonimmigrants described in subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and relief under section 240A(b)(2) or 244(a)(3) of such Act (as in effect on March 31, 1997) pursuant to regulations under section 212.2 of title 8, Code of Federal Regulations.

(c) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)'';

(B) in paragraph (2)(A)(iv), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)''; and

(C) by adding at the end the following:

''(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The authority provided under section 237(a)(7) may apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.''.

SEC. 814. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS AND LIMITATION ON PETITIONING FOR ABUSERS.

(a) APPLICATION OF VAWA DEPORTATION PROTECTIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

''(i) if the basis of the motion is to apply for relief under—

''(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

''(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

''(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

''(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

''(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and''; and

(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

(b) EMPLOYMENT AUTHORIZATION FOR VAWA SELF-PETITIONERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

''(K) Upon the approval of a petition as a VAWA self-petitioner, the alien—

''(i) is eligible for work authorization; and

''(ii) may be provided an 'employment authorized' endorsement or appropriate work permit incidental to such approval.''.

(c) EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.—Title I of the Immigration and Nationality Act is amended by adding at the end the following new section:

''SEC. 106. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

''(a) IN GENERAL.—In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Secretary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).

''(b) CONSTRUCTION.—The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.''.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 105 the following new item:

''Sec. 106. Employment authorization for battered spouses of certain nonimmigrants.''.

(e) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

''(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for

classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child) eligibility as a VAWA petitioner or for such nonimmigrant status.''.

SEC. 815. APPLICATION FOR VAWA-RELATED RELIEF.

(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

(2) in subparagraph (E), by inserting '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005'' after ''April 1, 2000''.

(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 816. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

''(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

''(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

''(II) is a person of good moral character;

''(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

''(IV) resides, or has resided, with the citizen daughter or son; and

''(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.''.

SEC. 817. VAWA CONFIDENTIALITY NONDISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)''; and

(B) in paragraph (1)—

(i) in subparagraph (D), by striking ''or'' at the end; and

(ii) by inserting after subparagraph (E) the following:

''(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator,'';

(2) in subsection (b), by adding at the end the following new paragraphs:

''(6) Subsection (a) may not be construed to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

''(7) Government entities adjudicating applications for relief under subsection (a)(2), and government personnel carrying out mandated duties under section 101(i)(1) of the Immigration and Nationality Act, may, with the prior written consent of the alien involved, communicate with nonprofit, nongovernmental victims' service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph shall be construed as affecting the ability of an applicant to designate a safe organization through whom governmental agencies may communicate with the applicant.'';

(3) in subsection (c), by inserting ''or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act'' after ''in violation of this section''; and

(4) by adding at the end the following new subsection:

''(d) GUIDANCE.—The Attorney General and the Secretary of Homeland Security shall provide guidance to officers and employees of the Department of Justice or the Department of Homeland Security who have access to information covered by this section regarding the provisions of this section, including the provisions to protect victims of domestic violence from harm that could result from the inappropriate disclosure of covered information.''.

Subtitle C—Miscellaneous Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

''(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

''(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.''.

(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

''(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity.''.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

(B) by inserting ''(subject to subsection (b))'' after ''except''; and

(C) by adding at the end the following:

''(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).''.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(2) in the fourth sentence, by striking ''subsection (b)(2)(B) of this section'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''; and

(2) by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005) if there is demonstrated a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification'';

(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(3) in clause (iii), by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 825. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subparagraph (A), by inserting '', except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)'' before the period at the end; and

(2) in subparagraph (C)—

(A) in the heading of clause (iv), by striking ''SPOUSES AND CHILDREN'' and inserting ''SPOUSES, CHILDREN, AND PARENTS'';

(B) in the matter before subclause (I) of clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply'' and inserting ''Any limitation under this section on the deadlines for filing such motions shall not apply'';

(C) in clause (iv)(I), by striking ''or section 240A(b)'' and inserting '', section 240A(b), or section 244(a)(3) (as in effect on March 31, 1997)'';

(D) by striking ''and'' at the end of clause (iv)(II);

(E) by striking the period at the end of clause (iv)(III) and inserting ''; and''; and

(F) by adding at the end the following:

''(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.''.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A)(i) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note))—

''(I) there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

''(aa) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

''(bb) if the motion is accompanied by a suspension of deportation application to be filed with the Secretary of Homeland Security or by a copy of the self-petition that will be filed with the Department of Homeland Security upon the granting of the motion to reopen; and

''(II) any such limitation shall not apply so as to prevent the filing of one motion to reopen described in section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)).

''(ii) PRIMA FACIE CASE.—The filing of a motion to reopen under this subparagraph shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.'';

(2) in subparagraph (B), in the matter preceding clause (i), by inserting ''who are physically present in the United States and'' after ''filed by aliens''; and

(3) in subparagraph (B)(i), by inserting ''or exclusion'' after ''deportation''.

(c) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

''(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—

''(1) IN GENERAL.—In cases where an enforcement action leading to a removal proceeding was taken against an alien at any of the locations specified in paragraph (2), the Notice to Appear shall include a statement that the provisions of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) have been complied with.

''(2) LOCATIONS.—The locations specified in this paragraph are as follows:

''(A) At a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center, a victim services, or victim services provider, or a community-based organization.

''(B) At a courthouse (or in connection with that appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (V) of section 101(a)(15).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 30 days after the date of the enactment of this Act and shall apply to apprehensions occurring on or after such date.

SEC. 826. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following new clause:

''(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.''.

SEC. 827. PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION.

In developing regulations or guidance with regard to identification documents, including driver's licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

SEC. 828. RULEMAKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106–386), this Act, and the amendments made by this Act.

Subtitle D—International Marriage Broker Regulation

SEC. 831. SHORT TITLE.

This subtitle may be cited as the ''International Marriage Broker Regulation Act of 2005''.

SEC. 832. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—

(1) 214(D) AMENDMENT.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(A) by striking ''(d)'' and inserting ''(d)(1)'';

(B) by inserting after the second sentence ''Such information shall include information on any criminal convictions of the petitioner for any specified crime.'';

(C) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(D) by adding at the end the following:

''(2)(A) Subject to subparagraphs (B) and (C), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

''(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and

''(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

''(B) The Secretary of Homeland Security may, in the Secretary's discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

''(C)(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

''(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

''(I) the petitioner was acting in self-defense;

''(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

''(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime and the petitioner's having been battered or subjected to extreme cruelty.

''(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

''(3) In this subsection:

''(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

''(B) The term 'specified crime' means the following:

''(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

''(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

''(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.''.

(2) 214(r) AMENDMENT.—Section 214(r) of such Act (8 U.S.C. 1184(r)) is amended—

(A) in paragraph (1), by inserting after the second sentence ''Such information shall include information on any criminal convictions of the petitioner for any specified crime.''; and

(B) by adding at the end the following:

''(4)(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for fiancé(e)s and spouses under clauses (i) and (ii) of section 101(a)(15)(K). Upon approval of a second visa petition under section 101(a)(15)(K) for a fiancé(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent fiancé(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

''(B)(i) Once a petitioner has had two fiancé(e) or spousal petitions approved under clause (i) or (ii) of section 101(a)(15)(K), if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé(e) or spousal petitions listed in the database.

''(ii) A copy of the information and resources pamphlet on domestic violence developed under section 833(a) of the International Marriage Broker Regulation Act of 2005 shall be mailed to the beneficiary along with the notification required in clause (i).

''(5) In this subsection:

''(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

''(B) The term 'specified crime' means the following:

''(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

''(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

''(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) LIMITATION ON USE OF CERTAIN INFORMATION.—The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of any information disclosed under the amendments made by this section or under section 833 shall not be used to deny the alien eligibility for relief under any other provision of law.

SEC. 833. DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) INFORMATION FOR K NONIMMIGRANTS ON LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) INFORMATION PAMPHLET.—The information pamphlet developed under paragraph (1) shall include information on the following:

(A) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(B) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(C) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(D) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders.

(E) The obligations of parents to provide child support for children.

(F) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(G) A warning concerning the potential use of K nonimmigrant visas by United States citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen.

(H) Notification of the requirement under subsection (d)(3)(A) that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of Federal and State sex offender public registries and collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under paragraph (1) that shall be used by Federal officials when reviewing the pamphlet in interviews under subsection (b).

(4) TRANSLATION.—

(A) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(B) REVISION.—Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(5) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(i) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant or in English if no translation into the applicant's primary language is available.

(ii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), a copy of the petition submitted by the petitioner for such applicant under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184).

(iii) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184). The Secretary of State, in turn, shall share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this clause shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(B) CONSULAR ACCESS.—The pamphlet developed under paragraph (1) shall be made available to the public at all consular posts. The summaries described in paragraph (3) shall be made available to foreign service officers at all consular posts.

(C) POSTING ON FEDERAL WEBSITES.—The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all consular posts processing applications for K nonimmigrant visas.

(D) INTERNATIONAL MARRIAGE BROKERS AND VICTIM ADVOCACY ORGANIZATIONS.—The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.—The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after the date of the enactment of this Act.

(b) VISA AND ADJUSTMENT INTERVIEWS.—

(1) FIANCÉ(E)S, SPOUSES AND THEIR DERIVATIVES.—During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

(A) provide information, in the primary language of the visa applicant, on protection orders or criminal convictions collected under subsection (a)(5)(A)(iii);

(B) provide a copy of the pamphlet developed under subsection (a)(1) in English or another appropriate language and provide an oral summary, in the primary language of the visa applicant, of that pamphlet; and

(C) ask the applicant, in the primary language of the applicant, whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner, and, if so, obtain the identity of the international marriage broker from the applicant and confirm that the international marriage broker provided to the applicant the information and materials required under subsection (d)(3)(A)(iii).

(2) FAMILY-BASED APPLICANTS.—The pamphlet developed under subsection (a)(1) shall be distributed directly to applicants for family-based

immigration petitions at all consular and adjustment interviews for such visas. The Department of State or Department of Homeland Security officer conducting the interview shall review the summary of the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English or another appropriate language.

(c) CONFIDENTIALITY.—In fulfilling the requirements of this section, no official of the Department of State or the Department of Homeland Security shall disclose to a nonimmigrant visa applicant the name or contact information of any person who was granted a protection order or restraining order against the petitioner or who was a victim of a crime of violence perpetrated by the petitioner, but shall disclose the relationship of the person to the petitioner.

(d) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—

(1) PROHIBITION ON MARKETING CHILDREN.—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(2) REQUIREMENTS OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO MANDATORY COLLECTION OF BACKGROUND INFORMATION.—

(A) IN GENERAL.—

(i) SEARCH OF SEX OFFENDER PUBLIC REGISTRIES.—Each international marriage broker shall search the National Sex Offender Public Registry or State sex offender public registry, as required under paragraph (3)(A)(i).

(ii) COLLECTION OF BACKGROUND INFORMATION.—Each international marriage broker shall also collect the background information listed in subparagraph (B) about the United States client to whom the personal contact information of a foreign national client would be provided.

(B) BACKGROUND INFORMATION.—The international marriage broker shall collect a certification signed (in written, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) Any temporary or permanent civil protection order or restraining order issued against the United States client.

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking.

(iii) Any Federal, State, or local arrest or conviction of the United States client for—

(I) solely, principally, or incidentally engaging in prostitution;

(II) a direct or indirect attempt to procure prostitutes or persons for the purpose of prostitution; or

(III) receiving, in whole or in part, of the proceeds of prostitution.

(iv) Any Federal, State, or local arrest or conviction of the United States client for offenses related to controlled substances or alcohol.

(v) Marital history of the United States client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.

(vi) The ages of any of the United States client's children who are under the age of 18.

(vii) All States and countries in which the United States client has resided since the client was 18 years of age.

(3) OBLIGATION OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO INFORMED CONSENT.—

(A) LIMITATION ON SHARING INFORMATION ABOUT FOREIGN NATIONAL CLIENTS.—An international marriage broker shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Registry, or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry in which the United States client has resided during the previous 20 years, for information regarding the United States client;

(ii) collected background information about the United States client required under paragraph (2);

(iii) provided to the foreign national client—

(I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;

(II) in the foreign national client's primary language, a copy of the background information collected by the international marriage broker under paragraph (2)(B); and

(III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1); and

(iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) CONFIDENTIALITY.—In fulfilling the requirements of this paragraph, an international marriage broker shall disclose the relationship of the United States client to individuals who were issued a protection order or restraining order as described in clause (i) of paragraph (2)(B), or of any other victims of crimes as described in clauses (ii) through (iv) of such paragraph, but shall not disclose the name or location information of such individuals.

(C) PENALTY FOR MISUSE OF INFORMATION.—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraph (2) and this paragraph for any purpose other than the disclosures required under this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than 1 year, or both. These penalties are in addition to any other civil or criminal liability under Federal or State law which a person may be subject to for the misuse of that information, including to threaten, intimidate, or harass any individual. Nothing in this section shall prevent the disclosure of such information to law enforcement or pursuant to a court order.

(4) LIMITATION ON DISCLOSURE.—An international marriage broker shall not provide the personal contact information of any foreign national client to any person or entity other than a United States client. Such information shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

(5) PENALTIES.—

(A) FEDERAL CIVIL PENALTY.—

(i) VIOLATION.—An international marriage broker that violates (or attempts to violate) paragraph (1), (2), (3), or (4) is subject to a civil penalty of not less than $5,000 and not more than $25,000 for each such violation.

(ii) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty may be imposed under clause (i) by the Attorney General only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act).

(B) FEDERAL CRIMINAL PENALTY.—In circumstances in or affecting interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(C) ADDITIONAL REMEDIES.—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(6) NONPREEMPTION.—Nothing in this subsection shall preempt—

(A) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker; or

(B) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker.

(7) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(B) ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.—The requirement for the distribution of the pamphlet developed under subsection (a)(1) shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6).

(e) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the meaning given such term in section 16 of title 18, United States Code.

(2) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given such term in section 3 of this Act.

(3) FOREIGN NATIONAL CLIENT.—The term ''foreign national client'' means a person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

(4) INTERNATIONAL MARRIAGE BROKER(A) IN GENERAL.—The term ''international marriage broker'' means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

(B) EXCEPTIONS.—Such term does not include—

(i) a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(ii) an entity that provides dating services if its principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals and it charges comparable rates and offers comparable services to all individuals it serves regardless of the individual's gender or country of citizenship.

(5) K NONIMMIGRANT VISA.—The term ''K nonimmigrant visa'' means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(6) PERSONAL CONTACT INFORMATION.—

(A) IN GENERAL.—The term ''personal contact information'' means information, or a forum to obtain such information, that would permit individuals to contact each other, including—

(i) the name or residential, postal, electronic mail, or instant message address of an individual;

(ii) the telephone, pager, cellphone, or fax number, or voice message mailbox of an individual; or

(iii) the provision of an opportunity for an in-person meeting.

(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

(7) REPRESENTATIVE.—The term ''representative'' means, with respect to an international marriage broker, the person or entity acting on behalf of such broker. Such a representative may be a recruiter, agent, independent contractor, or other international marriage broker or other person conveying information about or to a United States client or foreign national client, whether or not the person or entity receives remuneration.

(8) STATE.—The term ''State'' includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(9) UNITED STATES.—The term ''United States'', when used in a geographic sense, includes all the States.

(10) UNITED STATES CLIENT.—The term ''United States client'' means a United States citizen or other individual who resides in the United States and who utilizes the services of an international marriage broker, if a payment is made or a debt is incurred to utilize such services.

(f) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study—

(A) on the impact of this section and section 832 on the K nonimmigrant visa process, including specifically—

(i) annual numerical changes in petitions for K nonimmigrant visas;

(ii) the annual number (and percentage) of such petitions that are denied under subsection (d)(2) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act;

(iii) the annual number of waiver applications submitted under such a subsection, the number (and percentage) of such applications granted or denied, and the reasons for such decisions;

(iv) the annual number (and percentage) of cases in which the criminal background information collected and provided to the applicant as required by subsection (a)(5)(A)(iii) contains one or more convictions;

(v) the annual number and percentage of cases described in clause (iv) that were granted or were denied waivers under section 214(d)(2) of the Immigration and Nationality Act, as amended by this Act;

(vi) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have previously filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions;

(vii) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have concurrently filed other fiancé(e) or spousal K nonimmigrant visa petitioners or family-based immigration petitions; and

(viii) the annual and cumulative number of petitioners and applicants tracked in the multiple filings database established under paragraph (4) of section 214(r) of the Immigration and Nationality Act, as added by this Act;

(B) regarding the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided, and the extent of compliance with the applicable requirements of this section;

(C) that assesses the accuracy and completeness of information gathered under section 832 and this section from clients and petitioners by international marriage brokers, the Department of State, or the Department of Homeland Security;

(D) that examines, based on the information gathered, the extent to which persons with a history of violence are using either the K nonimmigrant visa process or the services of international marriage brokers, or both, and the extent to which such persons are providing accurate and complete information to the Department of State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and (d)(2)(B); and

(E) that assesses the accuracy and completeness of the criminal background check performed by the Secretary of Homeland Security at identifying past instances of domestic violence.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) DATA COLLECTION.—The Secretary of Homeland Security and the Secretary of State shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(g) REPEAL OF MAIL-ORDER BRIDE PROVISION.—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1375) is hereby repealed.

SEC. 834. SHARING OF CERTAIN INFORMATION.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) or by section 833, including reporting obligations of the Comptroller General of the United States under section 833(f).

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(a) IN GENERAL.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; and

(v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the

Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2007 and 2009, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.''.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

''SEC. 2007. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

''(a) GRANTS.—The Attorney General may make grants to Indian tribal governments and tribal organizations to—

''(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

''(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

''(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

''(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

''(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

''(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children; and

''(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community.

''(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

''(c) NONEXCLUSIVITY.—The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.''.

(b) AUTHORIZATION OF FUNDS FROM GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Section 2007(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(b)(1)) is amended to read as follows:

''(1) Ten percent shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.''.

(c) AUTHORIZATION OF FUNDS FROM GRANTS TO ENCOURAGE STATE POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

''(e) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.''.

(d) AUTHORIZATION OF FUNDS FROM RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE GRANTS.—Subsection 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.''.

(e) AUTHORIZATION OF FUNDS FROM THE SAFE HAVENS FOR CHILDREN PROGRAM.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420) is amended by striking subsection (f) and inserting the following:

''(f) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this subsection shall not apply to funds allocated for such program.''.

(f) AUTHORIZATION OF FUNDS FROM THE TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT PROGRAM.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)) is amended by adding at the end the following:

''(4) TRIBAL PROGRAM.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.''.

(g) AUTHORIZATION OF FUNDS FROM THE LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS PROGRAM.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

''(4) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.''.

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.), as amended by section 906, is amended by adding at the end the following:

''SEC. 2008. TRIBAL DEPUTY.

''(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

''(b) DUTIES.—

''(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

''(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

''(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

''(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

''(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

''(E) represent the Office on Violence Against Women in the annual consultations under section 903;

''(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

''(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

''(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

''(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

''(c) AUTHORITY.—

''(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

''(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

''(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

''(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

''(C) development of tribal educational awareness programs and materials;

''(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

''(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.''.

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: ''(i) is a misdemeanor under Federal, State, or Tribal law; and''.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—

(1) in subparagraph (A), by striking ''or'';

(2) in subparagraph (B), by striking the semicolon and inserting '', or''; and

(3) by adding at the end the following:

''(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;''.

SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Domestic assault by an habitual offender

''(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

''(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

''(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

''(b) DOMESTIC ASSAULT DEFINED.—In this section, the term 'domestic assault' means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.''.

TITLE X—DNA FINGERPRINTING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''DNA Fingerprint Act of 2005''.

SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking ''DNA profiles'' and all that follows through '', and'';

(2) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

''(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

''(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

''(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.'';

(3) in subsection (d)(2)(A)(ii), by striking ''all charges for'' and all that follows, and inserting the following: ''the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.''; and

(4) by striking subsection (e).

SEC. 1003. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking ''taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))'' and inserting ''collected under applicable legal authority''.

SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.

(a) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''The Director'' and inserting the following:

''(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or from non-United States persons who are detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

''(B) The Director''; and

(B) in paragraphs (3) and (4), by striking ''Director of the Bureau of Prisons'' each place it appears and inserting ''Attorney General, the Director of the Bureau of Prisons,''; and

(2) in subsection (b), by striking ''Director of the Bureau of Prisons'' and inserting ''Attorney General, the Director of the Bureau of Prisons,''.

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting ''and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)'' after ''period of release''.

SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.

Section 3297 of title 18, United States Code, is amended by striking ''except for a felony offense under chapter 109A,''.

TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION

Subtitle A—AUTHORIZATION OF APPROPRIATIONS

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 1102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,934,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation:

$6,480,608,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 1105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation, in consultation with the retail community, shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United Sates. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, ''organized retail theft'' means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

SEC. 1106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) TASK FORCE.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force; and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico.

SEC. 1107. NATIONAL GANG INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

(1) the Federal Bureau of Investigation;

(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

(11) Federal, State, and local prisons and jails; and

(12) any other entity as appropriate.

(b) INFORMATION.—The Center established under subsection (a) shall make available the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) ANNUAL REPORT.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

SEC. 1111. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

''Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program'';

(B) by amending section 500 to read as follows:

''SEC. 500. NAME OF PROGRAM.

''(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

''(b) REFERENCES TO FORMER PROGRAMS.—(1) Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

''(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.''; and

(C) by inserting after section 500 the following new sections:

''SEC. 501. DESCRIPTION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

''(A) Law enforcement programs.

''(B) Prosecution and court programs.

''(C) Prevention and education programs.

''(D) Corrections and community corrections programs.

''(E) Drug treatment and enforcement programs.

''(F) Planning, evaluation, and technology improvement programs.

''(G) Crime victim and witness programs (other than compensation).

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

''(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

''(1) neighborhood or community-based organizations that are private and nonprofit;

''(2) units of local government; or

''(3) tribal governments.

''(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

''(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

''(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

''(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

''(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

''(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

''(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);

''(B) luxury items;

''(C) real estate;

''(D) construction projects (other than penal or correctional institutions); or

''(E) any similar matters.

''(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

''(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

''(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

''SEC. 502. APPLICATIONS.

''To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

''(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

''(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

''(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

''(A) the application (or amendment) was made public; and

''(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

''(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

''(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

''(A) the programs to be funded by the grant meet all the requirements of this subpart;

''(B) all the information contained in the application is correct;

''(C) there has been appropriate coordination with affected agencies; and

''(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

''SEC. 503. REVIEW OF APPLICATIONS.

''The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

''SEC. 504. RULES.

''The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

''SEC. 505. FORMULA.

''(a) ALLOCATION AMONG STATES.—

''(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

''(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the total population of a State to—

''(ii) the total population of the United States; and

''(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

''(ii) the average annual number of such crimes reported by all States for such years.

''(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a 'minimum allocation State'), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

''(A) allocate 0.25 percent of the total amount to each State; and

''(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

''(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

''(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

''(2) 40 percent shall be for grants to be allocated under subsection (d).

''(c) ALLOCATION FOR STATE GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

''(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

''(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

''(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

''(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

''(2) ALLOCATION.—

''(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

''(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

''(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

''(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

''(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

''(ii) but for this paragraph, the amount of funds allocated under this section to—

''(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

''(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any

such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

''(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

''(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

''(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

''(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

''(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

''(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

''(g) SPECIAL RULES FOR PUERTO RICO.—

''(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

''(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

''(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

''SEC. 506. RESERVED FUNDS.

''(a) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

''(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

''(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

''(b) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General may reserve not more than 5 percent, to be granted to 1 or more States or units of local government, for 1 or more of the purposes specified in section 501, pursuant to his determination that the same is necessary—

''(1) to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime; or

''(2) to prevent, compensate for, or mitigate significant programmatic harm resulting from operation of the formula established under section 505.

''SEC. 507. INTEREST-BEARING TRUST FUNDS.

''(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

''(b) EXPENDITURES.—

''(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

''(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

''(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

''(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

''SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.''.

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking ''such as'' and all that follows through ''the M.O.R.E. program'' and inserting ''such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program''.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking ''pursuant to section 511 or 515'' and inserting ''pursuant to section 515'';

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking ''the program evaluations as required by section 501(c) of this part'' and inserting ''program evaluations'';

(ii) in subsection (a)(2), by striking ''evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part'' and inserting ''evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part''; and

(iii) in subsection (b)(2), by striking ''programs funded under section 506 (formula grants) and section 511 (discretionary grants)'' and inserting ''programs funded under section 505 (formula grants)'';

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''section 506'' and inserting ''section 505''; and

(ii) in subsection (a)(1), by striking ''an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503'' and inserting ''an assessment of the impact of such activities on meeting the purposes of subpart 1'';

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking ''the purposes of section 501 of this title'' and inserting ''the purposes of such subpart 1''; and

(ii) by striking ''the application submitted pursuant to section 503 of this title.'' and inserting ''the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).'';

(E) in section 808 (42 U.S.C. 3789), by striking ''the State office described in section 507 or 1408'' and inserting ''the State office responsible for the trust fund required by section 507, or the State office described in section 1408,'';

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking ''for the purposes of section 506(a)'' and inserting ''for the purposes of section 505(a)'';

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking ''section 506(a)'' and inserting ''section 505(a)'';

(ii) in paragraph (2)—

(I) by striking ''section 503(a)'' and inserting ''section 502''; and

(II) by striking ''section 506'' and inserting ''section 505'';

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking ''The office designated under section 507 of title I'' and inserting ''The office responsible for the trust fund required by section 507'';

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking ''and reflects consideration of the statewide strategy under section 503(a)(1)''; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking ''The Office designated under section 507'' and inserting ''The office responsible for the trust fund required by section 507''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 1112. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is

amended by striking ''more than 5 recipients'' and inserting ''more than 5 individuals, or groups of individuals, as recipients''.

SEC. 1113. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking ''the Director of the Office of Justice Assistance'' and inserting ''the Assistant Attorney General for the Office of Justice Programs''.

SEC. 1114. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting ''regional'' before ''information sharing systems'';

(2) by amending paragraph (3) to read as follows:

''(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;''; and

(3) by striking ''(5)'' at the end of paragraph (4).

SEC. 1115. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: ''The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.'';

(2) by amending paragraph (19) of subsection (c) to read as follows:

''(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;''; and

(3) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.''.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking ''particular individual'' and inserting ''private person or public agency''.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking ''Except as provided by Federal law other than this title, no'' and inserting ''No''.

SEC. 1116. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2007'' and inserting ''2009''.

CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

SEC. 1121. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

''SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

''(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

''SEC. 104. WEED AND SEED STRATEGIES.

''(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

''(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

''(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

''(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

''(B) community revitalization efforts, including enforcement of building codes and development of the economy.

''(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

''(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

''(A) in a voting capacity, representatives of—

''(i) appropriate law enforcement agencies; and

''(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

''(B) in a voting capacity, both—

''(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

''(ii) the United States Attorney for the District encompassing the community;

''(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

''(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

''(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

''(1) the United States Attorney for the District encompassing the community must certify to the Director that—

''(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

''(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

''(C) the steering committee is capable of implementing the strategy appropriately; and

''(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

''(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

''(1) a sustainable Weed and Seed strategy that includes—

''(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

''(B) a significant community-oriented policing component; and

''(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

''(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

''(e) GRANTS.—

''(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

''(2) USES.—For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

''(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

''(A) for a period of more than 10 fiscal years;

''(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

''(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

''(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

''(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

''(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

''(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

''(B) The requirement of subparagraph (A)—

''(i) may be satisfied in cash or in kind; and

''(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

''(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

''SEC. 105. INCLUSION OF INDIAN TRIBES.

''For purposes of sections 103 and 104, the term 'State' includes an Indian tribal government.''.

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

CHAPTER 3—ASSISTING VICTIMS OF CRIME

SEC. 1131. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after ''Director'';

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

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

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

''(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraphs (1)(A) and (1)(C)''; and

(ii) by striking ''and'' at the end;

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

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

''(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).''.

SEC. 1132. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: '', which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

''(A) attaches conditions inconsistent with applicable laws or regulations; or

''(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.''.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking ''expended'' and inserting ''obligated''.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking '', acting through the Director,'';

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

(C) by inserting after paragraph (1) the following new paragraph:

''(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.''.

SEC. 1133. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

SEC. 1134. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(3)(A), by striking ''police'' and inserting ''law enforcement''; and

(2) in subsection (d)—

(A) in the second sentence, by inserting after ''each application'' the following: ''submitted by a State''; and

(B) in the third sentence, by striking ''An application'' and inserting ''In addition, each application submitted by a State or tribal government''.

(b) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

SEC. 1135. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(b) SAFE HAVENS FOR CHILDREN.—Subsection 1301(d)(l) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(l)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than 1 month after the end of each even-numbered fiscal year,''.

(c) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Subsection 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–3), is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

(d) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Subsection 826(d)(3) of the Higher Education Amendments Act of 1998 (20 U.S.C. 1152 (d)(3)) is amended by striking from ''Not'' through and including ''under this section'' and inserting ''Not later than 1 month after the end of each even-numbered fiscal year''.

(e) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Subsection 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking ''shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section.'' and inserting ''shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than one month after the end of each even-numbered fiscal year.''.

SEC. 1136. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) DEFINITIONS.—In this section:

(1) The term ''juvenile'' means an individual who is age 17 or younger.

(2) The term ''young adult'' means an individual who is age 21 or younger but not a juvenile.

(3) The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

CHAPTER 4—PREVENTING CRIME

SEC. 1141. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking ''an offense that'' and inserting ''a felony-level offense that''.

SEC. 1142. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b) and inserting the following:

''(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by

any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part, and to strengthen existing State drug court systems. In providing such technical assistance and training, the Community Capacity Development Office shall consider and respond to the unique needs of rural States, rural areas and rural communities.''

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(25)(A)) is amended by adding at the end the following:

''(v) $70,000,000 for each of fiscal years 2007 and 2008.''.

SEC. 1143. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking ''offenders with substance abuse problems'' and inserting ''offenders, and other individuals under the jurisdiction of the court, with substance abuse problems''.

SEC. 1144. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

''(1) directed at the substance abuse problems of the prisoners; and

''(2) intended to develop the prisoner's cognitive, behavioral, social, vocational and other skills so as to solve the prisoner's substance abuse and other problems; and

''(3) which may include the use of pharmacotherapies, where appropriate, that may extend beyond the treatment period.''.

SEC. 1145. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) ENHANCED DRUG SCREENINGS REQUIREMENT.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

''(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

''(1) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

''(2) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State.''.

(b) AFTERCARE SERVICES REQUIREMENT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''**ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT**'' and inserting ''**AFTERCARE SERVICES REQUIREMENT**''; and

(2) by amending paragraph (1) to read as follows:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with after care services.''; and

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

''(4) After care services required by this subsection shall be funded through funds provided for this part.''.

(c) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—Section 1903 of such Act (42 U.S.C. 3796ff–2) is amended by adding at the end the following new subsection:

''(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.''.

SEC. 1146. RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR FEDERAL FACILITIES.

Section 3621(e) of title 18, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011.''; and

(2) in paragraph (5)(A)—

(A) in clause (i) by striking ''and'' after the semicolon'

(B) in clause (ii) by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(iii) which may include the use of pharmacoptherapies, if appropriate, that may extend beyond the treatment period;''.

CHAPTER 5—OTHER MATTERS

SEC. 1151. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking ''section 6503(d)'' and inserting ''sections 3335(b) or 6503(d)''; and

(2) by striking ''section 6503'' and inserting ''sections 3335(b) or 6503''.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking ''pursuant to section 501(a)'' and inserting ''pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)''.

(c) ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 1152. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after ''the Bureau of Justice Statistics,'' the following: ''the Office for Victims of Crime,''.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting '', including placing special conditions on all grants, and determining priority purposes for formula grants'' before the period at the end.

SEC. 1153. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking ''unless such requirement is terminated under'' and inserting ''for the time period specified in''.

SEC. 1154. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAM.—The Criminal Justice Facility Construction Pilot program (part F; 42 U.S.C. 3769–3769d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 1155. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking ''(a)'' before ''Whenever,''.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking '', after reasonable notice and opportunity for a hearing,''; and

(B) by striking '', except as otherwise provided herein''.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 1156. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking ''(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))''.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking ''program or project'' and inserting ''program, plan, or project''.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking ''which'' and inserting '', including faith-based, that''.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking ''and'' at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

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

''(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).''.

SEC. 1157. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after ''The Attorney General'' the following: ''or the Secretary of Homeland Security, as applicable,''; and

(2) in subsection (b)(1)—

(A) by striking ''the Immigration and Naturalization Service'' and inserting ''the Department of Homeland Security'';

(B) by striking ''shall not exceed the lesser of the amount'' and inserting ''shall be the amount billed, not to exceed the amount'';

(C) by striking ''items and services'' and all that follows through ''the Medicare program'' and inserting ''items and services under the Medicare program''; and

(D) by striking ''; or'' and all that follows through the period at the end and inserting a period.

SEC. 1158. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

''SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate program assessments of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

''(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

''(1) The program under part Q of this title.

''(2) Any grant program carried out by the Office of Justice Programs.

''(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

''(c) PROGRAM ASSESSMENTS REQUIRED.—

''(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

''(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

''(3) TIMING OF PROGRAM ASSESSMENTS.—The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

''(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

''(B) at the end of each year of the grant period, if the grant period is more than 1 year.

''(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

''(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

''(f) AVAILABILITY OF FUNDS.—Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1159. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

''SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

''(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

''(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

''(2) Providing information, training, and technical assistance.

''(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

''(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

''(5) Any other similar means.

''(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

''(d) BEST PRACTICES.—The Director shall—

''(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

''(2) incorporate those characteristics into the training provided under this section.

''(e) AVAILABILITY OF FUNDS.—not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the Community Capacity Development Office for the activities authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1160. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

''SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

''(b) DUTIES.—In carrying out the purpose of the Division, the head of the Division shall—

''(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

''(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department, such as Uniform Crime Reports or the National Incident-Based Reporting System.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1161. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

"SEC. 108. AVAILABILITY OF FUNDS.

''(a) PERIOD FOR AWARDING GRANT FUNDS.—

''(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

''(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

''(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

''(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

''(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

''(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1162. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2006, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 1163. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

*(A) by striking ''**ADDITIONAL GRANT PROJECTS**.—Grants made under subsection (a) may include programs, projects, and other activities to—'' and inserting ''**USES OF GRANT AMOUNTS**.—The purposes for which grants made under subsection (a) may be made are—'';*

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

''(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

''(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

''(4) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;''; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

''(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;'';

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively; and

(5) in subsection (c) (as so redesignated) by striking ''subsection (i)'' and inserting ''subsection (g)''.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking ''section 1701(d)'' and inserting ''section 1701(b)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking ''expended—'' and all that follows through ''2000'' and inserting ''expended $1,047,119,000 for each of fiscal years 2006 through 2009''; and

(2) in subparagraph (B)—

(A) by striking ''section 1701(f)'' and inserting ''section 1701(d)''; and

(B) by striking the third sentence.

SEC. 1164. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;''; and

(3) in paragraph (4) by striking ''and'' and all that follows through the end and inserting a semicolon.

(4) in paragraph (6) by striking ''enforcement of the laws'' and inserting ''enforcement of the criminal laws (including juvenile delinquency).''

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting ''with respect'' before ''to any individual''.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

''(m) The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a) or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.''.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

''(4) if there is no surviving spouse or surviving child—

''(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

''(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or''.

(e) CONFIDENTIALITY.—Section 1201(1)(a) of such Act (42 U.S.C. 3796(a)) is amended by adding at the end the following:

''(6) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or recently executed life insurance policy pursuant to paragraph (4) shall maintain the confidentiality of such designation or policy in the same manner as it maintains personnel or other similar records of the officer.''.

SEC. 1165. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking ''or'' at the end;

(2) in paragraph (16) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.''.

SEC. 1166. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking ''2002 through 2005'' and inserting ''2006 through 2009''.

SEC. 1167. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is

amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 1168. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''; and

(2) in subsection (b)(1)(A)(ii) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''.

SEC. 1169. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) IN GENERAL.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking ''2003'' and inserting ''2009''.

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after ''The Attorney General'' the following: '', acting through the Office of Community Oriented Policing Services,''.

SEC. 1170. TECHNICAL AMENDMENTS TO AIMEE'S LAW.

Section 2001 of Div. C, Pub. L. 106–386 (42 U.S.C. 13713), is amended—

(1) in each of subsections (b), (c)(1), (c)(2), (c)(3), (e)(1), and (g) by striking the first uppercase letter after the heading and inserting a lower case letter of such letter and the following: ''Pursuant to regulations promulgated by the Attorney General hereunder,''

(2) in subsection (c), paragraphs (1) and (2), respectively, by—

(A) striking ''a State'', the first place it appears, and inserting ''a criminal-records-reporting State''; and

(B) striking ''(3),'' and all that follows through ''subsequent offense'' and inserting ''(3), it may, under subsection (d), apply to the Attorney General for $10,000, for its related apprehension and prosecution costs, and $22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation'';

(3) in subsection (c)(3), by—

(A) striking ''if—'' and inserting ''unless—'';

(B) striking—

(i) ''average'';

(ii) ''individuals convicted of the offense for which,''; and

(iii) ''convicted by the State is''; and

(C) inserting ''not'' before ''less'' each place it appears.

(4) in subsections (d) and (e), respectively, by striking ''transferred'';

(5) in subsection (e)(1), by—

(A) inserting ''pursuant to section 506 of the Omnibus Crime Control and Safe Streets Act of 1968'' before ''that''; and

(B) striking the last sentence and inserting ''No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31, United States Code''.;

(6) in subsection (i)(1), by striking ''State-'' and inserting ''State (where practicable)-''; and

(7) by striking subsection (i)(2) and inserting:

''(2) REPORT.—The Attorney General shall submit to Congress—

''(A) a report, by not later than 6 months after the date of enactment of this Act, that provides national estimates of the nature and extent of recidivism (with an emphasis on interstate recidivism) by State inmates convicted of murder, rape, and dangerous sexual offenses;

''(B) a report, by not later than October 1, 2007, and October 1 of each year thereafter, that provides statistical analysis and criminal history profiles of interstate recidivists identified in any State applications under this section; and

''(C) reports, at regular intervals not to exceed every five years, that include the information described in paragraph (1).''.

Subtitle C—MISCELLANEOUS PROVISIONS

SEC. 1171. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking ''or'' at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking ''to be used to be used'' and inserting ''to be used''.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking ''sections'' and inserting ''section''.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking ''title 18'' and inserting ''title 28''.

SEC. 1172. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

''3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives''.

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103–322 is amended by striking subsection (c).

SEC. 1173. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless authorized in writing by the Attorney General, or the Assistant Attorney General for Administration, if so delegated by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 1174. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include advising the Attorney General regarding—

(1) appropriate privacy protections, relating to the collection, storage, use, disclosure, and security of personally identifiable information, with respect to the Department's existing or proposed information technology and information systems;

(2) privacy implications of legislative and regulatory proposals affecting the Department and involving the collection, storage, use, disclosure, and security of personally identifiable information;

(3) implementation of policies and procedures, including appropriate training and auditing, to ensure the Department's compliance with privacy-related laws and policies, including section 552a of title 5, United States Code, and Section 208 of the E-Government Act of 2002 (Pub. L. 107–347);

(4) ensuring that adequate resources and staff are devoted to meeting the Department's privacy-related functions and obligations;

(5) appropriate notifications regarding the Department's privacy policies and privacy-related inquiry and complaint procedures; and

(6) privacy-related reports from the Department to Congress and the President.

(c) REVIEW OF PRIVACY RELATED FUNCTIONS, RESOURCES, AND REPORT.—Within 120 days of his designation, the privacy official shall prepare a comprehensive report to the Attorney General and to the Committees on the Judiciary of the House of Representatives and of the Senate, describing the organization and resources of the Department with respect to privacy and related information management functions, including access, security, and records management, assessing the Department's current and future needs relating to information privacy issues, and making appropriate recommendations regarding the Department's organizational structure and personnel.

(d) ANNUAL REPORT.—The privacy official shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on an annual basis on activities of the Department that affect privacy, including a summary of complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters.

SEC. 1175. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 1176. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 1177. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting ''or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''in a Federal prison,'':

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking ''one year'' and inserting ''five years''.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking ''six months'' and inserting ''two years'' in each of subsections (a)(4) and (b).

SEC. 1178. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(d)(4) of title 18, United States Code, is amended by inserting ''or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''penal facility''.

SEC. 1179. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: ''In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.''.

SEC. 1180. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

''(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;''; and

(2) striking clause (xliv) and inserting the following:

''(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);''.

SEC. 1181. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking ''2 years'' and inserting ''3 years''.

SEC. 1182. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3298. Trafficking-related offenses

''No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3298. Trafficking-related offenses''.

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting '', or for ten years after the offense, whichever is longer'' after ''of the child''.

SEC. 1183. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit ''center of excellence'' that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

SEC. 1184. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $4,000,000 for each of fiscal years 2006 through 2009.

SEC. 1185. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking ''2006'' and inserting ''2009''.

SEC. 1186. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;''.

SEC. 1187. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

''Sec

''599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives

''599B. Personnel management demonstration project''.

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

''§ 599A. Bureau of alcohol, tobacco, firearms, and Explosives'';

and

(B) in subsection (b)(2), by inserting ''of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)'' after ''subsection (c)'',

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

''§ 599B. Personnel Management demonstration project'',

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

''40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives 2599A''. ..

SEC. 1188. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $20,000,000 for fiscal year 2006;

''(2) $20,000,000 for fiscal year 2007;

''(3) $20,000,000 for fiscal year 2008;

''(4) $20,000,000 for fiscal year 2009; and

''(5) $20,000,000 for fiscal year 2010.''.

SEC. 1189. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $2,500,000 for fiscal year 2006.

(2) $3,000,000 for fiscal year 2007.

(3) $3,000,000 for fiscal year 2008.

(4) $3,000,000 for fiscal year 2009.

SEC. 1190. SENSE OF CONGRESS RELATING TO "GOOD TIME" RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a ''good time'' release program for non-violent criminals in the Federal prison system.

SEC. 1191. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking ''police badge'' each place it appears in subsections (a) and (b) and inserting ''official insignia or uniform'';

(2) in each of paragraphs (2) and (4) of subsection (a), by striking ''badge of the police'' and inserting ''official insignia or uniform'';

(3) in subsection (b)—

(A) by striking ''the badge'' and inserting ''the insignia or uniform'';

(B) by inserting ''is other than a counterfeit insignia or uniform and'' before ''is used or is intended to be used''; and

(C) by inserting ''is not used to mislead or deceive, or'' before ''is used or intended'';

(4) in subsection (c)—

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

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

(C) by adding at the end the following:

''(3) the term 'official insignia or uniform' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee;

''(4) the term 'public employee' means any officer or employee of the Federal Government or of a State or local government; and

''(5) the term 'uniform' means distinctive clothing or other items of dress, whether real or counterfeit, worn during the performance of official duties and which identifies the wearer as a public agency employee.''; and

(5) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that the official insignia or uniform is not used or intended to be used to mislead or deceive, or is a counterfeit insignia or uniform and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''; and

(6) in the heading for the section, by striking ''***POLICE BADGES***'' and inserting ''***PUBLIC EMPLOYEE INSIGNIA AND UNIFORM***''.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended

by striking ''Police badges'' and inserting ''Public employee insignia and uniform''.

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and uniform received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

SEC. 1192. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: ''Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.''.

SEC. 1193. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 1194. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

SEC. 1195. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, the Secretary shall submit to Congress a report on the results of the study.

SEC. 1196. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the following: ''appropriated to carry out this subsection—

''(A) $750,000,000 for fiscal year 2006;

''(B) $850,000,000 for fiscal year 2007; and

''(C) $950,000,000 for each of the fiscal years 2008 through 2011.''.

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

''(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

(c) STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security's efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

SEC. 1197. EXTENSION OF CHILD SAFETY PILOT PROGRAM.

Section 108 of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by striking ''A volunteer organization in a participating State may not submit background check requests under paragraph (3).'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''a 30-month'' and inserting ''a 60-month'';

(ii) in subparagraph (A), by striking ''100,000'' and inserting ''200,000''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) PARTICIPATING ORGANIZATIONS.—

''(i) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—

''(I) the Boys and Girls Clubs of America;

''(II) the MENTOR/National Mentoring Partnership;

''(III) the National Council of Youth Sports; and

''(IV) any nonprofit organization that provides care, as that term is defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c), for children.

''(ii) PILOT PROGRAM.—The eligibility of an organization described in clause (i)(IV) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children, with the rejection or concurrence within 30 days of the Attorney General, according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section. If the Attorney General fails to reject or concur within 30 days, the determination of the National Center for Missing and Exploited Children shall be conclusive.'';

(iv) by striking subparagraph (C) and inserting the following:

''(C) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.'';

(v) in subparagraph (D), by striking ''the organizations described in subparagraph (C)'' and inserting ''participating organizations''; and

(vi) in subparagraph (F), by striking ''14 business days'' and inserting ''10 business days'';

(2) in subsection (c)(1), by striking ''and 2005'' and inserting ''through 2008''; and

(3) in subsection (d)(1), by adding at the end the following:

''(O) The extent of participation by eligible organizations in the state pilot program.''.

SEC. 1198. TRANSPORTATION AND SUBSISTENCE FOR SPECIAL SESSIONS OF DISTRICT COURTS.

(a) TRANSPORTATION AND SUBSISTENCE.—Section 141(b) of title 28, United States Code, as added by section 2(b) of Public Law 109–63, is amended by adding at the end the following:

''(5) If a district court issues an order exercising its authority under paragraph (1), the court shall direct the United States marshal of the district where the court is meeting to furnish transportation and subsistence to the same extent as that provided in sections 4282 and 4285 of title 18.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (5) of section 141(b) of title 28, United States Code, as added by subsection (a) of this section.

SEC. 1199. YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OF YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Attorney General shall make up to 5 grants for the purpose of carrying out Youth Violence Demonstration Projects to reduce juvenile and young adult violence, homicides, and recidivism among high-risk populations.

(2) ELIGIBLE ENTITIES.—An entity is eligible for a grant under paragraph (1) if it is a unit of local government or a combination of local governments established by agreement for purposes of undertaking a demonstration project.

(b) SELECTION OF GRANT RECIPIENTS.—

(1) AWARDS.—The Attorney General shall award grants for Youth Violence Reduction Demonstration Projects on a competitive basis.

(2) AMOUNT OF AWARDS.—No single grant award made under subsection (a) shall exceed $15,000,000 per fiscal year.

(3) APPLICATION.—An application for a grant under paragraph (1) shall be submitted to the Attorney General in such a form, and containing such information and assurances, as the Attorney General may require, and at a minimum shall propose—

(A) a program strategy targeting areas with the highest incidence of youth violence and homicides;

(B) outcome measures and specific objective indicia of performance to assess the effectiveness of the program; and

(C) a plan for evaluation by an independent third party.

(4) DISTRIBUTION.—In making grants under this section, the Attorney General shall ensure the following:

(A) No less than 1 recipient is a city with a population exceeding 1,000,000 and an increase of at least 30 percent in the aggregated juvenile and young adult homicide victimization rate during calendar year 2005 as compared to calendar year 2004.

(B) No less than one recipient is a nonmetropolitan county or group of counties with per capita arrest rates of juveniles and young adults for serious violent offenses that exceed the national average for nonmetropolitan counties by at least 5 percent.

(5) CRITERIA.—In making grants under this section, the Attorney General shall give preference to entities operating programs that meet the following criteria:

(A) A program focus on

(i) reducing youth violence and homicides, with an emphasis on juvenile and young adult probationers and other juveniles and young adults who have had or are likely to have contact with the juvenile justice system;

(ii) fostering positive relationships between program participants and supportive adults in the community; and

(iii) accessing comprehensive supports for program participants through coordinated community referral networks, including job opportunities, educational programs, counseling services,

substance abuse programs, recreational opportunities, and other services;

(B) A program goal of almost daily contacts with and supervision of participating juveniles and young adults through small caseloads and a coordinated team approach among case managers drawn from the community, probation officers, and police officers;

(C) The use of existing structures, local government agencies, and nonprofit organizations to operate the program;

(D) Inclusion in program staff of individuals who live or have lived in the community in which the program operates; have personal experiences or cultural competency that build credibility in relationships with program participants; and will serve as a case manager, intermediary, and mentor;

(E) Fieldwork and neighborhood outreach in communities where the young violent offenders live, including support of the program from local public and private organizations and community members;

(F) Imposition of graduated probation sanctions to deter violent and criminal behavior.

(G) A record of program operation and effectiveness evaluation over a period of at least five years prior to the date of enactment of this Act;

(H) A program structure that can serve as a model for other communities in addressing the problem of youth violence and juvenile and young adult recidivism.

(c) AUTHORIZED ACTIVITIES.—Amounts paid to an eligible entity under a grant award may be used for the following activities:

(1) Designing and enhancing program activities;

(2) Employing and training personnel.

(3) Purchasing or leasing equipment.

(4) Providing services and training to program participants and their families.

(5) Supporting related law enforcement and probation activities, including personnel costs.

(6) Establishing and maintaining a system of program records.

(7) Acquiring, constructing, expanding, renovating, or operating facilities to support the program.

(8) Evaluating program effectiveness.

(9) Undertaking other activities determined by the Attorney General as consistent with the purposes and requirements of the demonstration program.

(d) EVALUATION AND REPORTS.—

(1) INDEPENDENT EVALUATION.—The Attorney General may use up to $500,000 of funds appropriated annually under this such section to—

(A) prepare and implement a design for interim and overall evaluations of performance and progress of the funded demonstration projects;

(B) provide training and technical assistance to grant recipients; and

(C) disseminate broadly the information generated and lessons learned from the operation of the demonstration projects.

(2) REPORTS TO CONGRESS.—Not later than 120 days after the last day of each fiscal year for which 1 or more demonstration grants are awarded, the Attorney General shall submit to Congress a report which shall include—

(A) a summary of the activities carried out with such grants;

(B) an assessment by the Attorney General of the program carried out; and

(C) such other information as the Attorney General considers appropriate.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant awarded under this Act shall not exceed 90 percent of the total program costs.

(2) NON-FEDERAL SHARE.—The non-Federal share of such cost may be provided in cash or in-kind.

(f) DEFINITIONS.—In this section:

(1) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes.

(2) JUVENILE.—The term ''juvenile'' means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term ''young adult'' means an individual who is 18 through 24 years of age.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2009, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill H.R. 3402 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 3402, the Department of Justice Appropriations Authorization Act for fiscal years 2006 through 2009.

As chairman of the Committee on the Judiciary, I am proud to support this comprehensive package negotiated between the House and Senate to reauthorize vital programs within the Department of Justice and to combat domestic and dating violence, sexual assault, and stalking.

I am grateful to the Committees on Financial Services, Energy and Customers, and Education and the Workforce, as well as all of the members of the Committee on the Judiciary, for working with us to make it possible to bring this legislation up today.

I would also like to thank the original bipartisan cosponsors of this bill, Judiciary Committee Ranking Member CONYERS, Representatives GREEN of Wisconsin, SOLIS, BROWN-WAITE, SCHIFF, COBLE, LOFGREN, and WEINER for all of their efforts.

Authorization is an important oversight tool that allows Congress and committees of jurisdiction to create, amend, extend, and set priorities for programs within executive agencies. Despite the law's requirement for regular congressional authorization for the Justice Department, until just recently DOJ has not been formerly authorized by Congress since 1980.

The Committee on the Judiciary took action to rectify the situation in the 107th Congress and reauthorized the programs within the Department of Justice. We tried again last Congress; however, the other body did not take up our bipartisan House-passed bill.

I am proud to be here today to provide Congress with legislation to again give direction to the Department of Justice and the important programs it administers.

DOJ's grant programs are an important tool in the fight against crime in America. Programs such as Byrne, COPS and STOP provide grants to State and local governments to focus on current crime issues affecting our communities.

Because there are limited resources, continuous congressional oversight of these programs ensures that the taxpayers' money is spent appropriately. This bill will ensure accountability from the Department with a number of provisions designed to ensure grant recipients are meeting the conditions established by Congress for the programs.

The bill includes an office of audit, assessment and management to monitor grants and a community capacity development office to assist grant applicants and grantees in meeting grant conditions.

In addition to the numerous oversight tools provided in the bill, there are a number of important reforms to grant programs and provisions designed to improve those programs and offices within the Department. The bill consolidates the Local Law Enforcement Block Grant Program and the Byrne grant program into one program with the same purposes, to eliminate duplication and improve the administration of the grants.

The bill preserves the COPS program, but addresses concerns expressed by many Members about the previous use of these grants. H.R. 3402 also allows grantees greater flexibility in the use of these funds.

The authorization also reauthorizes DOJ programs that will expire or have expired, such as the Juvenile Accountability Block Grant Program and the Sex Offender Management Program. It also includes some very important modifications to the criminal code such as extending the statute of limitations for human trafficking offenses and applying increased criminal penalties to prison guards who sexually abuse persons in their custody.

Titles I through IX of this bill focus on reauthorizing, expanding, and improving programs that were established in the Violence Against Women Act of 1994 and reauthorized in 2000. The bill reauthorizes some important core programs such as STOP grants and grants to reduce campus violence. These programs have been successful in combatting domestic violence and changing attitudes toward violence in the family in America.

The reauthorization of VAWA in 2005 will continue to change attitudes toward domestic violence and will expand its focus to change attitudes toward other violent crimes, including dating violence, sexual assault, and stalking. Because these are crimes that affect both genders, it is important to note

that the text of the legislation specifies that programs addressing these problems can serve both female and male victims.

Additionally, this legislation specifies that the same rules apply to these funds that apply to other Federal grant programs. It is illegal to use grant funds devoted to these programs for political activities or lobbying. It is the intent of Congress that these funds be used to provided services to victims and trained personnel who deal with these violent crimes.

The Department of Justice is expected to enforce that provision for all its grants and monitor grant activities to ensure compliance, not only with this condition but all conditions of the grants.

The legislation will aid Congress in continuing to fulfill our obligation to the taxpayers to be good stewards of their money.

Mr. Speaker, I encourage my colleagues to support this bipartisan legislation.

Mr. Speaker, I would like to acknowledge the hard work of the following House, Senate, and Administration staff who spent long hours negotiating this bill:

Senate Staff: Mike O'Neill, Brett Tolman, Lisa Owings, Joe Jacquot, and Juria Jones—Senator SPECTER; Bruce Cohen, Tara Magner, and Jessica Berry—Senator LEAHY; Louisa Terrell—Senator BIDEN; Cindy Hayden—Senator SESSIONS; Janice Kaguyutan—Senator KENNEDY.

House Staff: Phil Kiko, Brian Benczkowski, Katy Crooks, George Fishman, and Cindy Blackston—Congressman SENSENBRENNER; Cassie Bevan—Congressman DELAY; Perry Apelbaum, Sampak Garg, and Stacey Dansky—Congressman CONYERS.

Department of Justice: William Moschella and Sarah Roland.

I would also like to express my thanks to the following groups for their efforts in facilitating the passage of this legislation: Break the Cycle, Girls Incorporated, Family Violence Prevention Fund, Legal Momentum, National Alliance to End Sexual Violence, National Center for Victims of Crime, National Coalition Against Domestic Violence, National Congress of American Indians, National Network to End Domestic Violence, National Resource Center to End Violence Against Native Women, and Sisters of Color Ending Sexual Assault.

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

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

Mr. Speaker, I began on a note of congratulating the chairman of this committee who has been the first chairman to have began to get reauthorizations on the Department of Justice. I have been working on that for many years prior to him succeeding, but this is the first time that we have had them. This is the second time that we have had the authorization.

What makes this bill even more important to me is that we have a reauthorization of the Violence Against Women Act of 1994 in it as well. I congratulate a great number of our colleagues in the Senate, Senators BIDEN, LEAHY, SPECTER, for working on this on their side; and we have all come together with what I think is a very important measure.

Now, let me quickly get to three parts of this that are particularly important to me.

□ 1700

For many years, I have been urging that in this program of Violence Against Women Act, we create specifically tailored programs to address the needs of communities of color. It draws on several Violence Against Women Act programs and finally ensures that we help people who either never receive the services or receive very few of them, and inserting this language into the bill is a monumental victory for communities of color fighting violence against women across this country.

Secondly, the bill provides funding for various offices within the department. In particular, we build up the Office of Inspector General, putting in over $70 million a year. This office has been diligent in overseeing the department's war on terrorism, issuing reports on 9/11 detainees and pushing the department to change its procedures in many of the ways they handle terrorism matters.

The third point that I consider extremely important is that our colleague from California, Adam Schiff, on the Judiciary Committee, was able to get language in that requires the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. If Members do not think that is an important subject, then we need to hold a special briefing for anybody that wants more information on it. It has been a highly controversial issue in the Judiciary Committee, notwithstanding the fact that everybody from the Attorney General on down has been dancing around these subjects.

We also reauthorize the COPS office that the Clinton administration created, and the law enforcement people have been very proud of that fact.

So for all of those reasons and more, I urge the House to, as close to unanimity as we may be able to come on this, pass this measure.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank Chairman SENSENBRENNER very much for his leadership on this bill.

I rise today very proud that the House is considering the conference report of the Violence Against Women Act reauthorization and so happy that it was recently agreed to by the Senate.

I would like to specifically thank a champion of this, and that is Chairman SENSENBRENNER, for his excellent leadership and hard work to make sure that this happened this year.

I know many of us, when we went back to our districts, heard from various women's groups, various volunteers in domestic violence shelters, and they were fearful that we were going to end without continuing the Violence Against Women Act. I am very proud that it is in there.

While domestic programs would have continued without this program today, had VAWA not reauthorized, the new ideas and some of the great programs in there and improvements would not have been instituted for quite some time into the future. As I said, my constituents involved in the fight against domestic violence are so happy that we were able to come to an agreement on this.

When Members go back to their districts during the weekends and the holidays, it is going to spread the word that Congress has kept its word to women and reauthorized the Violence Against Women Act. It is my hope that if Members of Congress continue down this path in raising awareness about the many types of violence faced by women, men, young and old, from all walks of life, that we will eventually rid our Nation of this appalling crime.

Vicious acts of violence can be combated effectively through education, support networks, increased law enforcement programs and family counseling.

It has been an honor working with all those involved in this very important legislation, and I certainly encourage my colleagues to support this very important piece of legislation.

I, again, commend the chairman for his countless hours, and the committee members and the people who served on the conference committee, the countless number of hours that they worked to come to this agreement.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, the worst thing a parent can endure is the loss of a child. And it is important for me, in the context of this bill, to share the story of Lane and Patti Judson, who lost their daughter, Crystal, to domestic violence and have turned their sadness into a will to help other families.

Crystal was murdered by her husband, who was chief of police in Tacoma, Washington, at the time. We all know what obstacles domestic violence victims face. But imagine the choices a victim faces when their abuser is in the very profession that is charged to protect her.

Congress today took steps to address these circumstances and, for the first time in the country's history, included a grant program in the reauthorization of the Violence Against Women Act to help law enforcement agencies develop procedures for dealing with domestic crimes committed by their own employees as well as train special advocates to assist victims like Crystal and

her family. Women who have been victims of domestic violence should not have to stand alone, and after today, they will not have to.

I thank the Judiciary Committee chair and ranking member; my colleagues from Washington; advocacy groups; and, most importantly, Lane and Patti Judson for making this program a reality. Unfortunately, domestic violence continues to be in all of our communities today. And the Judsons' courage and conviction remind all of us that we have more work to do toward finding new solutions to protect families across our Nation. From a family tragedy, the Judsons have forged a strong measure to protect families across the Nation. We honor their diligence and the life of Crystal Judson Brame.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), the head of her State delegation and member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am very pleased to be here today in support of this measure. Since its passage in 1994, VAWA has been a success, and this measure, as has been mentioned, does reauthorize the Violence Against Women Act.

Earlier in this Congress, I introduced a comprehensive bill to reauthorize the act. It had over 120 cosponsors, and I would like to publicly express my thanks to all of the cosponsors and especially the women who came forward with their ideas. It really was not my bill so much as it was a compilation of all the creativity of primarily the women of the House of Representatives to put together a bill that really went pretty far in providing assistance to victims of domestic violence. And I want to thank the chairman and ranking member of the Judiciary Committee for including most of that bill in this reauthorization. Along with the prevention programs and the housing grants for battered women, these measures will help ensure that victims have the means to escape the cycle of domestic violence and also to prevent that cycle from happening in the first place.

There are a couple of provisions in the comprehensive bill that are not included. Most importantly, protections for workers and immigrants. And I am hopeful that, working together later in this Congress, we might be able to also address those issues.

We know that domestic violence and sexual assault cause harm not only emotionally and physically but also financially and professionally. Victims of domestic violence lose 8 million paid workdays each year, the equivalent of 32,000 jobs, and almost 50 percent of sexual assault survivors lose their jobs.

So we need to provide emergency leave, emergency benefits, unemployment compensation and job protection to address this important issue, not just the physical harm but the financial burden that accompanies this violence.

I hope that we can address these shortcomings in the future. But, of course, I do not want to detract from celebrating the reauthorization of what we are doing today. It is something that we can be proud of. And I want to especially thank HILDA SOLIS, who is the cochair, I believe, of the Women's Caucus, who put so much time and effort into this along with so many other Members of the House.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER), a member of the Judiciary Committee.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

The Judiciary Committee, I think, has been a font of some of the legislation I find most troubling in the last session. But this is a moment that I want to join with my colleagues in commending the chairman for doing what, frankly, we should have down a long time ago. Before Mr. SENSENBRENNER took over the committee, it was customary for us to avoid the tough issues that went into reauthorization. But Mr. SENSENBRENNER has been fair and honorable in trying to work out some of these thorny issues, and I think we have shown that we can work together to come up with an initiative that not only managed to bring us together but did that almost impossible thing, which was force the other body to finally act on some of these things as well.

A couple of programs in particular that are worth noting: For the first time since 2000, we are reauthorizing the COPS program. More than 117,000 cops are on the beat in small towns and big cities throughout this country, sheriffs departments, major police departments. This bill not only reauthorizes but recognizes some of the criticisms of the first bill, makes the money more flexible, lets police departments use it for the things they need the most, recognizes the need to pay some of the payroll for terrorism cops in particular since September 11.

This finally closes the loophole in the availability of counterfeit police and uniform badges. After years of being warned of the loopholes that exist, for the first time under this legislation, it will be illegal to sell or to transfer a counterfeit badge for any reason except for use in a theatrical production or for legitimate law enforcement purposes.

Also in this legislation, we, again, for the third time, push the ball down the field on approving the use of DNA technology. We allow those who are acquitted to expunge their samples. DNA funding that is allocated can be used for laboratories, which it has not been in the past. Aliens in detention, samples can be collected from them. And perhaps the most important thing, the Federal statute of limitations has been lifted because DNA evidence very often sits on the shelves for years and years and years without being associated with an individual. That statute of limitations is going to be expiring.

I just want to say, again, I commend Mr. CONYERS and Mr. SENSENBRENNER for a bill that does a great deal. It waited until the last moment, but it was well worth the wait, and I thank the gentlemen.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), subcommittee ranking member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if there is a positive element to being here on the very brink of the holiday season, on a Saturday, it is the passage of this legislation.

I thank the ranking member for his leadership. I thank Chairman SENSENBRENNER for asserting the jurisdiction over the Department of Justice of the Judiciary Committee again and passing this authorization bill with the leadership of our ranking member.

I want to dwell on two or three points. But obviously, I want to add my appreciation for the women of this House along with our ranking member and chairman and our co-chair, HILDA SOLIS, and our chair of the Women's Caucus for their leadership.

□ 1715

I want to particularly highlight the embracing of all women, including women of Indian descent, Native Americans. Violence against Native American women is very important in this legislation. Might I also say that I am very pleased that the COPS program has been reauthorized and the DNA lab and the DNA integrity process has been promoted by this legislation because of the funding.

But let me emphasize language that has been offered in this legislation, and I am very glad that we may ultimately get to this understanding, the sense of Congress that we should look at implementing a good time early release program.

Let me share with you the numbers of prisoners languishing in the Federal system who are nonviolent. The cost for those who are in the prison is $28,000, and the geriatric prisoners, 56 and over, who are nonviolent are costing us $80,000 per prisoner. We could obviously in the good time early release program language that is in this bill allow these people to be released, and they would be gainfully employed and utilize a process of what we call alternative sentencing.

Not only because they are incarcerated do we lose tax revenues, but we add entire families to the list of those receiving public assistance. Not only the families, but the children. Statistics show as many as 70 percent of those incarcerated had a parent incarcerated before them. What would have happened if we would have released these individuals who have had no violent history, they are nonviolent persons incarcerated, to their families? In 2002 we saw 2 million people in our jails; 650,000 are released from incarceration to communities nationwide. These are the real statistics.

Recently, the American Bar Association issued their findings after conducting extensive research and hearings surrounding today's sentencing guidelines. In Federal prison alone we have over 179,000 men and women incarcerated, of whom 85 percent are first-time, nonviolent offenders.

Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses. We have the opportunity to study this issue and do it right. There are a number of legislative initiatives, such as Second Chance.

But the idea of providing an opportunity for prisoners who are nonviolent who have been on good time in the prison to be able to go out to their families, to take their families off public assistance and regain their dignity and invest in this United States by their work and taxes, I think, is a very positive step on behalf of this legislative initiative.

I hope my colleagues will join me, along with the Senate, on this long overdue idea that there are people languishing in our prisons. I hope we will support this legislation. It is a good, good piece of legislation which has done a lot for the American people.

I first would like to commend Chairman SENSENBRENNER for reasserting the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together to address our concerns with the Department and arrived at a bill I feel is a success.

An important piece of the bill is the reauthorization of the Violence Against Women Act (VAWA) of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years, the Act reauthorizes some of the current programs that have proven enormously effective, including the STOP program—which provides state formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and legal assistance for victims. In addition, VAWA reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at $40,000,000 annually, funding is set at $65,000,000 annually for 2007 through 2011, to be administered by the Attorney General. This provision also includes an amendment to ensure that all legal services organizations can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety.

Furthermore, VAWA's reauthorization creates a new and badly-needed protections for victim information collected by federal agencies and included in national databases by prohibiting grantees from disclosing such information. It creates grant programs and specialized funding for federal programs to develop ''best practices'' for ensuring victim confidentiality and safety when law enforcement information (such as protection order issuance) is included in federal and state databases. It also provides technical assistance to aid states and other entities in reviewing their laws to ensure that privacy protections and technology issues are covered, such as electronic stalking, and training for law enforcement on high tech electronic crimes against women. It authorizes $5,000,000 per year for 2007 through 2011 to be administered by the Department of Justice.

On the issue of cyberstalking, VAWA's reauthorization strengthens stalking prosecution tools, by amending the Communications Act of 1934 (47 U.S.C. 223(h)(1)) to expand the definition of a telecommunications device to include any device or software that uses the Internet and possible Internet technologies such as voice over internet services. This amendment will allow federal prosecutors more discretion in charging stalking cases that occur entirely over the internet.

Before turning my attention to the Department of Justice Reauthorization, let me note that VAWA reauthorization and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands purpose areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. New language expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2007 through 2011—it is currently authorized at $40 million a year.

I am also pleased to see that the bill includes language on an issue I feel very strongly about. Section 403 of the bill mandates the Attorney General to award grants to states for carrying out public awareness campaigns regarding domestic violence against pregnant women. Violence against pregnant women can include a range of behaviors such as hitting, pushing, kicking, sexually assaulting, using a weapon, and threatening violence. Violence sometimes includes verbal or psychological abuse, stalking, or enforced social isolation. Victims are often subjected to repeated physical or psychological abuse. This is a very serious issue and we must continue to make the world aware of what these women are going through.

In terms of the Department of Justice the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change its procedures for handling terrorism suspects.

The bill reauthorizes the COPS office. We all know that this Clinton Administration program has been increasingly vital in crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over $1 billion per year for this program.

The bill also includes language offered by Representative ADAM SCHIFF to require the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. This is important because the Department has thwarted congressional and judicial efforts to obtain justification for terrorism detainees. The Department's Office of the Inspector General found that the Department and its components had abused terrorism suspects, pushing them into walls, leaving them in legal limbo, and depriving them of access to family or counsel. With these reports, elected representatives can better determine whether the Department is overstepping its bounds again.

In addition, I thank the Chairman and Ranking Member for their cooperation in incorporating the language of an amendment that I offered that expresses a commitment of Congress to continue exploring the benefits of granting ''good time release'' to non-violent federal incarcerated persons. This is an initiative that I have pursued for a long time and will continue until we make real progress. The language of my amendment to this effect was passed in the 108th Congress as part of H.R. 1829 and in the Subcommittee on Crime this Congress as H.R. 2965.

In essence, section 1190 expresses the sense of Congress that it is important to study the concept of implementing good time release policies in the federal prison system. When looking at this issue we must ask ourselves how we expect our economy to survive when we continue to incarcerate larger numbers of nonviolent, first-time offenders, who pose no public safety risk. Cost per prisoner to incarcerate in a federal prison is approximately $28,000 with geriatric prisoners (55 years and older) costing as much as $80,000 per year. Yet, the cost of community supervision or drug court supervision is in the area of $3,000 to $5,000 per year. Furthermore, these prisoners could otherwise be gainfully employed under an alternative sentence, we not only lose tax revenues and add entire families to the list of those receiving public assistance, but we shift the dollars being spent from local and small businesses to those large industries handling the federal contracts. In addition, we create an even larger group of children more at risk to incarceration themselves. In addition statistics show that as many as 70 percent of those incarcerated had a parent incarcerated before them. The overall negative economic impact is just as staggering as the destructive effect on families and communities.

Before closing, it is important that I make note that the ABA issued their findings after conducting extensive research and hearings

surrounding today's sentencing guidelines. In federal prison alone we have over 179,000 men and women incarcerated of which 85 percent are first time, nonviolent offenders. The ABA recommended: "That states, territories and the federal government ensure that sentencing systems provide appropriate punishment without over-reliance on incarceration. Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses. Alternatives to incarceration should be provided when offenders pose minimal risk to the community and appear likely to benefit from rehabilitation efforts."

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. SOLIS), who is the head of the Women's Caucus, and, as such, has worked hard for many years on this project.

Ms. SOLIS. Mr. Speaker, I thank our ranking member, and I thank Chairman SENSENBRENNER also for the opportunity to provide my strong support of H.R. 3402, which includes a Violence against Women Act reauthorization.

I want to also pay tribute to the Women's Caucus, the bipartisan Women's Caucus. We heard from GINNY BROWN-WAITE, who also spoke, and we worked very diligently on this issue, and also to the advocates throughout the country who worked laboriously for the last year on trying to seek amendments that could be provided and placed into this piece of legislation.

I am very happy as cochair of the Congressional Caucus For Women's Issues that we were able to work together. This is one fine accomplishment that we can go home to our districts with.

I am proud to have been able to author two provisions that were included in the final version of this very important act that will help women of color and women who are victims of domestic violence. One provision would provide an outreach campaign to attempt to service those underserved communities where we find a disproportionate number of women who are not in the forefront in terms of receiving this kind of information about prevention activities and domestic violence, and also with respect to court assistance. Because when women enter into the court, sometimes that court system is not very friendly, and it can be very intimidating. So I am very pleased we were able to get that provision also in the bill.

Women of color, as you know, are less likely to report incidents of domestic violence, and particularly immigrant women are even at a greater disadvantage when they are found to be in an abusive situation. Many times their spouses or loved ones will intimidate them with reporting them to the immigration to be deported. So we know that this legislation will go very far in providing protections for these women and their families.

By addressing domestic violence in communities of color in a way that understands their culture and language and values, we greatly increase the chances of making a difference, not only in the lives of women but of their children and also other family members.

Mr. Speaker, I thank again the ranking member, Mr. CONYERS, Chairman SENSENBRENNER, and their staffs for working with us on a bipartisan level to help to provide a comprehensive Violence Against Women Act reauthorization. I urge all my colleagues today to support H.R. 3402 and put an end to domestic violence against women in our country.

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

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

Mr. Speaker, this is an example of the fact that there is bipartisan and bicameral cooperation in this Capitol. I think that the news media would kind of like to ignore the fact that sometimes we do get something done around here and do get something done that is good and that everybody agrees is good.

So in wishing everybody a merry christmas, happy new year, or happy holiday season, as the case may be, I would like to wish the news media equal joy and hope that they report the fact that we did do something that was really very difficult to accomplish in reauthorizing the Violence against Women Act and passing only the second reauthorization of Justice Department programs since 1980.

Ms. PRYCE of Ohio. Mr. Speaker, the bill before us today reauthorizes a historic piece of legislation first enacted in 1994. The Violence Against Women Act has served as the major source of federal funding for programs to reduce rape, stalking, and domestic violence.

Since this legislation was enacted, we have seen dramatic increases in the resources available to victims of exploitation and abuse. Since 1995, states have passed more than 600 laws to combat domestic violence, sexual assault, and stalking, and all states have passed laws making stalking a crime. Since 1996, the National Domestic Violence Hotline has answered over 1 million calls. It receives over 16,000 calls a month and provides access to translators in almost 140 languages.

Hundreds of companies have joined the fight against abuse and created programs to help victims of violence. Despite this tremendous progress, however, there is much more work to be done to end domestic violence.

Today's reauthorization extends key provisions of the original Violence Against Women Act and provides new tools to combat domestic violence, dating violence, sexual assault, and stalking. It also provides new tools to combat violence against children and youth.

Mr. Speaker, violence against women and children destroys the roots of society. Every one of us has a moral obligation to fight this evil and protect its victims. I urge my colleagues to stand up for the innocent and support the bill.

Mr. SMITH of Texas. Mr. Speaker, the Bureau of Justice Assistance has acquired considerable expertise in the administration of the Public Safety Officers' Benefits Act since its enactment in 1976, and courts have properly accorded the Bureau's interpretations of the Act great deference.

Among other things, H.R. 3402 clarifies statutory provisions relating to the requirements that "rescue squad or ambulance crew" members be public employees, and that "enforcement of the laws" refers to the criminal laws, by making the text conform more clearly to the legislative intention, which has been correctly reflected in the Bureau's longstanding interpretation of the Act.

These clarifying changes should not be understood to effect any substantive change in the Act, as interpreted by the Bureau.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MENTAL HEALTH BENEFITS PARITY EXTENSION

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4579) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

The Clerk read as follows:

H.R. 4579

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

SECTION 1. ONE-YEAR EXTENSION FOR PROVISIONS REQUIRING PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 (relating to application of section) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4579.

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

There was no objection.

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

Mr. Speaker, the bill will extend provisions under ERISA, the Public Health Services Act and the Internal Revenue Code regarding mental health parity for 1 year until December 31, 2006.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2005.

The Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN BARTON: I write regarding our mutual understanding for the consideration of H.R. 4579, a bill amending the Employee Retirement Income Security Act (ERISA), the Public Health Service Act (PHSA), and the Internal Revenue Code (IRC) to extend certain provisions on mental health benefits. The provisions of this bill amending ERISA are within the sole jurisdiction of the Committee on Education and the Workforce. The provisions of this bill amending PHSA are within the sole jurisdiction of the Committee on Energy and Commerce. The provisions of this bill amending IRC are within the sole jurisdiction of the Committee on Ways and Means.

As you and I understand the importance of extending the provisions to each of these Acts, we have agreed to the scheduling of this bill for consideration in the House of Representatives. However, I agree that we have done so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Education and the Workforce, the Committee on Ways and Means, or the Committee on Energy and Commerce, respectively, on these provisions or any other similar legislation, and will not be considered as precedent for consideration of matters of jurisdiction to each committee in the future. Finally, I would support your request for appointment of conferees on the provisions in your Committee's jurisdiction should a conference arise with the Senate.

A copy of our exchange of letters will be inserted in the CONGRESSIONAL RECORD on this bill. Thank you for your consideration and cooperation in this matter.

Sincerely,

JOHN A. BOEHNER,
Chairman.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2005.

The Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN THOMAS: I write regarding our mutual understanding for the consideration of H.R. 4579, a bill amending the Employee Retirement Income Security Act (ERISA), the Public Health Service Act (PHSA), and the Internal Revenue Code (IRC) to extend certain provisions on mental health benefits. The provisions of this bill amending ERISA are within the sole jurisdiction of the Committee on Education and the Workforce. The provisions of this bill amending PHSA are within the sole jurisdiction of the Committee on Energy and Commerce. The provisions of this bill amending IRC are within the sole jurisdiction of the Committee on Ways and Means.

As you and I understand the importance of extending the provisions to each of these Acts, we have agreed to the scheduling of this bill for consideration in the House of Representatives. However, I agree that we have done so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Education and the Workforce, the Committee on Ways and Means, or the Committee on Energy and Commerce, respectively, on these provisions or any other similar legislation, and will not be considered as precedent for consideration of matters of jurisdiction to each committee in the future. Finally, I would support your request for appointment of conferees on the provisions in your Committee's jurisdiction should a conference arise with the Senate.

A copy of our exchange of letters will be inserted in the CONGRESSIONAL RECORD on this bill. Thank you for your consideration and cooperation in this matter.

Sincerely,

JOHN A. BOEHNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC., December 17, 2005.

Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN BOEHNER: I am writing concerning H.R. 4579, a bill ''To amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits,'' which was introduced on December 16, 2005, and referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce and the Committee on Ways and Means.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Internal Revenue Code. Section 1 of H.R. 4579 amends Section 9812(f)(3) of the Internal Revenue Code of 1986 providing for an extension of parity in the application of certain limits to mental health benefits, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4579, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from California for yielding me time, and I thank the chairman as well.

Mr. Speaker, what we are doing here today is simply renewing an act that will allow mental health insurance to have the same limits in insurance coverage as every other insurance legislation that you would ever have for a physical illness. However, the problem is that we keep doing this each year without addressing the fundamental problem. The fundamental problem is that we have here in the Congress a bill that would require parity in insurance coverage, meaning equal copay, equal deductible, equal premium for those illnesses, for those mental illnesses, when it comes to insurance coverage as there would be for any other physical illness.

Mr. Speaker, I have two major illnesses. I have asthma, which is a chronic illness; and I have an EpiPen, and I have prednisone, and I also have bipolar disorder, and I have Prozac and I have lithium.

Now, I am fortunate enough to have insurance coverage where when I go to get my coverage for my medications, I do not have to pay a higher copay for my mental health drugs as opposed to my asthma drugs. Do you know why? Because the Congress of the United States has mental health parity. Yes, Members of Congress are not discriminated against when it comes to mental illnesses.

However, you in the public out there in America, when you try to go and try to get treatment for bipolar disorder, for schizophrenia, for major depression, for any number of mental illnesses, you are told you have to pay a higher copay, a higher deductible, and you are told that you have to pay a higher premium on top of that, all because this country still treats mental illness as if it is not a physical illness.

Mr. Speaker, I have a chart here that shows that mental illness is a physical illness, for those that do not truly believe it. Here we can see in what is an x-ray called a PET scan the difference between two brains, each differentiating from the other based upon a difference in the disorder that the illness represents. In this case, we have bipolar disorder, and you can see that there is greater activity in one part of the brain here for those that do suffer from it, as opposed to this brain.

The physical qualities of mental illness are well known, so why do we not have parity in this country? Well, we do not have parity because some think that it is going to cost us more money.

Well, the tests are in, the studies have been done, and, quite frankly, to my colleagues who think that this is going to cost the Chamber of Commerce more money, all they need to do is look at The Wall Street Journal for evidence to the fact that it actually saves businesses money. It saves businesses money because it costs us $31 billion a year, $31 billion a year in productivity lost because businesses do not ensure adequate coverage for their employees in mental illness.

Just understand this: anyone who has depression, are you truly able to make it at work and focus on what you are doing? That is called presenteeism. That is when you are at work, but you really are not at work because you cannot concentrate. That is called presenteeism. Then, of course, you have absenteeism. Of course, that is easy to measure.

The fact, my friends, is that an average person who has depression loses 5 hours a week of productivity compared to one that does not. So would you not think that some mental health coverage for the person suffering from depression might actually improve productivity?

Guess what? It does. The studies are in, and, frankly, that is why I cannot understand why the majority of this House has not even brought to the floor of this House a mental health parity bill that will allow us to end the discrimination that currently exists in this country.

We are sanctioning discrimination. We are basically saying, like, for example, cancer, well, we are not going to cover cancer because it is costing too much. That is essentially what we are being told by those who do not want to cover mental illness. We are basically being told ''your illness costs money.''

Well, if it is about saving money, why not just cut out cancer coverage, because, you know, that costs us a lot of money. That is a foolish argument. And equally as foolish is the fact that we would cut out from insurance coverage mental illness simply because of stereotypes and because of stigma in this country.

□ 1730

This legislation today is simply one part of a farce to make people think that we are actually doing something on mental health parity when, in fact, with this legislation what we are doing today, all it does is allow the insurance companies to play the game where they do not actually have to provide the coverage. They can organize various days that actually can be utilized and the number of appointments that someone can have or the kind of drugs that they are prescribed. This legislation might as well have been written by the insurance industry when it comes to coverage for those with mental illness.

So, Mr. Speaker, let me just conclude by stating a few facts. Those who are 65 or older are the highest rate of suicide in this country; 65 and older have the highest rate of suicide in this country. The third leading cause of death for young people is suicide. This year alone we are going to see 1,400 young people take their lives in colleges and universities in this country.

We are not taking this issue, this illness, seriously enough. And if it pulls your heart strings and it is simply about whether you think it is going to save money or not, you can see from these charts that even the Surgeon General of the United States has said that mental illnesses comprise the second leading cause of morbidity, meaning the lost days in life, productive life; and the World Health Organization has ranked it number one.

So how could we be so blind to look at such a significant part of our health care system and then just look the other way when it comes to insurance coverage?

I hope my good friend from California will help me in getting his leadership to help bring to the floor of the House a parity bill that will allow us to finally end the stigma and discrimination that still exists in this country towards those with mental illness.

Let me just say, with respect to our veterans coming back and suffering from post-traumatic stress disorder, when we say that we are not going to cover mental illness, we are making an implicit message out there to America that somehow it is not real, somehow it is not real health care, it is something on the order of cosmetic surgery. You know what that does? That means that there will be fewer veterans coming forward and asking for help. Ninety-six percent of the veterans coming back from Iraq right now are not signing up for any mental health consultation whatsoever. And the reason they are not is because of the stigma.

And by not bringing a bill like parity to the floor, another thing that we do that is unjust is we reinforce the image in America that if you are mentally ill there is something wrong with you, that you ought to just get up, pull yourself up by you bootstraps, and you ought to get with the program, and that it is some moral failure of yours as opposed to it actually being a physical disorder with its roots in the biology of the brain.

I thank the chairman and my good friend, the ranking member from California, for giving me this time to speak. There is so much here to discuss. I would not have all the time that I would need to discuss it. But hopefully if we do get a parity bill on the floor one of these days, we can have an even fuller discussion of this issue.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his statement but, more importantly, his incredible advocacy on behalf of those suffering from mental health diseases.

He is quite right: we can do better than simply renewing this law that is now 10 years old. The Senate did pass a meaningful update in this law in 2001 that would have prohibited all forms of discriminatory coverage of mental health services, including day and visit limitations and co-pays and deductibles, and would not allow a plan to opt out by citing increased costs. This bill simply does not do that.

It is as the gentleman from Rhode Island has pointed out, it is absolutely insufficient in terms of treating the needs of millions and millions of Americans and their families who need parity in terms of the kinds of treatment and the coverages of the cost that are associated with this.

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

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

Mr. Speaker, I want to thank my colleague from Rhode Island for his moving testimony today on the issue of mental health. I would be the first to agree that the mental health parity bill that we have will now, as Mr. GEORGE MILLER of California says, and has for the last 10 years been an important step in the right direction.

Is it enough for most people? Probably not. And I think that all of us are aware that Congress and the American people have been in this debate for a long time. We have 45 million Americans who have no health insurance at all, and we know that every time we mandate a benefit on employers' insurance policies, we raise the cost of those policies. And what is the result of higher health insurance policies? More uninsured Americans.

So there is a balance, and I realize that people want more mental health coverage. The debate will continue here in the Congress; but in the meantime, I think it is important for us to make sure that the mandate that is in the current law that does provide some coverage for mental health illness that is going to expire will do so unless we extend this provision. And that is all the bill before us does is extend the provisions already in law to make sure that at least there is a foundation of coverage in the law as people have come to expect.

Mr. DINGELL. Mr. Speaker, I am pleased to support H.R. 4579, legislation that would continue for a year the requirements that insurance companies provide mental health services on the same par as health services. Discrimination against those with mental illnesses or cognitive impairments is well documented. Treatment for these conditions can last a lifetime. Not surprisingly, insurance companies do not want to provide coverage for needed treatments.

The bill we are passing today would ensure that coverage for mental health care receives parity with coverage for physical conditions. The current requirement expires at the end of the year. While ideally we should make this a permanent feature for all health insurance policies, today we are only extending it for one year.

While this legislation will ensure some protections for Americans, the House-passed reconciliation bill includes provisions that would reduce coverage for mental health care under Medicaid. That bill would allow States to charge higher out-of-pocket costs to those needing these services and it would allow States to strip these benefits for beneficiaries, including from children. Medicaid accounts for 44 percent of the Nation's public mental health spending. It plays a critical role in protecting those who need mental and behavioral health services, and fills the gaps that private insurance does not cover.

While the bill today will offer some protections for individuals with mental health needs in private insurance, we also must ensure that the budget reconciliation bill does not erode protections in Medicaid, which provides coverage for those for whom private insurance coverage is not enough or those who have no private insurance.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4579.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECOND HIGHER EDUCATION EXTENSION ACT OF 2005

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4525

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 ''Second Higher Education Extension Act of 2005''.

SEC. 2. EXTENSION OF PROGRAMS.

(a) GENERAL EXTENSION.—Section 2(a) of the Higher Education Extension Act of 2005 (P.L. 109–81; 20 U.S.C. 1001 note) is amended by striking ''December 31, 2005'' and inserting ''March 31, 2006''.

(b) EXTENSION OF LIMITATIONS ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended by striking ''January 1, 2006'' each place it appears in clauses (iv) and (v)(II) and inserting ''April 1, 2006''.

(c) EXTENSION OF EFFECTIVE DATE LIMITATION ON HIGHER TEACHER LOAN FORGIVENESS BENEFITS.—

(1) AMENDMENT.—Paragraph (3) of section 3(b) of the Taxpayer-Teacher Protection Act of 2004 (P.L. 108–409; 20 U.S.C. 1078–10 note) is amended by striking ''October 1, 2005'' and inserting ''June 30, 2007''.

(2) TECHNICAL AMENDMENT.—Section 2 of such Act is amended by inserting ''of the Higher Education Act of 1965'' after ''438(b)(2)(B)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section are effective upon enactment.

(2) EXCEPTION.—The amendment made by subsection (c)(1) shall take effect as if enacted on October 1, 2005.

SEC. 3. ELIGIBILITY PROVISION.

Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(4)(A)), the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Southern District of New York in July, 2005, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an ''institution of higher education'' under section 102 of that Act (20 U.S.C. 1002).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4525.

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

There was no objection.

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

Mr. Speaker, this is a very simple bill that extends the Higher Education Act of 1965 for 3 months until March 31, 2006. While the committee has passed the reauthorization of the Higher Education Act, it is not completed. The Senate concluded their Higher Education Act amendments in their reconciliation bill, and we expect part of this higher education reauthorization to occur in the reconciliation process. But there will be a balance of it left that does need to be dealt with, and I am hopeful that early next year Congress will, in fact, complete the reauthorization of the Higher Education Act authorization.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Second Higher Education Extension Act of 2005. The bill before us today, as the chairman has noted, temporarily extends the laws that govern higher education and student aid while the Congress continues to work to reauthorize the Higher Education Act. I would also like to note for the record that the Department of Education has informed us that they have no objections to the manager's amendment offered by Mr. BOEHNER to this effort.

I rise in support of the second Higher Education Extension Act of 2005.

The bill before us today temporary extends laws that govern higher education and student aid while Congress continues to work to reauthorize the Higher Education Act.

It also extends the partial closure of the 9.5 percent loan loophole and teacher loan forgiveness provisions.

There has never been a more important time than right now to help students and their families afford a higher education.

Despite the tremendous personal and economic benefits of a college education, however, millions of American students and families struggle to pay for college.

Last year the maximum Pell grant scholarship was worth $900 less than the maximum grant 30 years ago.

The typical student borrower now graduates with $17,500 in debt, while more and more students are working long hours to pay for college.

Even with increased borrowing and longer work hours, millions of students and families continue to fall short when paying for college.

But rather than help to make college more affordable and accessible, this weekend the Republican leadership plans to raid the student aid programs by nearly $13 billion—the largest cut in the history of the programs.

As a result, students and families will be forced to pay even more for college.

Rather than work to build a better, stronger America for future generations, they chose to cut our national commitment to a college education for every qualified student.

The Republican leadership plans to use the nearly $13 billion in cuts to deal with Congress' budget mess.

It is wrong to force America's students and families to pay for the irresponsible management of the Nation's budget.

We should be doing more, not less, to significantly increase affordable college opportunities.

For years, Democrats and others have been demanding that the majority join us in stopping excess lender subsidies—such as the 9.5 percent loans—and re-deploy those billions of dollars in savings to students and their families struggling to pay for college.

Billions in taxpayer funds were squandered on super-sized lender subsidies that the majority party is only now, under great pressure, conceding should be constrained.

Unfortunately, the raid on student aid misses a golden opportunity to re-direct billions of dollars in savings by recycling the excessive subsidies paid to student lenders into additional grant aid for students—without any additional costs to taxpayers.

I support this temporary extension today because it ensures that the nearly 11 million students who rely on student grants, loans and work-study to finance their college education will continue to receive this much needed aid in a timely fashion.

However, I urge the Republican leadership and my colleagues to recognize that this is only the first step towards boosting affordable college opportunities and ensuring the Nation's global competitiveness.

The next step is to stop the raid on student aid and to reinvest all of the savings found from eliminating excessive student lender subsidies towards boosting grant aid, lowering interest rates and fees for student borrowers.

Mr. Speaker, I would like to note for the record that the Department of Education has informed us that they have no objection to the manager's amendment offered by Representative BOEHNER to reinstate St. Vincent's Nursing Schools of Brooklyn and Queens, New York.

The St. Vincent nursing schools lost eligibility for Federal student aid in November of this year due to the fact that their parent company, Saint Vincents Catholic Medical Centers of New York, filed for bankruptcy.

Under the Higher Education Act, once a school, or parent company of a school, files for bankruptcy they automatically become ineligible for Federal student aid such as student loans and Pell grants.

It is our understanding that the representatives for the parent company did not understand that filing for bankruptcy would result in students attending the two nursing schools losing their Federal student aid.

The Department of Education has informed us that both schools are in good fiscal standing and that a statutory fix by Congress is necessary to ensure that the students at these two nursing schools can receive federal student aid again.

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

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding. I will be brief.

I realize that this is simply an extension of the Second Higher Education Act, but I would like to make a couple of points here. This act authorizes Pell grants and student loan programs, which are so important to so many students to continue their education. As part of the reauthorization package that moved through the Education and Workforce Committee this year, I was pleased to offer an amendment that would allow the Secretary of Education to award Pell grants on a year-round basis.

We think this is very important because this would allow students to be eligible for Pell grants during summer enrollment. The reason this is important is that we are going to see a rather dramatic increase in college enrollment in coming years.

In over 36 years on the college campus, I saw some rather significant changes in the time that it took for people to graduate from college. When I started on the college campus in the 1960s, most people graduated in 4 years, 4½ years; and now a 5½- to 6-year graduation timetable is very, very common. As a result, with increasing enrollment and also this extended time period, we are putting greater and greater stress on the facilities in colleges and universities.

Therefore, we feel that allowing students Pell grants during the summer which will allow them to go to school year-round and maybe approximate a 4-year to 4½-year graduation time would be very important. I look forward to seeing a reauthorization of the Higher Education Act signed into law in 2006. However, for now we must extend the existing authorization, and therefore I support H.R. 4525.

I thank Chairman BOEHNER for bringing this legislation forward. I urge my colleagues to support passage of H.R. 4525 today.

Mr. HOLT. Mr. Speaker, while I support this temporary extension of the Higher Education Act, I am very disappointed that we have not passed the full Higher Education Act reauthorization and once again we are passing an extension.

Higher Education is more important than ever to ensure America's economic prosperity, security, and health. Just as college has become essential to both individuals and society's success, college tuition has risen dramatically, causing students to take on high loan debt, $17,000, on average; to work long hours that interfere with academic success sometimes; or to forgo college altogether. Yet, Congress has failed to pass the Higher Education Act.

Now, one party controls the White House, the Senate, and the House; the same party. Yet, they have failed to pass a Higher Education Act. Where are the priorities? Congress seems to have no trouble passing tax cuts for the wealthy, but to provide opportunities for students to attend college does not seem to be a priority.

Mr. Speaker, the failure of the House to pass a higher education reauthorization is emblematic of this ineffective Congress. In past years, the Higher Education Act was one of the easiest to pass, one of the most bipartisan, a bill we could count on.

And with this temporary extension, we have missed many opportunities today. We could have increased the Pell grant and provided it year-round. We could have significantly increased aid to minority-serving institutions. We could have increased assistance to low-income and first-generation college students. We could have increased loan forgiveness. We could have eliminated origination fees on student loans. We could have provided child care for parents who are attempting to go back to college. We could have changed the student aid formulas for working students.

But, today, we pass a temporary extension. We have failed to do any of those things, and American college students and their parents are paying for Congress' failure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4525, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

The Clerk read the title of the Senate bill.

(For conference report and statement, see proceedings of the House of December 16, 2005, at page H12015.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report on S. 1281.

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

There was no objection.

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

Mr. Speaker, I urge support for this important conference report, the first NASA authorization in 5 years. We take up this conference report at a critical time for the Nation's space policy as NASA is laying out the policies and seeking the funding to set its course for the next decade and a half.

This bill will give the agency clear guidance while giving Congress important new tools for oversight at this pivotal time.

□ 1745

Most important, I believe this bill in its very first section makes clear that NASA is to remain a multi-mission agency with robust programs in science and aeronautics, even as it moves ahead with the President's vision for space exploration, and the bill also makes clear unequivocal endorsement of that vision.

The bill also ensures that Congress will have the information it needs to guide and monitor NASA. It requires a multiyear plan for aeronautics and science so that all NASA programs have a clear and well-articulated path, and it requires plans for facilities and workforce so we can see what assets NASA will need to achieve its goals.

The bill prevents any layoffs from occurring before March 16, 2007. The bill requires updated information on the cost of the crew exploration vehicle before NASA awards a development contract, and it requires that NASA provide a range of cost estimates for the CEV, along with the potential impact of each of those estimates on other programs.

The bill applies a version of the Nunn-McCurdy rules to NASA. These rules will not only require NASA to notify Congress early on of any significant cost overruns but will require congressional action if a program breaches a specific gap. This may turn out to be one of the most important provisions of the bill.

The bill also gives NASA the authority it has been seeking to offer larger prizes to encourage a broad range of private sector scientists and engineers to help NASA meet specific technological goals, and the bill establishes a new account structure that will make it easier for Congress to track NASA spending and to ensure that money is spent for the programs intended.

Finally, the authorization levels in the bill make clear that NASA cannot possibly accomplish everything that is now on its plate with the funding it is currently projected to receive. I should add that, for me, the authorization levels do not mean that NASA necessarily

should receive the authorized amount for fiscal 2007. The appropriated level needs to take account of tradeoffs and what is available to other agencies, particularly to other science programs, but the authorization levels do clearly mean that NASA will need to either get more money or to forego or delay activities.

I need to say, right now, even though no one will want to hear it during this debate, that I do not think we should accelerate the crew exploration vehicle development unless key Federal science programs are adequately funded. Launching the CEV in 2014 rather than 2012 will not damage the country, but allowing the erosion of our scientific enterprise will cause real and significant damage, but that is a battle for next year.

Right now, we should all come together to endorse this conference report, which will give NASA needed authority and guidance and will give Congress tools and a context for future debates.

This bill represents a true compromise. For example, I am not fond of several of the provisions relating to the international space station, but they were reasonable elements of a negotiated package that represents the broad range of views of NASA in this Congress. We were able to pull together such a package because everyone was willing to be reasonable. That is a commodity, reasonableness, that oftentimes is lacking in this body.

I want to especially thank the gentleman from California (Mr. CALVERT) who sponsored this bill and who heads our Space Subcommittee, for his unlikely combination of persistence and cooperation. I also want to thank the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL) who were true partners in their efforts, and I want to thank all the conferees in both bodies for their openness and hard work. It was not easy but here we are.

This is a thoughtful, reasonable, bipartisan compromise, and I urge its adoption.

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

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

Mr. Speaker, I have a variety of speakers here who would like to speak on this bill, and so I am going to be very brief.

I first want to concur with Chairman BOEHLERT, who I think did a very good job in laying out the content of the bill and the spirit in which it was put together. I want to rise in strong support of the conference report for the NASA Authorization Act of 2005. This bill is a result of constructive bipartisan and bicameral negotiations regarding the future direction of NASA. The issues have been complex, but the conferees have approached them with an open mind and a willingness to compromise.

I think it is important for the authorizing committee with jurisdiction over NASA programs to provide appropriate oversight and guidance to the agency, and I think this bill does that.

Of course, I am sure that each of us have additional provisions that we would have liked to have included as well as some that we would have preferred to drop, but nevertheless, I think this bill is a constructive compromise that will serve NASA and the Nation well.

NASA is facing significant challenges in the years ahead, not the least of which is budgetary outlays for the agency's programs. I think this bill is a constructive step to assist the agency in meeting those challenges, but success is going to require Congress's active involvement in the months and the years ahead.

Finally, before I close, I would like to express my thanks to my colleagues on the House side and, in particular Chairman BOEHLERT, Chairman CALVERT and Subcommittee Ranking Member UDALL for all the efforts they have made on behalf of this bill. I would also like to express my deep appreciation to our friends in the Senate for their bipartisan and bicameral spirit of cooperation they have brought to our negotiations, and certainly without the good staff work on our Science Committee, we would not be here today. It has been a pleasure to work with them to craft this conference report. I would also like to say, again, thanks to the House and Senate staff, as well as to the NASA personnel for their assistance in bringing the conference to a successful conclusion.

In closing, I believe this is a good conference report, and I urge my colleagues to support it.

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

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the distinguished chairman of the Space Subcommittee, a person who has worked very hard on this bill to bring it all together.

Mr. CALVERT. Mr. Speaker, I thank the chairman for the time.

Mr. Speaker, I want to thank Chairman BOEHLERT for his leadership and guidance, for the great job in making sure that we are here today, and I certainly want to thank Ranking Member GORDON and Ranking Member UDALL for their leadership and support, also. I want to commend the Members of the Science Committee on both sides of the aisle for a job well done. I also want to thank the gentleman from Texas (Mr. DELAY) for his guidance and assistance and all his staff working together diligently for long hours to assure that this NASA authorization bill could be accomplished this year. This is the first time since the year 2000 that NASA has had an authorization bill and we have been able to complete it. This bill provides the agency with the rules and tools they will need to succeed.

This is a crucial time for the agency as it is going through a major transition. Our bill represents the first time that the President's Vision for Space Exploration has been fully endorsed by both Houses of Congress. When the President sends to Congress his budget for fiscal year 2007, today's backing by the Congress can only help us to increase the support for our Nation's civil space program and for the Vision for Space Exploration. We also seek equivalent strategic plans for aeronautics and science parts of the budget.

NASA represents only seven-tenths of 1 percent of the Federal budget and is an investment in our Nation's future. Even in this time of budget deficits, the United States cannot abandon NASA's research and technology and its exploration programs. It is not in the American spirit to shy away from this investment in our global leadership.

This bill also authorizes for the first time a competitive prize program at NASA based on the very successful X-Prize. This program will allow NASA to award prizes for those technologies that are useful for NASA's mission. This prize program will encourage our best and brightest scientists, engineers and entrepreneurs to pursue technologies that NASA will need to pursue our Nation's dreams of exploration.

I am pleased that we are doing a 2-year bill through 2008, and we in the Science Committee look forward to providing oversight and authorization appropriate when needed. I want to urge my colleagues to vote yes on this truly bipartisan conference report. We owe it to the administration, to our national space enterprise and to the American people to pass this NASA authorization bill this year.

Mr. GORDON. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. UDALL), my partner and ranking member on the Space Subcommittee.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me time.

I, too, join my colleagues in acknowledging the bipartisan nature of this very important conference report. I want to thank Chairman BOEHLERT and Chairman CALVERT on that side of that aisle for their leadership and for their good work and, as well, my ranking member on this side of the aisle, the gentleman from Tennessee (Mr. GORDON).

There are four key areas that I would just like to highlight in my remarks that are a part of this very important piece of legislation.

Number one, we beef up the aeronautics effort of NASA, and we make sure that crucial research and development work continue, and the effect it has on our domestic economy, which is very, very crucial.

Second, the Hubble telescope, we will do all we can under this legislation to service the Hubble telescope, and it has

truly become the people's telescope. It is known not only in the scientific community but to lay people on the street. It is a tremendous asset for us today, and it will be in the future.

Third, the legislation includes a piece of legislation I authored 4 years ago that deals with remote sensing data. That is the data that we are generating from the fleet of satellites that look down on the earth, and this data can be of great use to our cities, our towns, our counties and the private sector. The bill puts in place a grant program as well as increased access to that data so that it can be used by the American public.

Finally, there is a provision that further strengthens the space grant program that brings into the career paths of science and technology mathematics and engineering, those young people who will not only teach the students of the future but who will also come up with the great inventions and the new technologies and new understanding from our great efforts in space and in aeronautics.

So, Mr. Speaker, this is an excellent bill. I want to commend it to our colleagues, and I rise in support of this important piece of legislation and would ask every Member to support it.

Mr. Speaker, I rise today to express my support for this conference report.

This report reflects the results of productive, bipartisan negotiations that began between House Republicans and Democrats and continued on with the Senate.

This is a good conference report, and I would like to thank all the Conferees and their staff who worked on this report. In particular, I would like to thank our Conference Committee Chairwoman KAY BAILEY HUTCHISON, Chairman BOEHLERT, Ranking Member GORDON, and Subcommittee Chairman CALVERT.

I have been pleased to see how this group has come together to put together an authorization bill that enables NASA to take positive steps in each of its mission directorates. I believe that it provides an essential balance between NASA's core missions as well as a timely long-term policy direction for NASA as it embarks on the Moon/Mars initiative.

One of the strengths of this bill is that it highlights NASA's non-exploration related research and ensures that innovative work continues to be done in the Science and Aeronautics programs.

To ensure the continued health of each of NASA's core missions, it sets up a budgetary structure that separates NASA's human space flight and exploration accounts from its science, aeronautics, and education accounts—in effect, it erects a flexible ''firewall'' between the accounts.

Turning to some of the program-specific features of the conference report, I am pleased that it encourages NASA to take up three groundbreaking initiatives in subsonic, supersonic and rotor craft R&D under its Aeronautics program.

Progress in aeronautics is crucial to the health of the Nation's air transportation industry, which in turn is crucial both to the continued strength of our domestic economy and our international competitiveness.

That R&D also benefits our quality of life and enhances our national security. We need to encourage it, and this bill does just that.

In addition, while the new Exploration initiative at NASA has gotten the most public attention recently, NASA's science programs have continued to be some of NASA's ''crown jewels''—generating discoveries that have been captivating the American public for decades.

For example, images from Hubble have helped us better understand our universe, but they also allow amateur astronomers of all ages to study the wonders of space.

In short, Hubble has truly become the peoples' telescope, and I am gratified that this bill calls for a mission to service Hubble to be scheduled and authorizes funding accordingly.

This bill also seeks to make sure that the scientific research on the International Space Station achieves its full potential by ensuring that both exploration and non-exploration related research is performed. Microgravity and life science research can help us better understand the affects of space on the human body, moving forward our efforts in human exploration beyond low Earth orbit.

It also has many applications here on Earth, and this bill ensures that the ISS will support diverse research goals by requiring that at least 15 percent of all research funds for the International Space Station are to be used for nonexploration related research such as ground-based, free-flyer, and ISS life and microgravity science research.

I believe it is important that we continue to encourage commercial involvement in our space missions, including through research initiatives. There are several partnerships existing between the science community and industry that perform research on the International Space Station.

This bill speaks to the need to preserve fundamental, applied, and commercial life sciences and other micro gravity research that allows commercial participation in the research performed on Station.

I would also like to highlight another title of this bill that will allow cities and municipalities better access to remote sensing data. Many cities in our country—including in my home state of Colorado—are faced with a real problem of excess growth and sprawl.

We now have technology—using geospatial data from satellites—that can produce very accurate maps that show information about vegetation, wildlife habitat, flood plains, transportation corridors, soil types, and many other things.

This bill includes provisions—based on legislation I had authored several years ago—that would establish in NASA a program of grants for competitively awarded pilot projects. The purpose of the pilot projects would be to explore the integrated use of governmental and commercial remote sensing data and other geospatial information to address state, local, regional, and tribal agency planning and decision-making needs.

State and local governments and communities can use geospatial information in a variety of applications—in such areas as urban land-use planning, coastal zone management and erosion control, transportation corridors, environmental planning, and agricultural and forest management. As I indicated, the provisions in this conference report will allow cities and municipalities access to such data from many available commercial sources, as well as from governmental sources.

Lastly, I would like to point out the NASA education programs authorized in this bill that engage young students in space and earth science and encourage them to pursue science, technology, engineering, and mathematics (STEM) education and careers. It is no secret that the United States is falling behind in producing graduates in STEM disciplines. Through programs such as Space Grant, NASA is reaching out to students to provide a hands-on experience studying space-related fields.

As a nation we must do more to ensure our students are getting the science education they need to compete globally, and I believe these NASA programs are taking steps in the right direction to do this.

Mr. Speaker, there are many other provisions I could highlight, but in closing, I simply would like to say that I strongly believe that this is a good conference report. It is the product of open dialog and negotiations between Democrats and Republicans, House and Senate alike, and I am pleased that we were able to bring it to the floor today.

I would again like to thank my colleagues on the Conference Committee for their hard work to make this report a reality. This is the right policy for NASA and I urge members to support its passage.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), another very distinguished member of the committee.

Mr. FEENEY. Mr. Speaker, I rise to thank Chairman BOEHLERT and Chairman CALVERT and the respective ranking and minority Members.

We will recall in the aftermath of the *Columbia* accident, many of us on Capitol Hill and the space community observed the drift. America's human space program seemed to be adrift in terms of our space flight initiative and vision. The President responded with his vision which has now become America's vision.

The conference bill and the report provides unambiguous and bipartisan endorsement of America's Vision for Space Exploration. The direction of human space flight has now been set for future administrations and congresses. I look forward to progressing on this ambitious journey of exploration and science.

As we do move forward, Mr. Speaker, I hope we take to heart the *Columbia* accident investigation board's reminder and admonition that NASA ''is an organization straining to do too much with too little.'' As we work to provide NASA with a focused mission, including but not limited to human space flight, we need to avoid overloading and micromanaging this agency and its fine leader, Mr. Griffin.

With that, I thank the chairman for the time.

Mr. GORDON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 1281, the NASA reauthorization bill of 2005. This important legislation will authorize appropriations for NASA for the fiscal years 2006 to 2010.

□ 1800

It provides guidance for the agency and encourages research, exploration, and education.

NASA is important to my State and to the Nation. It has been known for its leadership in space exploration, but I want to point out just a few of the numerous other benefits NASA research has brought to us.

Satellites allow instant access to information around the globe. Cell phones, cordless appliances, VELCRO, and Teflon all were developed through our space program.

NASA research has been an integral part of our Nation's military efforts as well. Satellite imagery and global positioning systems have been critical to helping our Armed Forces pinpoint the enemy in battle. Unmanned aerial vehicles allow us to see our enemies without putting our troops in harm's way.

Perhaps our greatest achievement has been in the field of medical science. In the late 1960s, the Jet Propulsion Laboratory developed digital imaging processing to better view the Moon. Similar technology is now used by doctors to view organs inside the body. CAT scans and MRIs are revolutionizing our ability to detect tumors early and save lives.

None of these technologies would be possible without NASA research. The NASA authorization bill is overdue, and I urge my colleagues to support it. I want to thank the leadership both in the House and the Senate for bringing us to this point.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DELAY), a long-time champion of NASA.

Mr. DELAY. Mr. Speaker, I want to thank Chairman BOEHLERT, Subcommittee Chairman CALVERT, Mr. UDALL, and Mr. GORDON. I just want to thank everyone in both Houses who worked on this conference report, especially the staff who has done such a fabulous job. And it is good that this is a strong bipartisan effort. Space is not Republican or Democrat, and I am very proud of the work that you did.

This conference report meets NASA's immediate and long-term needs and puts into place the policies needed for NASA to take its next giant step for mankind over the next 3 years, and that of course will not only make good on President Bush's Vision for Space Exploration; it will make good on the brave and brilliant capabilities of the men and women of our space program.

Specifically, the conference has wisely chosen to fully fund the space shuttle program and its 19 remaining missions; to fully fund the buildout and assembly of the international space station; and to fully fund the crew exploration vehicle.

To meet those vision-related challenges, the conference has also combined the space shuttle and its exploration activities accounts to provide NASA greater flexibility in deploying those resources; it calls for the elimination in any gap between the retirement of the shuttle and the deployment of the CEV, so that America is never voluntarily shut out of space.

It encourages NASA to tap the valuable knowledge of its highly experienced shuttle workforce in the development of the CEV, and it includes new authority for NASA to increase its visibility with a national public awareness campaign to articulate its exciting missions and publicize its tremendous accomplishments.

Mr. Speaker, in this conference report, the first reauthorization in 5 years and the first since the President announced his vision, we have set NASA's course, relying on the courage and ingenuity of the NASA family to accomplish their mission by returning mankind to the Moon and sending us on to Mars.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Tennessee for yielding me this time, and I want to applaud the chairman of the full committee and the ranking member for their leadership and the work that they have done in working with all the Members for what I think will be a very large scientific statement for America.

I want to also thank the subcommittee ranking member and the subcommittee chair, as well, for their collegiality and their interest in moving NASA forward and the members who work on the committee and the subcommittee.

I am very pleased to congratulate all who have had a part, also the staff, in this great coming together of not only reinforcing our commitment to space exploration but a recognition of the need for balance in the Nation's budget.

I am very pleased to note the $10 billion for exploration systems and space operations and the continuing support of the international space station. And might I also thank my colleagues for being very sympathetic to the language that we included that deals specifically with the question of safety and the language that was added that provides for a review of NASA's safety management as well as a report on the use and dissemination of best practices, and expanded whistle-blower protection that allows those employees of NASA to be able to report without concern of recrimination on the issue of safety and the issue of health.

Let me also thank my colleagues for accepting my language on creating the framework for a commission to investigate future U.S. space vehicle accidents as well as a task force to evaluate and report on international space safety.

Again, I am very pleased that the international space station has been declared a national laboratory, because it was this kind of research that found us new advances in HIV/AIDS, stroke, and other diseases.

And I guess my greatest appreciation is for the announcement of the Dr. Mae C. Jemison Grant Program to work with minority-serving institutions to bring more women of color into the field of space and aeronautics. Might I share with you that in a 2001 graph we saw that of the science and engineering doctorate holders 2.8 percent were black and 2.7 percent were Hispanic. And in engineering it was 1.8 percent black and 2.0 percent Hispanic. We want America's youth to find their way to engineering and the sciences. This program in the NASA organization will be a great step towards that.

Many of us remember Dr. Mae Jemison. She blasted into orbit aboard the space shuttle *Endeavour* on September 12, 1992, making her the world's first woman of color to go into space and the city of Chicago's first astronaut in U.S. history. As a young girl and teenager, she was always interested in science, especially astronomy, and was encouraged by her parents and teachers to pursue not only her science studies but also dance and art.

She went on to receive her bachelor of science in chemical engineering and a B.A. in Afro-American Studies from Stanford and her medical doctorate from Cornell University. She joined NASA in 1987.

Dr. Jemison was quoted in Newsweek as saying, ''One of the things that I'm very concerned about is that as African Americans, as women, many times we do not feel we have the power to change the world and society as a whole.'' She certainly changed the world and society as a whole, along with Eileen Collins, who was one of the outstanding commanders that we had in the recent space flight.

I believe this legislation will move us forward; and I would like to thank James Williams, my staff, and all the staff for the great work they have done. I ask my colleagues to enthusiastically support this legislation.

Mr. Speaker, I rise in complete support of the National Aeronautics and Space Administration Authorization Act of 2005 which authorizes funding for NASA for fiscal years 2008 and 2009, and among other things gives Congressional endorsement to the Vision for Space Exploration and authorizes. Before continuing I would like to first thank Members on both sides of the aisle and their staffs for all the hard work that went into making this bill a success. I am also pleased to see that in light of the limited time we have remaining in the year; we were able to move quickly on this bill.

Let me take a moment to state that NASA is at a very pivotal moment in its history and therefore it is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. After the tragic *Columbia* Space Shuttle accident the Science Committee and this Congress were forced to re-evaluate NASA's purpose. I have stated that safety must be the number one priority of NASA; however this should not deter NASA from pushing the boundaries of technology and discovery. I feel confident that this Reauthorization bill addresses both safety and discovery in a comprehensive manner.

I am also pleased to see that we were able to address a few issues of importance to me. Two of which are Whistleblower Protection for NASA employees and the creation of the Dr. Mae C. Jemison Grant Program to work with Minority Serving Institutions to bring more women of color into the field of space and aeronautics. In terms of Whistleblower Protections for NASA employees, it is important that we move forward in providing protection to NASA employees who present concerns about health and safety. During a hearing held in the Science Committee, Admiral Gehman and the Columbia Accident Investigation Board explained how fear of retaliation by management, had lead some engineers to stifle their concerns about the safety and well-being of NASA missions and crew. My Whistleblower language creates needed protections for NASA workers and sets forth certain specific reporting requirements for NASA. These two combined will help to bring about a safer and more productive NASA.

In terms of Dr. Mae C. Jemison, the language in this bill would create a grant program named in honor of Dr. Mae Jemison blasted into orbit aboard the space shuttle *Endeavour* on September 12, 1992 making her the world's first woman of color to go into space, and the city of Chicago's first astronaut in U.S. history. As a young girl and teenager she was always interested in science, especially astronomy, and was encouraged by her parents and teachers to pursue not only her science studies, but also dance and art. She went on to receive her Bachelor of Science in Chemical Engineering and a BA in Afro-American Studies from Stanford and her medical doctorate from Cornell University she joined NASA in 1987. Jemison continues to serve as a role model to women and African Americans. She told Newsweek, ''One of the things that I'm very concerned about is that as African-Americans, as women, many times we do not feel that we have the power to change the world and society as a whole.'' With her life and accomplishments she has proven that idea truly wrong. While the bill only establishes the program, I look forward to working with appropriators when we return next year to fully fund this program.

Before closing, I am also pleased to see that the bill requires NASA's Administrator to establish an independent task force to review the International Space Station program with the objective of discovering and assessing any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment. The independent task force shall, to the extent possible, undertake the following tasks:

Catalogue threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

Make recommendations for corrective actions.

Provide any additional findings or recommendations related to ISS safety.

Prepare a report to the Administrator, Congress, and the public.

As I close and as a Member of the House Science Committee, I am honored to have been a part of this process and the successes achieved here today.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank Chairman BOEHLERT for yielding me this time, and I commend him and Ranking Member GORDON for the hard work they did. It was a long process moving this piece of legislation through. I also want to commend Subcommittee Chairman CALVERT. I know he worked very hard on this.

It is now almost 2 years since President Bush first enunciated a vision to go back to the Moon and on to Mars; to develop a new space vehicle to replace the space shuttle. We in the House quickly recognized when the President put forward this ambitious plan, and it was a wonderful thing the President did in doing this, because many people felt it was the first time since Jack Kennedy's original call to go to the Moon by the end of the decade of the 1960s, that it was the first time since then that a President had boldly stood up and proclaimed a vision for NASA.

We knew then, Members of the House, that we would need new authorizing legislation, particularly for the process of retiring the space shuttle and bringing a new man-rated launch vehicle on line that would have the capability of carrying men and women into space.

This legislation is very important. It is very needed. Though I tend to focus mainly on the issues that pertain to the manned space flight program, as the representative of the area that includes Cape Canaveral and Kennedy Space Center, this legislation has important sections that deal with our Nation's critical investment in aeronautics research and science; and, therefore, it is critically important that we pass this legislation as we move forward next year.

The bill calls for additional funding for NASA in the 2006 appropriation, as well as 2007 and 2008, that will meet the critical needs for our Nation's aerospace industries and our manned space flight program in the years ahead. I commend the work of all those involved.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in strong support of the NASA reauthorization act. I would like to begin by thanking those colleagues who worked so hard to create a bill that is beneficial to the Nation. Chairman CALVERT and Ranking Member UDALL deserve thanks for their leadership in ensuring NASA remains well balanced and healthy. I want to thank Chairman FRANK WOLF for his support in this endeavor, and also Congresswoman DAVIS.

I also want to thank Mr. DELAY for his support in our efforts to maintain NASA in Cleveland. I would like to thank members of the Ohio delegation who worked with me to ensure the bill's success.

I want to stress that there is a lot that happens here where we have partisan conflict, but on this bill we had tremendous bipartisan support in the Ohio delegation, which included STEVE LATOURETTE, SHERROD BROWN, STEPHANIE TUBBS-JONES, MICHAEL TURNER, JEAN SCHMIDT, PAUL GILLMOR, TED STRICKLAND, DAVID HOBSON, MICHAEL OXLEY, STEVE CHABOT, MARCY KAPTUR, JOHN BOEHNER, PAT TIBERI, BOB NEY, TIM RYAN, DEBORAH PRYCE, RALPH REGULA, Senator DEWINE and Senator VOINOVICH, and in addition, ROB PORTMAN. We all worked together on this. Every one of us made an effort.

This is a landmark bill because it affirms that so much depends on a healthy NASA. A healthy NASA, in turn, depends on an emphasis in aeronautics in addition to an emphasis on space. This is critical to the economy.

Aeronautics contributes more to the U.S. balance of trade than any other U.S. manufacturing industry. NASA's aeronautics research is also critical to national security. It has spawned technologies from surveillance systems that monitor aircraft flight paths, to the development of secure communications systems. NASA's aeronautics research has contributed to aircraft safety, reducing wind sheer and icing as major risks in airline travel.

In order to maintain their unparalleled track record, NASA first needs a road map for aeronautics, just as it had one for the Vision for Space Exploration. This bill provides that road map.

While the map is being drawn, NASA's aeronautics infrastructure must be preserved, starting with the world-class, award-winning workforce at NASA's field centers like NASA Glenn in Cleveland. This bill prevents involuntary reductions in force until at least March of 2007 and calls for a workforce shaping plan. It also provides necessary funding.

This bill further prevents reckless and semipermanent elimination of testing facilities, like wind tunnels and propulsion testing facilities, and encourages long-term basic research in areas like low-emissions and zero-emissions aircraft, microgravity, engine efficiency, and noise reduction. These are all tremendously beneficial to Ohio and the Nation.

This bill makes NASA more sustainable. It strikes a balance between space and aeronautics and ensures that NASA will continue to contribute to our economy, national security, airline safety, and the environment. It is a significant step forward for Ohio, and I urge my colleagues to support it.

I want to thank the chairman and the ranking member for their support and their leadership on this matter.

Mr. BOEHLERT. Mr. Speaker, for the reasons just cited by my distinguished colleague from Ohio, I remain an enthusiastic supporter of a robust aeronautics program at NASA. It provides so much benefit to the U.S. economy.

Mr. Speaker, I am proud to yield 1 minute to the distinguished gentleman from Texas (Mr. HALL).

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

Mr. HALL. Mr. Speaker, I join in lauding the leaders, the chairman, the minority leaders, the subcommittee chairman, and everyone who has worked on this to hammer out this bill.

Investing in NASA not only keeps this country at the forefront of exploration and innovation but it is also vital to our economy and our national security. By investing less than 1 percent of the budget, we get exponential growth in scientific and technological spinoffs. From the development of MRI technology to microchips, the scientific partnerships between NASA and American universities and companies ensure our Nation's viability.

We need to keep America at the forefront of innovations and discovery for generations to come.

When President Bush announced the new Vision for Space Exploration in January 2004, I was excited to see that NASA had a new direction and focus for the future. Our ventures into space not only keep America at the forefront of exploration and innovation, but they also are vital to our economy and our national security. This new Vision sets America on a course toward the Moon and Mars, and we should embrace this dream and work to make it a reality.

Today's authorization act for NASA outlines the broad goals of this Vision. While it embraces the exploration agenda of the space agency, it also bolsters other vital NASA programs in science and aeronautics that keep America competitive globally.

This is a well-balanced bill, and I commend my colleagues and their staff for crafting such a fine piece of legislation. I am particularly pleased that the bill includes my provision that directs Administrator Griffin to develop a Crew Exploration Vehicle with a robust crew escape system. As we implement the new space vision, I will work to ensure that NASA fulfills this priority and minimizes the risks for our brave men and women who fly our space missions. Our hopes and dreams ride with them, and we must do all we can, at whatever cost is necessary, to ensure their safety.

I urge Members to pass this bill. With the Space Shuttle and International Space Station, America has proven its preeminence in Space. We need to keep America at the forefront of innovation and discovery for generations to come.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the House's poet laureate.

□ 1815

Mr. FRANK of Massachusetts. Mr. Speaker, if someone had said some of the most fiscally, self-proclaimed, conservative members of the House were going to come to the floor and ask us to spend $100 billion or $200 billion on a nonessential project, people would have said, when pigs fly. Well, that is this bill. Did you see who got up to speak? Everybody who has got a NASA facility. The pork is very much in this bill, but it is flying pork. So this is literally the occasion when pigs fly, at least in the nature of pork, when all of the representatives of the NASA places come up here.

Now, I agree with the gentleman from New York and my friend from Cleveland.

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

Mr. FRANK of Massachusetts. I yield briefly to my friend from Ohio.

Mr. KUCINICH. I just want to, for the record, state that I am a vegan. I do not consume pork.

Mr. FRANK of Massachusetts. The gentleman may not consume pork, but he sure produces it.

The fact is that we are about to take up a continuing resolution that will make severe cuts in many, many important programs here on earth, and we will be told that the problem is the fiscal constraints. Members will lament the fact that we cannot adequately fund health care and environment and transportation and other things, and then we vote for a bill that says, as a binding policy, we are going to send a man to Mars. My friend from Missouri asks me, well, what happens when he gets there? Well, he comes back. That is why it is so expensive.

I agree about what was said about aeronautics; it is so important. I agree with space experimentation, primarily unmanned. But sending human beings to Mars, which this bill unfortunately endorses, is an extravagance; it is a psychological stunt. The amount of scientific gain you get comes from the aeronautics, from the unmanned space, even from some of the manned space in a more limited way. But when I first got here, we were told we had to do the space shuttle because we had to compete with the Soviet Union, and I did not think it was a good idea, the space station, not the space shuttle. Then the Cold War ended, and now we are told we have to keep doing the space station to cooperate with the Soviet Union. If we go a few more years, we will have to do it in memory of the Soviet Union.

There is a determination to spend far beyond any rational principle. I agree with much of what is here, but going to Mars? A country that faces the fiscal problems we face? We are quibbling, we are arguing over how well to protect New Orleans: Do we go to category 3 or category 4? But then in this parallel universe, we are going to spend $200 billion to send men to Mars. Of course, you can tell it is a parallel universe; it is the one no one lives in; it is the one where they are willing to spend money.

So as you are told to accept the tough cuts that the gentleman from Wisconsin is going to outline when you vote for that CR and when you try to tell people back home, ''I am sorry, I could not give you money for health care and for education and for the environment and for transportation,'' remember that you are mortgaging that with this useless piece of flying pork of sending men to Mars.

Mr. BOEHLERT. Mr. Speaker, I want to thank my distinguished colleague from Massachusetts for his observations, and I wish to add to his comfort level. Because on page 5 of our report, it points out in section D: Enabling humans to land on and return from Mars and other destinations on a timetable that is technically feasible and fiscally possible.

As the gentleman well knows, my interest is in advancing the science agenda for the Nation. The good science that is part of the space vision does not guarantee a vehicle to go to Mars, it guarantees that good science goes forward.

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

Mr. BOEHLERT. I yield to my colleague from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. And I have never been happier that it is the Hall of Fame and not NASA that is in Cooperstown.

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

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

Mr. Speaker, let me first inform my friend from Massachusetts that I have no NASA facility in or near my district, so I try to be an honest broker in this authorization. I will also point out, in this 2-year authorization, more than 99 plus percent of the authorization goes to non-Mars related issues. So I think we have tried to put a balance in here. As the chairman has pointed out and I have pointed out, we very much think that NASA needs to be a multi-mission agency with aviation, education and so many other things that are so important to this agency. For that reason, we put firewalls into this bill so that they cannot be poached for things that we think might be a lesser priority. So, hopefully, we will be able to reach that balance.

Let me also just finally say that I am sure that Spain had a very tough budget when Isabella decided that it was worthwhile to make an investment in Columbus. I think that when we look at these issues, certainly education, nutrition programs, all these things are important, and one can say even more important. But there needs to be a balance. We have tried to reach a balance that we think has been a responsible balance, and that is why it has been a bipartisan, bicameral approach.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Tennessee for yielding.

This is a bill that also focuses on science, and science has, over the years, been the economic engine of our Nation. The more we are at the cutting edge of science and the inventions that provide new opportunities for work, new opportunities for industry, we are

advancing the economic opportunities of Americans. That is what is within this bill in many, many instances, beyond where the NASA centers are located.

I want to thank, again, the chairman and the ranking member for working together and having the focus of this bill really be on science and all that we can produce through scientific research.

Mr. GORDON. Mr. Speaker, I will just close by saying that a purpose for having an authorization is a portion of oversight. And I think Mr. FRANK really has been beneficial for us in making us justify ourselves, making us have part of this oversight. It is a better bill, a healthier bill for that. I think it can live up to the scrutiny.

With that, I would like to yield to my friend from Missouri for some remarks.

Mr. SKELTON. I thank my friend for yielding.

Mark Twain once said: The more you explain it to me, the more I don't understand it.

I want to know where the Defense bill is; 3 o'clock yesterday afternoon, we ended our conference. By 5 o'clock, we filed the necessary signatures, both the Senate and the House, and yet the Defense bill is not even on any calendar whatsoever. This is outrageous.

I understand the Republican leadership wishes to put some extraneous matter onto the bill. But the proper procedure was followed. It was a torturous, difficult, but a fair ending, and we signed the report. Yet, the Defense bill is not there, being held up for some extraneous misunderstanding, reason. I just don't understand it.

I want that Defense bill on the floor. The United States of America wants it on the floor. We have young men and young women in uniform all over this world, Afghanistan, Iraq, and yet we can't get the bill here that authorizes a pay raise, TRICARE for reservists, all the ammunition that they need, the medical care that we need, the policies set forth in the detainee language, all of this that has been worked out. Yet we don't have the bill. I don't understand it.

Please explain it to us and to the American people: Where in the world is the Defense bill, the authorization bill?

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, as a House Republican who, I believe my fiscal conservative ratings are typically among the top ten most conservative in the House; I have no NASA facilities in my district; and I am a passionate advocate for NASA, a strong supporter of this legislation, because I recognize the importance of investing in our Nation's future through investments and the scientific and technological innovations that only NASA and the space program have been able to produce for us. From the Blackberry on our belts, the microcomputers, the computer chips on our office desks, to satellite technology and cell phone technology to medical technology, NASA has touched every one of our lives. I applaud the chairman and the leadership for bringing this bill to the floor, and it is very important that we get behind President Bush's vision, because only by investing in NASA and strengthening our investment in scientific and medical research will we maintain America's leadership role in the world.

Mr. GORDON. Mr. Speaker, I again urge passage of this bill and yield the remainder of my time to my friend from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, just quickly, to follow up what Mr. SKELTON has talked about, the Defense authorization bill was signed, and here is what I read in CQ: ''House Armed Services Chairman Duncan Hunter confirmed through a spokesman that he inserted the provision,'' this is totally extraneous, apparently, if that happened after the signatures, ''at the behest of House leadership.''

And this is a quote: '' 'Hunter reserves the right to support the leadership team,' said Harald Stavenas, his spokesman.''

Get the authorization bill on the floor.

Mr. BOEHLERT. Mr. Speaker, I want to thank the staff who have worked so diligently on this bill all year and who have been really on constant alert since the loss of the space shuttle *Columbia*. That staff includes David Goldston, John Mimikakis, Bill Adkins, Roselee Roberts, Tom Hammond, Ken Monroe, Johannes Loschnigg, Shep Bryan, Ed Feddeman, Christy Carles, as well as the minority staff, Chuck Atkins and Dick Obermann. They have been a team working together in common cause.

I would also be remiss if I did not thank Administrator Griffin and his staff, particularly Brian Chase, who are always available and who were willing to work to reach a compromise. And might I say how refreshing it has been to be so candid as Administrator Griffin has been. Administrator Griffin continues to do a superb job, and we hope this bill will help him do that job, even though, like all of us, he would not have written each provision the way we did. But in the final analysis, we have got a good bill that is worthy of the support of this House. We have got a good bill that is good for America because of the vitality it brings to the economy, and we have got a good bill because Democrats and Republicans worked it out together.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the conference report on the Senate bill, S. 1281.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

S. 863. An act to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 959. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 1310. An act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1312. An act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

S. 1892. An act to amend Public Law 107–153 to modify a certain date.

CORRECTING ENROLLMENT OF S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 324) directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1281, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 324

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, the Secretary of the Senate shall correct the title so as to read: ''An Act to authorize the programs of the National Aeronautics and Space Administration.''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TERRORISM RISK INSURANCE REVISION ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and concur in the

Senate amendment to the House amendment to the Senate bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

The Clerk read as follows:

Senate amendment to House amendment:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Terrorism Risk Insurance Extension Act of 2005''.

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by striking ''2005'' and inserting ''2007''.

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended—

(1) by striking paragraph (2);

*(2) by striking ''**AVAILABILITY**.—'' and all that follows through ''each entity'' and inserting ''**AVAILABILITY**.—During each Program Year, each entity''; and*

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by adding at the end the following:

''(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

''(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.''.

(b) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking ''or'' at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(viii) commercial automobile insurance;

''(ix) burglary and theft insurance;

''(x) surety insurance;

''(xi) professional liability insurance; or

''(xii) farm owners multiple peril insurance.''.

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking ''surety insurance'' and inserting ''directors and officers liability insurance''.

(c) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

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

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

''(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

''(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and''; and

(4) in subparagraph (G), as so redesignated, by striking ''through (D)'' and all that follows through ''Year 3''and inserting the following: ''through (F), for the Transition Period or any Program Year''.

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting ''through Program Year 4'' before ''shall be equal''; and

(B) by inserting '', and during Program Year 5 shall be equal to 85 percent,'' after ''90 percent''; and

(2) in each of paragraphs (2) and (3), by striking ''Program Year 2 or Program Year 3'' each place that term appears and inserting ''any of Program Years 2 through 5''.

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

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

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) for Program Year 4, the lesser of—

''(i) $25,000,000,000; and

''(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

''(E) for Program Year 5, the lesser of—

''(i) $27,500,000,000; and

''(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.''.

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking '', (B), and (C)'' and inserting ''through (E)''; and

(2) in each of subparagraphs (B) and (C), by striking ''subparagraph (A), (B), or (C)'' each place that term appears and inserting ''any of subparagraphs (A) through (E)''.

SEC. 6. PROGRAM TRIGGER.

Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. note, 116 Stat. 2328) is amended—

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

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

''(B) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed—

''(i) $50,000,000, with respect to such insured losses occurring in Program Year 4; or

''(ii) $100,000,000, with respect to such insured losses occurring in Program Year 5.''.

SEC. 7. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

''(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection.''.

SEC. 8. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

''(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

''(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

''(A) group life coverage; and

''(B) coverage for chemical, nuclear, biological, and radiological events.

''(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. OXLEY. 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 Ohio?

There was no objection.

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

Mr. Speaker, on the morning of September 11, 2001, this Nation suffered a series of brutal terrorist attacks. Al Qaeda's terrorists murdered thousands of innocent Americans, caused billions of dollars in damage and placed our financial markets in jeopardy. While the marketplace was ultimately able to survive the more than $30 billion loss, insurance reserves were demolished and solvency was put at risk. Insurers could not predict when another terrorist attack would take place or how damaging the next attack could be and were forced to begin to exclude terrorism coverage from commercial policies, leaving policyholders bare. The resulting lack of terrorism insurance put at risk numerous development projects and threatened our Nation's economy.

□ 1830

To respond to this crisis, the House Financial Services Committee immediately created the Terrorism Risk Insurance Act, or TRIA. A year later, the Senate finally acted and the President signed TRIA into law.

TRIA has provided a Federal backstop protecting policyholders against future catastrophic terrorist attacks. TRIA has been a resounding success in ensuring the availability of terrorism coverage for commercial policyholders.

TRIA is set to expire at the end of the year. Unfortunately, the risks from terrorism remain acute and the private markets cannot function without an appropriate government backstop. The legislation before us today, S. 467, the Terrorism Risk Insurance Extension Act, temporarily extends the terrorism risk backstop for 2 years, while increasing participation of the private sector.

As in our committee legislation, this bill raises the program trigger from $5 million to $50 million in the first year of the extension and then to $100 million for the second year, ensuring that

Federal participation will only happen for large-scale attacks.

It also increases the insurer deductibles by a reasonable amount each year and significantly increases the taxpayer payback to better protect consumers.

Mr. Speaker, it is with some frustration and sadness when I say that Members of Congress and the administration who believe that the risk of terrorism will disappear in 2 years are fooling themselves. It is my firm belief that a TRIA extension should have included some actual reforms to reinvigorate the private sector and replace our Federal program with a permanent private sector solution.

While this legislation is bereft of any reforms to build long-term protections for commercial policyholders, I am confident Congress will be forced to return to this issue before 2 years have expired. It is a sad commentary on our ability to look forward and to be creative, which I think the House legislation clearly did. It is unfortunate that our brethren in the other body saw fit to take such a narrow attitude.

I hope that the Presidential working group that is created by this legislation will examine the need to create dedicated, long-term terrorism reserves and private pooling and risk-sharing facilities to permanently protect our Nation from the economic threat of terrorism.

If such forward thinking and planning is not done as contemplated in our bill, the industry will be back at the Federal trough seeking yet another extension of this program; and make no mistake about it, whatever it is, Congress will respond.

We should give special recognition to the subcommittee chairman, the gentleman from Louisiana (Mr. BAKER), for introducing legislation developing a long-term private sector reform to strengthen the private-public sector partnership, to improve terrorism insurance for consumers.

I also applaud my colleagues Mrs. KELLY, Mr. SESSIONS, Ms. PRYCE, Mr. DAVIS, Mr. FOSSELLA, Mr. RENZI, and Mr. FERGUSON for their help and leadership, as well as Ranking Member FRANK, Mr. KANJORSKI, and Mr. CAPUANO for their bipartisanship cooperation and commitment to protecting our Nation.

Their leadership is proof that the House can work together to get things done for America. Too bad we did not have better cooperation from the other side. I urge all of my colleagues to vote in favor of this important and necessary legislation.

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

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

Mr. Speaker, I join my colleague in expressing a little disappointment in the failure of the other body to rise to the occasion.

A considerably better piece of legislation was drafted and passed here in the House and sent over to the other body, only to get to this 11th hour and get back some legislation that is less than a good product.

It does several things; and I dare say, I have to rise to support it because it is the only thing flying in town tonight. And since terrorism reinsurance will expire in 2 weeks to an incredible disadvantage of American business and American jobs, I think we have no alternative but to support this piece of legislation tonight.

What it does not do, however, is it does not pass on and consider legislation taking care of nuclear, chemical, biological, radioactive terrorism incidents. What it does not include is allowing for a commission that would sit down and analyze and develop a mechanism so that we can pass the responsibility for the public back to the private sector in a smart and reasonable way.

And it does not extend it nearly for long enough or provide for the continuation of this type of coverage into the future, because as the chairman well said, 2 years is entirely too short. The only thing we are certain of is we will be back in this Chamber within the 2 years to do something over again, having lost 2 years of work product and probably again 2 years of involvement.

Finally, the last thing the bill does not include today that is a great disappointment to me is comprehensive health coverage insurance. It seems that we are willing to insure the buildings, but not the people. Group life was included in the House side of the bill, but has fallen out as the bill has come back from the Senate.

I guess the last sport I would complain about with the Senate is, if I recall, several days ago or maybe a week has gone by, we had the appointment of a conference committee in the House. And our coach was lined up and ready to go. We all went out and bought uniforms and prepared to do battle, and somebody forget to give the referee a whistle. As I understand, the conference never started or ended. This is merely a product sent over as a last-ditch effort, take it or leave it. That is what we are faced with.

But with all of that said, I think it is another example that, at least here on the House side, the Financial Services Committee has had and has displayed a great deal of capacity to work together in trying times.

I wanted to thank and recognize all the folks on the Republican side of the aisle that were so bipartisan in working on this. And I think we were of common mind to get it done, and we got a good product done.

On my side of the aisle, many of the participants in this legislation will have an opportunity to speak, and they can critique the legislation and their own role as they do speak.

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

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I appreciate the time yielded by the gentleman.

Mr. Speaker, today the House will vote on legislation that continues the commitment Congress made in 2001 to safeguard our Nation's economy in the event of another catastrophic terrorist attack. Chairman OXLEY and Chairman BAKER and their staffs deserve enormous credit for the hard work throughout this process, because just last week the House passed a bill which presented a balanced and very responsible approach to continuing the TRIA program.

It provided for the availability of terrorism insurance, encouraged the development of private capital, and required full mandatory taxpayer reimbursement of Federal assistance granted to the insurance industry.

While the House version included more forward-looking market-based provisions than the final bill that we have before us today, passage of this legislation nonetheless remains necessary.

The potential for another terrorist attack is frightening enough, but hamstringing our Nation's ability to recover finally is unthinkable and irresponsible. Without action today, our economy would suffer. This bill is about more than our insurance industry. Businesses large and small depend upon the availability of this insurance.

We must provide certainty to our manufacturers, our builders, our bankers, retailers, Realtors, developers and others; and we are dedicated to securing our country against the physical and economic consequences of another terrorist attack.

I appreciate so much Chairmen Oxley and Baker's hard work on this issue, Congressman KANJORSKI as well. Congress must continue to work to find a permanent solution enabling the private market to better provide terrorism insurance, and I am sure we will continue to seek that solution.

Mr. KANJORSKI. Mr. Speaker I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the hard work and the candor of the chairman of the committee. It really is disappointing. We did a good bipartisan effort here, put together a bill. There were some questions about it. It was a comprehensive bill and attacked a number of the issues.

What happened in the Senate was a travesty of the legislative process and a refusal finally by the chairman frankly of the committee to engage us at all. We are left with this Hobson's choice, in the literal sense, that is, no choice at all, that is, we have to pass this bill or else this program expires.

Unfortunately, a number of things were left out. We will hear from the gentlewoman from Florida about her important provision protecting people against unfair discrimination in their travel plans. One of the things that we

will also hear is from the gentleman from New York (Mr. ISRAEL). He worked hard with the families of 9/11.

Mr. Speaker, I will submit for the RECORD a packet of correspondence to and from the families. They wanted a commission to study this issue as part of this. They wanted representation. And the families of 9/11, after all, are the people out of whom this whole terrorism response grew, the victimization of their loved ones.

They asked for a commission. We in the House worked with them on a bipartisan basis. We have that commission. The Senate simply blatantly ignored them. And they tried. They appealed to the Senate and they appealed to the White House and they were turned away.

Group life is gone. This is kind of like, remember the old neutron bomb? It killed people and left the buildings standing. We have neutron terrorism insurance. It protects the buildings, but it ignores the people. It is both a travesty of the legislative process, what the Senate has done; and I have to say this, despite the fact that we got good bipartisan corporation here, and there were differences, we had differences where ideology got into play, but unfortunately there is a right wing ideological fundamentalism so entrenched in this Capitol in various places that that is why we do not have the kind of terrorism risk insurance bill we ought to have.

I believe in the market. I believe in the market's function, but we have people who believe in the market when it does not exist. And that is the case in terrorism insurance.

FAMILIES OF SEPTEMBER 11, INC.,
New York, NY, November 3, 2005.

Hon. MICHAEL G. OXLEY,
Chair and Co-Sponsor of the House TRIA Bill, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

Hon. RICHARD BAKER,
Co-Sponsor of the House TRIA Bill, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

Hon. BARNEY FRANK
Ranking Democrat, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES OXLEY, FRANK and BAKER: The undersigned is Chairman of the Board of Families of September 11, Inc. (FOS11). FOS11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. The FOS11 mission is to raise awareness about the effects of terrorism and public trauma and to champion domestic and international policies that prevent, protect against, and respond to terrorist acts. Our members (over 2,000) reside in 48 states and 20 countries.

Soon after its founding FOS11 began analyzing and responding to issues raised by the Air Transportation Safety and System Security Act (the Act), of which the September 11th Victims Compensation Fund of 2001 (the Fund) forms a part, and subsequent legislation. In June of this year FOS11 submitted to the Justice Department its Final Report on the Fund, an Executive Summary of which was placed in the CONGRESSIONAL RECORD. In that report FOS11 expresses deep concern about the wide swath of immunity granted by the Act and subsequent legislation to public and private entities for the consequences of the September 11 attacks. We observe that the deterrent goals of our American compensation system—imposing the cost of harmful acts on those who could and should have, but did not, prevent them—were not achieved. Nor could they have been. The reason. The insurance industry had not (understandably) appreciated and analyzed the terrorist exploitable vulnerabilities of its insureds and the magnitude of the exposures and built the reserves and provided the limits necessary to pay the losses that resulted.

The FOS11 Final Report on the Fund concludes by urging Congress to:

a. use the perspectives of time and experience in implementation of the Victim Compensation Fund to consider carefully issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11, 2001;

b. assess how well the rules adopted in 2002 to implement the legislation met Congressional intent;

c. consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and

d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Although FOS11 believes that the Terrorism Risk Insurance Act (TRIA) is not the long term solution to deterring and, if deterrence fails, paying for future terrorist losses, it does believe that it is a necessary bridge to comprehensive forward looking legislation that will allow the insurance industry to play the vital role of providing remedies to the casualties of future terrorist attacks and, through risk assessments and premium allocations, a safer America.

FOS11 joins the Defense Research Institute in its support of legislation that (1) extends TRIA until December 31, 2007, to ensure an orderly transition to a long term solution to the terrorism risk insurance questions and (2) provides for a Presidential Working Group or Congressional Commission to develop a viable and solvent program to succeed TRIA.

The unique perspective of FOS11 equips it well to participate in the creation of solutions to the complex accountability, responsibility, remedies and related prevention issues raised by the continuing threat of terrorist acts and the vital role insurance can (must) play in these solutions. We ask that FOS11 be a participant in this crucial debate.

Very truly yours,

DONALD W. GOODRICH,
Chairman of the Board.

FAMILIES OF SEPTEMBER 11, INC.,
New York, NY, December 12, 2005.

Re Preservation of the Commission approach in the Compromise Terrorism Risk Insurance Act that reconciles S. 467 and H.R. 4314.

Senator PAUL S. SARBANES,
Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR SARBANES: Last week, Ron Robinson, Chair of the Defense Research Institute's TRIA Subcommittee and I met with most of the Senior Staff for Senators Shelby, Bennett, Dodd, and Kennedy and Representatives Oxley, Baker, Shays, Crowley, Israel and Maloney and of the Senate Banking and House Financial Services Committees to listen and to debate the captioned matter.

Families of September 11 remains fully committed to a reconciliation of these two bills in favor of the mandate, membership and direct broad stakeholder participation in the House Commission approach. We also support adding each of the members of the Presidential Working Group to this Commission and a representative from Homeland Security, an actuary and a risk manager/modeler.

Unless Congress takes a leadership role by providing this neutral forum for all stakeholders to openly and ''face to face'' debate the complex and interdependent issues necessary for the insurance industry to play its traditional role, we will be no further along in two years than we are now. Congress's leadership is far more important than its dollars on this issue. We need to prepare, so that government will not be obliged to step in again, as it did following September 11, 2001. Failure to provide such a forum will increase the risk of future terrorist attacks and result in an unplanned and disproportionate government response at taxpayer expense.

Moreover, achieving viable, solvent and long term terrorism insurance that is driven by the private sector, but appropriately supported by government, is not a matter of resolving unilaterally one or a few simple ''insurance'' questions. The issues are many and touch every social, economic, and political policy in our nation. Congress can use this Commission to lead the private sector stakeholders to a day when they will find it in their economic interests to reduce the risk of the next terrorist attack (sadly, there will be one) and have the resources, in the form of insurance, to respond to the losses. The compromise we support is a critical opportunity for loss mitigation and remediation at all levels of our society.

I urge you and your staff to work with your counterparts in the House to reach the Commission compromise Ron and I support. He and I have pledged our groups and ourselves to work as hard with the Commission to achieve this goal over the next year as we have with Congress to date on the terrorism insurability/risk transfer debate.

Very truly yours,

DONALD W. GOODRICH,
President

FAMILIES OF SEPTEMBER 11, INC.,
New York, NY, December 14, 2005.

Re Preservation of the Commission Approach in the Compromise Terrorism Risk Insurance Act That Reconciles S. 467 and HR 4314.

DEAR MR. HUBBARD: The undersigned is President of Families of September 11, Inc. (FOS11). FOS11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. The FOS11 mission is to raise awareness about the effects of terrorism and public trauma and to champion domestic and international policies that prevent, protect against, and respond to terrorist acts. Our members (over 2,000) reside in 48 states and 20 countries. Solvent and viable terrorism insurance is a weapon against terrorism and the matter in caption is vital to this goal.

Although FOS11 believes that the Terrorism Risk Insurance Act (TRIA) is not the long term solution to deterring and, if deterrence fails, paying for future terrorist losses, it does believe that it is a necessary bridge to comprehensive forward looking legislation that will allow the insurance industry to play the vital role of providing remedies to the casualties of future terrorist attacks and, through risk assessments and premium allocations, a safer America.

FOS11 takes no position on the insurance specific differences between the TRIA extension bills from the House and Senate now in informal conference, but it is fully committed to a reconciliation of those bills in

favor of the mandate, membership and direct broad stakeholder participation in the House Commission approach. We also support adding each of the members of the Presidential Working Group contemplated by the Senate bill to this Commission and a representative from Homeland Security, an actuary and a risk manager/modeler.

Unless the White House takes a leadership role by supporting this neutral forum for all stakeholders to openly and ''face to face'' debate the complex and interdependent issues necessary for the insurance industry to play its traditional role, we will be no further along in two years than we are now. Leadership is far more important than dollars on this issue. We need to prepare, so that government will not be obliged to step in again, as it did following September 11, 2001. Failure to provide such a forum will increase the risk of future terrorist attacks and result in an unplanned and disproportionate government response at taxpayer expense.

Moreover, achieving viable, solvent and long term terrorism insurance that is driven by the private sector, but supported by sound government policies, is not a matter of resolving unilaterally one or a few simple ''insurance'' questions. The issues are many and touch every social, economic, and political policy in our nation. These policy issues need open and rigourous debate by a broad spectrum of perspectives in order that the private sector stakeholders will come to a day when they will find it in their economic interests to reduce the risk of the next terrorist attack (sadly, there will be one) and have the resources, in the form of insurance, to respond to the losses. The compromise we support is a critical opportunity to achieve loss mitigation and remediation at all levels of our society.

Solutions to the complex accountability, responsibility, remedies and related prevention issues raised by the continuing threat of terrorist acts and the vital role insurance can (must) play in these solutions are essential to the war on terrorism. I urge you and your staff to work with your, counterparts in the House and Senate to reach the Commission compromise FOS11 supports. Only with the cross debate and transparancy this type commission assures can full participation by the private sector in the war on terrorism here on our soil be achieved.

Very truly yours,

DONALD W. GOODRICH,
President.

Attachment: Letter from Representative Barney Frank dated December 9, 2005.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2005.

DON GOODRICH,
Chairman of the Board,
Families of September 11.
RONALD R. ROBINSON,
Chair, TRIA Subcommittee,
Defense Research Institute.

DEAR MR. GOODRICH AND MR. ROBINSON: I thank you for your support for the extension of the Terrorist Risk Insurance Act and for your constructive suggestion to not only have a Commission with broad membership, but also to include a representative of the victims of terrorism on the Commission. As you are no doubt aware, on December 7, 2005 the House passed legislation that includes those provisions by a vote of 371 to 49 and sent it to the Senate with a request for a conference.

We only have about 10 or 12 days to work out the differences between the two bills, and the Administration has expressed its opposition to the House-passed bill and will likely try to get the Senate to oppose compromising with the House. We will work hard to preserve the Commission and the inclusion of a victims' representative on it. I urge you to continue your efforts in support of the House provision, and I will work with you to be as persuasive with the Senate as you were with the House.

BARNEY FRANK.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), who has been one of the leaders on very important issues and chairs the oversight subcommittee.

Mrs. KELLY. Mr. Speaker, I rise today to urge my colleagues to vote for this bill, although I do so with a great deal of disappointment.

This bill does reauthorize TRIA for the next 2 years, and failure to reauthorize the program would lead to gaps in insurance coverage that could kill economic growth and recovery nationwide. Unfortunately, this bill contains none of the improvements to the TRIA program that the House passed earlier. The bill before us today lacks group life coverage. It lacks coverage for domestic terrorism. It lacks a commission to study the availability of terrorism insurance for the World Trade Center, and other sites after this current extension ends.

The other body's refusal to negotiate with this House on ways to make TRIA work better for the taxpayers, policy holders, and regulators is beyond seriously disappointing. As Chairman OXLEY said, and you have heard from other Members, this legislation simply kicks the can down the road. It is an opportunity that has been lost.

I want to thank Chairman OXLEY and Chairman BAKER for their hard work. I want to thank my colleagues on the other side of the aisle. We have worked together to try to create a very strong bill that would help the United States of America economically.

Mr. Speaker, I look forward to immediately working with them on a better, stronger reauthorization of the program before it expires again in 2009.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL) for 3 minutes.

Mr. ISRAEL. Mr. Speaker, I did not become involved in the issue of TRIA because of my seat on the House Financial Services Committee. I became involved in it because my district is located approximately 50 miles from Ground Zero, because I represent over 100 families whose lives and livelihood were completely upended as a result of the attacks on our Nation on 9/11.

Mr. Speaker, I am going to support this extension, but I join with my colleagues on both sides of the aisle in supporting it with some measure of disappointment. Our committee, under bipartisan leadership, reported a strong, comprehensive TRIA extension that included group life and covered domestic terrorism, had a public-private commission to ensure long-term alternatives to TRIA. None of that was included in the final product that we are going to vote on today.

I have two major concerns that I will share with my colleagues, Mr. Speaker. One is the public-private commission on long-term solutions. The 9/11 families very much wanted to participate in a commission that would develop new policies, new alternatives to TRIA. Not only was their voice left out of this bill, but the commission itself was left out of this bill.

Instead, we are going to have a bureaucratic report produced by a Presidential working group. I am sure it will be a good-faith effort, but surely those families deserve to be heard.

□ 1845

Surely those families have a tragic expertise in how lives can be destroyed and how livelihoods can be lost. And I am very disappointed that they have been excluded, that their voices have been silenced.

And the second concern that I have, Mr. Speaker, is that group life was not included in this product despite the best efforts on both sides of the aisle. It seems to me common sense and certainly compassion that if we are going to insure bricks and steel and glass and mortar, then surely we should insure the lives of people who work inside the bricks and the steel and the glass and the mortar, that surely their lives are just as valuable as property. So it is with a measure of profound disappointment that group life was excluded from this final product.

This is, in fact, an imperfect bill, and certainly it is drastically less perfect than the language that was reported on a bipartisan basis from the House Financial Services Committee. But we ought not let an imperfect bill stop an adequate bill. And so because this is a good start and because we do have an opportunity to still get this right, I will support this extension and urge all of our colleagues to continue to work together to pass something that makes the most sense for our Nation and its economy.

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

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this extremely important bill.

And I rise in strong support of the extension of the Terrorism Risk Insurance Act for an additional 2 years.

The creation of antiterrorism insurance after 9/11 stabilized our Nation's economic footing, but it is set to expire at the end of this year. Businesses in my district with insurance policies that have expired since this September have told me that they cannot find insurance coverage in this country anywhere. They have been forced to look in England. Homeland security includes economic security, and after 9/11, of all the acts of this body, the most important was the antiterrorism insurance. It helped us start to rebuild and to build our economic foundation in New York and across this country.

That is why it is so very important that we pass this extension. Clearly, the terrorist threat remains, and TRIA is still an economic necessity.

I am disappointed that the good work of the Financial Services Committee to create a stronger bill that would help the private sector take on the problem of terrorism insurance has been set aside in favor of a more limited bill that simply kicks the can down the road, as Chairman OXLEY so correctly put it and as Ranking Member FRANK and Mr. KANJORSKI have highlighted. The bill before us would be better were it to extend to group life, domestic terrorism and if it covered nuclear, biological, chemical or radioactive events, and were it to create the commission to study the problem and make recommendations, as included in the House bill. We should task the private sector with developing innovative solutions instead of just relying on the government.

Because I feel these elements are so very important, I am cosponsoring a bipartisan bill with my New York colleague Vito Fossella to establish the commission and to provide flexibility in extending coverage for target sites such as Ground Zero.

Though the House bill did much better than this bill, we need to pass what we have before us today and continue to work on the problem together.

Once again, I thank my colleagues on both sides of the aisle for their help and support to New York City, and I thank the leadership on both sides of the aisle for backing this bill and passing TRIA. It is important, and we will continue to work together.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a valuable member of the committee.

Mr. NEUGEBAUER. Mr. Speaker, I thank the chairman for yielding me this time.

Like many of the previous speakers, I, too, am very disappointed this evening that we did not have an opportunity to bring some real reform to this process. The committee, I think, worked very hard in making sure that we move down the road of transitioning this insurance program back to the private sector, which is where it belongs. Unfortunately, the version that we are considering tonight will not do that.

Another thing that is extremely disappointing, I think, about tonight's version is that, in the event of a catastrophic event, the American taxpayers were going to step up in a gap basis but eventually get all of their money back. In this particular bill, that will not be the case. This is an area where the government, I think, stepped in at an appropriate time to shore up the marketplace, the insurance marketplace; but I think one of the things that is very important is that, as we move forward, while we are going to extend this for a period of 2 years, I think it is important that the committee continue to work very diligently to make sure that we work towards a process working with the private sector, ensuring that we move and transition in a way that really puts this back into a free marketplace, which is where it belongs.

So I want to thank the chairman for his hard work. I know that he shares in the disappointment that we are not really considering the House version, which is a better version, tonight and which was a more fiscally responsible version.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the infinite risks associated with terrorism demonstrated their potential to destabilize our Nation's markets after the attacks of September 11, which is why I will support the final version of TRIA before the House today. However, I, too, do so with strong reservations and some disappointment in what could have and should have been.

In spite of the tremendous leadership, hard work and cooperative efforts put forth by House Financial Services Committee Chairman MICHAEL OXLEY and Ranking Member BARNEY FRANK, the other body chose to forego a fair and democratic conference process and needlessly tossed away an opportunity to truly strengthen our markets and protect consumers.

I commend Chairman OXLEY, Ranking Member FRANK, Mr. KANJORSKI and Mr. BAKER and all the members and staff, especially, of the Financial Services Committee for producing an initial bill that included a number of critical reforms to help protect Americans and our economy in the event of another terrorist attack.

This initial bill passed by an overwhelming majority here on the House floor and included a number of important consumer protections. As has been discussed, it would have extended the Federal backstop to include group life insurance, thereby ensuring that taxpayer dollars would be used not only to undergird real estate and insurance companies in the event of brick and mortar losses, but it would have provided financial protections to families who suffered the loss of a loved one in the event of another tragedy like September 11.

Moreover, those same taxpayers are being denied the right to travel freely by some of the very insurance companies who sought the extension of TRIA in the first place. The House's bill included a provision that I introduced and passed with the support of my colleagues on the Financial Services Committee during the markup of TRIA to address this unfair practice. While Americans can legally travel without the fear of government standing in our way, some life insurance companies do stand in the way, and they will continue to do so until this Congress acts.

As Americans, one of the liberties we cherish and enjoy is the freedom to explore and travel legally and freely around the world, be it for recreational, religious or cultural purposes. The unrestrained lawful foreign travel of American citizens is generally considered to be in the best interest of the United States.

Potential future travel to countries, especially our Nation's allies, should not be the sole basis for denying individual life insurance coverage. When we allow this to occur, we give in to terrorists and others who wish to change our way of life. While we should be proud that this provision gleaned broadbased, bipartisan support in the House, it is wrong that the other body refused to conference on the important elements in the House-passed version of TRIA. We cannot stop fighting for American consumers and taxpayers. We must back up our tough talk about fighting terrorism with action.

And, again, Mr. Speaker, I wish to thank Chairman OXLEY and Ranking Member FRANK for working cooperatively together. It is a privilege to serve on a committee that puts as a high priority working together for the greater good.

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

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my friend from Pennsylvania for yielding me this time.

Mr. Speaker, I rise in support of the Terrorism Risk Insurance Revision Act of 2005.

As one of the original voices calling for an extension of this important Federal backstop, I am pleased we are voting on this bill before today and allowing the TRIA program to continue for an additional 2 years.

And while I support this bill and do so because I recognize the importance of this legislation and its critical need to our economy, especially in major urban areas like New York City, this is not the bill I would have written. The House Committee on Financial Services, under the leadership of Chairman MIKE OXLEY and Ranking Member BARNEY FRANK, produced a strong bipartisan bill; then we responsibly named conferees to hammer out the differences between the Senate- and the House-passed bills.

Unfortunately our colleagues in the Senate, led by Chairman SHELBY, refused to participate in civics class 101, ignoring the House bill and ignoring the important contributions of the House. They ignored major provisions such as the inclusion of group life coverage in this bill so that the Federal TRIA program would cover not only buildings destroyed by terrorists but the people in them as well. The Senate ignored language that would have prohibited the denial of life insurance to Americans who have traveled or even planned to travel to countries that actuaries view as ''troublesome,'' such as Israel or Colombia.

The Senate refused to include language to provide for a real commission to look into a long-term nongovernmental solution to the issues involved in insuring and reinsuring for the threat of terror. And this bill ignores language to provide insurance protections for the rebuilding of the World Trade Center, the actual reason we created this Federal backstop program in the first place.

But while I am not happy about the process and exclusion of important provisions, the underlying need for TRIA to be extended is reason enough for me to vote for this bill, and I urge all my colleagues to do the same.

I want to thank Chairman OXLEY for his honesty, for all of his hard work on this bill, as well as Congressman STEVE ISRAEL, MIKE CAPUANO and Congressman PAUL KANJORSKI, all who have worked very hard to see this pass. But most importantly, I want to thank Ranking Member BARNEY FRANK, who has pushed for the reauthorization of this program for over a year, has incorporated ideas from both sides of the aisle and has been a true champion in developing and in crafting legislation that helps keep our economy moving.

With that, Mr. Speaker, I urge all of my colleagues to support this worthy legislation.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I just rise briefly to congratulate the chairman, the ranking member, and the chairman and the ranking member of the subcommittee.

This is a classic piece of legislation that hopefully will never, ever, ever be used. No one, hopefully, will ever know that we actually did this because if they do, it means we will have suffered another terrorist attack. At the same time, it is absolutely necessary.

We have heard of all the details of what is not here, but to me, the most important thing that is not here is the formal mechanism to make sure that we are not stuck in the same position a few years from now. I fear that if we do not get to work in an official way through a commission, that we will be here a few years from now doing this all over again, simply saying we could not get it done and we did not do it right, and that is a travesty to the American people. It is unnecessary, and I will tell the Members that, based on this experience and past experience, particularly with the chairman, he is a man of honor, he is a man of his word, and I know he will be pushing as best he can to get this Congress to pay attention to this issue for the next year so that we will not be placed in this position.

Mr. KANJORSKI. Mr. Speaker, I urge all of my colleagues to support this legislation because of its necessity to America's working men and women and the business community of America.

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

Mr. OXLEY. Mr. Speaker, in closing, I just want to say, and a lot of us have intimated this, we could do better than this that we have before us today. We did better in the House version, and I think all of our committee members know that, and I think most of the Members of the House know that. But there is a time to hold them and a time to fold them.

At this point, I would ask that the House do adopt this conference report.

Mr. GUTIERREZ. Mr. Speaker, I am very pleased that we are passing this crucial Terrorism Risk Insurance Act (TRIA) extension, which will provide necessary stability for our Nation's economy in a post 9–11 world. I have strongly supported this legislation from the outset, and I congratulate Chairman OXLEY and Ranking Member FRANK for their hard work and the excellent product as it passed the House. While I wish more of the House provisions we passed 10 days ago had survived conference, I am pleased that we are able to extend TRIA before the deadline, so that it does not expire in 2 weeks. I urge my colleagues to vote in favor of this important conference report.

A stable, secure insurance market is vital to the health of our national economy. More than 4 years ago, the stability of the insurance industry, and all of our Nation's policyholders, were put in jeopardy when insurers and reinsurers lost more than $30 billion as a result of the 9/11 attacks. After these substantial losses, insurers were unable to make terrorism insurance available, which left many of our Nation's businesses vulnerable to unacceptable risk.

In response, Congress overwhelmingly passed TRIA to provide a temporary, limited federal backstop in the event of another catastrophic terrorist attack. While we still expect the insurance industry to eventually develop methods for making terrorism insurance available without government support, the market has not yet stabilized to the point where this is possible. Extension of TRIA, which is necessary to prevent the chill of development in our cities, has wide, bipartisan support, and should be enacted promptly.

Mr. CANTOR. Mr. Speaker, I rise today in support of the Terrorism Risk Insurance Extension Act. This bill provides key safeguards to stabilize the economy in the event of a terrorist attack while putting us on a path toward restoring a private terrorism risk insurance market.

This legislation will ensure that terrorism insurance coverage is available, providing a degree of certainty in a still uncertain market place.

It is time to make the reforms necessary to encourage the continued development of a market for terrorism risk insurance. A healthy market for terrorism insurance is critical to continued economic growth and expansion. America's taxpayers expect Congress to help that market develop and relieve their burden for assuming much of the risk in the existing TRIA program.

That is what this legislation will do, and I am proud to support it.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 467.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

□ 1900

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. LEWIS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2006, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 75

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 109–77 is further amended by striking the date specified in section 106(3) and inserting the following: ''December 31, 2005''.

SEC. 2. Section 114(b) of Public Law 109–77 is amended by striking ''and December 1, 2005,'' and inserting ''December 1, 2005, and January 1, 2006''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I am bringing to the House a continuing resolution for fiscal year 2006. This CR runs through December 31. It is clean without exception. This CR will fund agencies in our last two remaining bills, the Labor-HHS and Defense bills, at the lowest level possible.

When we passed the last CR, my hope was that it would bring a strong motivation for Congress to complete its work in regular order. I want the body to know that the Committee on Appropriations has been strongly committed to bringing to this floor individual conference reports for each and every bill. The committee does not support an omnibus in any form and has done everything in its power to ensure that that did not happen.

The Appropriations Committee passed each bill of the 11 subcommittee bills off the House floor by June 30, the earliest that has been done in some 18 years. The Appropriations Committee has remained committed to moving these bills individually and within the framework of the budget resolution.

Mr. Speaker, the Appropriations Committee has kept its word. I am convinced that moving bills individually is the only way to get us back to regular order. Lacking regular order, there is a tendency for the remaining bills to become ''Christmas trees,'' if you will,

and for spending to grow out of control. In my view, that is simply not acceptable. I hope that, next year, we do not find ourselves in the position we are in today.

We are presently attempting to work with the Senate to finish a disaster assistance package that would be fully offset. It may include some avian flu preparedness money. Some have suggested that legislative language related to ANWR be included as well. This language has the potential, in my judgment, to sink the entire package once it reaches the Senate.

The underlying bill, the DOD appropriations bill, is the most important of our annual appropriations bills for it funds our national security. Agreements have been reached on all major issues in the DOD portion of the bill. Frankly, we could have passed this bill weeks ago. We are at war, we have troops in harm's way, and we still have not passed this critical legislation. There are funds in this bill to provide body armor for our troops, up-armored Humvees and a military pay raise. Failure to enact this bill in a timely fashion is a disservice to our men and women in uniform.

Mr. Speaker, I urge my colleagues to support this CR and would like to close my remarks by wishing all my friends on both sides of the aisle a Merry Christmas and a Happy New Year. It is great to be with you.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I want Members of the House, at least those who are around, to understand what the controversy has been with respect to this continuing resolution today. Let me back up even further.

As the gentleman has indicated, the House Appropriations Committee was able to pass every bill through the House before we left for the August recess. Despite that fact, for a variety of reasons, most of which have nothing to do with the Appropriations Committee, the fact is that, today, we are 2 months into the fiscal year and the Department of Defense and the Departments of Labor, Health, Education and Social Services still have not received their funding for the year under a regular appropriation bill. That means that about 65 percent of the discretionary spending in the budget still has not been tied down for the coming year.

That is not just a problem in Washington. It means that local people cannot plan. It means that school boards cannot plan. It means that the Pentagon cannot plan. And it discombobulates everybody. This is not the first time it has happened, but it is certainly one of the most troubling episodes that we have had in a long time.

I think we are here with so little of this work finished because I really do believe that the leadership of the House has tried to impose an agenda on the House and on the Senate which is so extreme that even members of their own majority party have rebelled. Example: We take a look at what happened on the PATRIOT Act. Example: We take a look at the inability to pass the labor health bill, first in the House and now in the Senate. It seems to me that a little more flexibility on the part of the House leadership could have resolved a lot of those problems.

Anyway, to bring us up to date, 10 minutes before the House opened today, we were informed on this side of the aisle that the continuing resolution to keep the government functioning for these agencies who have not yet received their funding, we received notice that a decision had been made to change the effective date of the continuing resolution, which meant that it would be extended through February 15 rather than simply to the end of the year.

It is one thing to provide a short extension so that the President has the ability to review legislation passed by the Congress before he signs it. It is quite another to try to leverage one group or another into a severe disadvantage with respect to some of this funding.

The problem with extending the CR to February 15 is that it creates a number of anomalies in both funding for the Defense Department and in the funding for the social service agencies which I do not think this Congress wants to be responsible for.

The problem with allowing the Pentagon, for instance, to continue on a CR, which is what would happen, the problem is that, at the levels under this CR, the military would be expected to run out of money for Iraq operations in January. That could create some significant problems for them. In addition, Pentagon contracts could be significantly delayed. Now, that could be overcome if we do manage to pass the Defense Appropriations Bill, and I hope we do, but we still would have a major problem with funding in the Labor-Health-Education bill.

Example: Everybody knows that, just a few days ago, the majority party restored funding to Rural Health Outreach Grants in order to try to overcome their inability to pass the Labor-Health bill earlier in the week. Guess what? The CR before us today takes out that additional money for Rural Health Outreach Grants, and it again returns us to a funding level which is 73 percent below last year. I do not think people want to do that, but that is the result of the continuing resolution.

The Community Services Block Grant Program, under the funding level in this CR, that program is cut in half from last year. The Low Income Heating Assistance Program, we had all kinds of people talking about adding money for that program, and yet under the funding level in this CR, LIHEAP is cut by $176 million. Under No Child Left Behind, under the funding level in this resolution, No Child Left Behind programs would be cut more than $1.1 billion below last year's level.

We have heard a lot of fulminating on both sides of the aisle about IDEA, about special education. Guess what? The funding level for this continuing resolution would freeze IDEA grants.

The International Labor Affairs Bureau, which protects American workers and wages through its efforts to eradicate child labor around the world, would be cut by 87 percent under the funding level in this continuing resolution. Unemployment help for people who are looking for jobs would be cut by $157 million under this continuing resolution level.

Now, it is one thing to say, all right, we will let that go for a week because it simply is a short-term convenience to the President. It is quite another thing to say that we are going to hold those programs to that level of funding through February 15. When you do that, you ruin some of those programs and you make miserable the lives of a lot of people who depend on those programs, which is why we objected on this side of the aisle.

Now that the majority party has returned to the original understanding that the CR will extend only for a week, time for us to get our work done; now that we are in a position where we are not going to be able to conveniently take a vacation until February 15 while these other programs suffer, I am perfectly happy to withdraw my objection.

So I congratulate the gentleman for talking to whoever he had to talk to in order to bring them to their senses.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and pass the joint resolution, H.J. Res. 75, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2520.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2520, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 664]

YEAS—413

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Akin
Baca
Barton (TX)
Becerra
Davis, Jo Ann
Diaz-Balart, M.
Ehlers
Fossella
Hostettler
Hyde
Istook
Kolbe
Manzullo
McCarthy
Murtha
Myrick
Paul
Radanovich
Slaughter
Watson

□ 1937

Ms. BERKLEY changed her vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Leader, obviously the Members as we all know on both sides have been here for some period of time today and are very obviously desirous of knowing what our schedule is.

I yield to the gentleman from Missouri.

Mr. BLUNT. I thank my friend for yielding. As you know, it is hard to predict how exactly everything is going to work out. It is a little difficult to predict these last days before an adjournment period or before we leave for a work period, either one.

We will officially convene tomorrow at 1 p.m. I think it is highly unlikely that there would be any vote before around 5, and we would give 2-hour notice in any reasonable way that we could before the first votes would occur.

Mr. HOYER. Reclaiming my time, would it be safe, therefore, for Members to conclude that they need not be here before 5? If we went in at 1, you gave 2 hours' notice, the first vote would be 3, but am I correct that the Defense appropriations conference has not convened because the chairman sadly lost his mother, and it is my understanding he is coming back sometime, maybe he came back this afternoon, but would I be reasonably correct in saying that the chances of the Defense appropriations bill being ready to report prior to 5 would be very slim?

I yield to my friend.

Mr. BLUNT. Mr. Speaker, I thank my friend for yielding. We do have some suspensions for tomorrow, a few more suspensions. So we could have those before the report if it was not ready. I appreciate your comments also about the chairman's being away for his mother's memorial service. He did return this evening.

I believe the current plan is for their committee to meet early in the morning to have as much work as possible done before the committee meets and then to have that to Rules by midday. Obviously, we may not make all of those deadlines. If we do, we could very well be having our first votes at 5. We would give 2 hours' notice before that. So the earliest I would expect Members to get a notice that we would have votes in 2 hours would be around 3 o'clock.

Mr. HOYER. Reclaiming my time, what I think then the message, correct me if I am wrong, Mr. Leader, is that Members can be assured that they will not have votes prior to 5 p.m. tomorrow, and presumably, notice would go out at 3 o'clock if votes were to be at 5 o'clock; would that be accurate?

Mr. BLUNT. I thank my friend for yielding, and that is my accurate view of what is almost certain to happen tomorrow.

Mr. HOYER. Reclaiming my time, we do understand that the Defense appropriations committee conference report would probably be on the agenda. Can you tell us whether we expect the Defense authorization and/or the budget reconciliation bill also might be under consideration tomorrow?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding.

You are right. The Appropriations Committee product, we have already discussed and we would expect, matter of fact, we are certain, as certain as you can be this time of year, of that for tomorrow. I think there is an excellent chance that we could get the budget reconciliation bill tomorrow, and we are still working to do what we can to bring Defense authorization to the floor.

Mr. HOYER. I thank the gentleman for that information. Can you tell us, can Members be relatively assured that they will be able to plan at least at

some point in time Sunday or early Monday morning that that would be the end of the session, at least for the period of time prior to Christmas?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding and for the question. We have certainly given every indication in every meeting, the Speaker has, I have today, that that would be our timetable, that we would finish, possibly some things could carry over into early Monday morning, but we would not be here on Monday for any official actions of that regard on Monday, though there may be some pro forma thing that has to be done that I am not aware of standing here.

Mr. HOYER. I thank the gentleman for that information.

Mr. Speaker, I would hope on behalf of my side, and I have talked to my friend from Missouri (Mr. BLUNT) on the other side, I know both of us want to bring this session to a close. Members had hoped to be home certainly this weekend. Christmas is a week from tomorrow. I am hopeful that we can conclude tomorrow, and I would hope that we would all work towards that end.

ANNOUNCEMENT REGARDING RECOGNITION OF HELEN SEWELL'S RETIREMENT

Mr. BLUNT. Mr. Speaker, I have a brief announcement. The announcement is that we would also plan in our activities tomorrow to have a brief recognition of Helen Sewell, who has run the cloakroom here for a long period of time. Between she and her father, who started work here 87 years ago, they have been a continued presence in the cloakroom on this side. Tomorrow will be Helen's last official day before she retires.

□ 1945

HOUR OF MEETING ON TOMORROW

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. tomorrow.

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

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. HOYER, Maryland

Mr. CUMMINGS, Maryland

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
December 15, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1909 (b) of SAFETEA–LU (P.L. 109–59), I hereby appoint to the National Surface Transportation Policy and Revenue Study Commission the following individuals:

Mr. Frank J. Busalacchi, Secretary of the Wisconsin Department of Transportation, of Brookfield, Wisconsin.

Mr. Steve Heminger, Executive Director of the Metropolitan Transportation Commission, of San Francisco, California.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 15, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (P.L. 106–398), I hereby reappoint Ms. Carolyn Bartholomew of the District of Columbia and Mr. George Becker of Pittsburgh, Pennsylvania, to the United States-China Economic and Security Review Commission for two-year terms expiring December 31, 2007. Their current terms expire December 31, 2005.

Best regards,

NANCY PELOSI.

DEFENSE AUTHORIZATION BILL

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

Mr. MEEHAN. Mr. Speaker, the Republican leadership is trying to add to the Defense authorization bill a controversial piece of legislation by Mr. PENCE that would blow the lid off the Campaign Finance Reform Act that Republicans and Democrats joined together to support and pass into law and that President Bush signed into law.

Mr. Speaker, this country is at war. We need a Defense authorization bill to assist the men and women who are serving our Armed Forces. We have reached an agreement on that bill to help our troops; and now, at the last minute, the chairman of the Armed Services Committee wants to take a controversial piece of campaign finance reform legislation and insert it into that bill.

He was exposed by the other Chamber. The chairman of the Senate Armed Services Committee took the floor and condemned it; and now he still wants to add this legislation, controversial legislation, against the public interest. He wants to attach it to a Defense bill at a time when this country is at war.

Surely we can do better on this holiday weekend. It is despicable, and I hope this leadership stands up to this. This is one of the worst things I have ever seen this Republican leadership do, A piece of controversial legislation to a Defense bill at a time of war.

EXTREME ALITO VIEWS

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

Mr. FRANK of Massachusetts. Mr. Speaker, I am struck by the extent to which the right wing seems not to understand how unpopular their agenda is. It is their inability to get a majority for it that keeps us here so many days after we should have gone.

It is also interesting to watch them try to deny the very, very deep conservatism of the nominee for the Supreme Court, Judge Alito. They are hiding his views on abortion. Recently, in the Boston Globe, an article by Kenneth Starr and Ronald Cass tried to explain away one of the most astounding examples of his extreme conservatism: his opposition to the basic principle of one man, one vote as articulated by the Warren Court. And given the difficulty of trying to get someone confirmed who has views that extreme, these two advocates tried to explain it away by claiming it was all about gerrymandering and proportional representation.

Fortunately, Professor Michael Tolley of Northeastern University wrote a very good letter exposing the inaccuracy of this attempted defense of Judge Alito and reaffirming that in fact what was involved in his 1985 statement was an objection to that basic principle of democracy articulated by the Warren Court, that it should be one man, one vote.

The following are the inaccurate article and the correction:

ALITO'S STICKY THICKET

(By Kenneth W. Starr and Ronald A. Cass)

A Political sidebar that made surprising news the last few weeks is a phrase in a 1986 job application from now-Judge Sam Alito questioning the Warren Court's reappointment decisions. That tidbit sent shock waves through the political and pundit classes.

It shouldn't have. Justice-to-be Alito's statement wasn't an attack on equality, voting rights, or protecting victims of racial discrimination. It was a simple observation that a liberal court created a doctrine that, however salutary, has significant problems.

Americans have long embraced the idea of equality from ''all men are created equal'' forward. Equality did not mean identical political influence in every respect. Yet the past 40 years have seen repeated judicial efforts to prescribe something that looks like

identical influence for voters. Prior to 1962, the Supreme Court rejected efforts to draw the judiciary into the ''political thicket'' of apportionment. That changed with Baker v. Carr, when the court decreed that states could not depart too far from the principle of ''one-man, one-vote'' in allocating legislative representatives. Since then, the problem has been figuring, out what is too far.

Politicians often attempt to allocate political representation in ways that both dramatically increase and decrease the influence of citizens' votes. But the Framers designed checks and balances to prevent any group from dominating another permanently or from taking property or liberty to serve prejudice or politics. Integral was a division of government power reflecting different influences, some defined by historical boundaries, others by more local populations. The Constitution does not sweepingly embrace one theory of political representation but instead allocates power in several disparate ways.

Useful as ''one-person, one-vote'' is, it isn't a universal directive. Consider the Senate. The Constitution decrees that each state has two senators, regardless of the state's population or acreage. In contrast, the House of Representatives is based mostly on population, except for the requirement that each state have at least one representative. Making House districts roughly equal has been a source of dispute for 200 years. In the early 1800s, Elbridge Gerry redistricted Massachusetts to help his political allies, creating one district shaped like a salamander—thus giving birth to the term ''Gerrymander.''

After Baker v. Carr, the courts have insisted on greater degrees of mathematical equivalence in votes across districts. Since then, the problems associated with apportionment have grown. The Supreme Court rejected a plan with less than seven-10ths of one percent difference among districts. Courts have repeatedly invalidated efforts to draw lines between districts without totally disrupting traditionally established communities. At times the result has been to divide neighborhoods.

Added attention to other aspects of the reapportionment process, encompassing equality along racial and ethnic lines as well as across geographic districts, spawned further opportunities for realigning political districts to suit political interests rather than historical ones. Although boundary adjustments probably have increased minority representation in Congress, the jurisprudence of reapportionment has become needlessly complex and largely ineffective. The court has permitted a realignment of political power to advantage incumbents, create more safe districts, and facilitate greater division among elected representatives who no longer have to appeal to swing voters.

After fragments on the standards on racial gerrymandering, the court came up with no realistic way to assess what constitutes political gerrymandering. As Justice O'Connor said in Davis v. Bandemer in 1986—roughly contemporaneous with Judge Alito's statement—the court's effort to identify political gerrymandering was ''flawed from its inception.'' Justice O'Connor charged that the court's decisions have been ''contrary to the intent of [the] Framers and to the traditions of this Republic.''

No one should be alarmed that Alito—like many other justices—found some aspect of the court's reapportionment decisions unfortunate. His position should reassure us that, as a justice, he will be open to seeing the flaws as well as the virtues of constitutional decision-making by judges. That is an important virtue in a Supreme Court justice.

ALITO'S VIEWS AND O'CONNOR'S

(By Michael Tolley)

Be alarmed when two partisan advocates—Kenneth W. Starr and Ronald A. Cass—say ''no one should be alarmed'' (''Alito's sticky thicket,'' op ed, Dec. 11). Their attempt to defend Judge Samuel Alito's disagreement with the Warren Court's reapportionment decisions by linking his position to Justice Sandra Day O'Connor's views fails for two reasons:

The two quotes they rely on in Davis v. Bandemer (1986) express O'Connor's view on whether the 14th Amendment's equal protection clause requires the principle of ''proportional representation,'' not the principle of fundamental voting equality—one person, one vote. Second, Baker v. Carr (1962) and Reynolds v. Sims (1964), two of the landmark Warren Court decisions on reapportionment that Alito disagreed with, are actually treated favorably in O'Connor's concurring opinion in Davis v. Bandemer.

O'Connor was careful to distinguish the Supreme Court's legitimate concern about racial gerrymandering from partisan gerrymandering at issue in Davis v. Bandemer. Only by misreading O'Connor's opinion can Starr and Cass bring Alito's views in line with moderate justice he has been nominated to replace.

Does Alito believe, like O'Connor, in the principle of ''one person, one vote''? Or is he against the use of federal judicial power to remedy discrimination resulting from malapportioned legislative districts? The difference between disagreeing with the extension of the principle ''on person, one vote'' to issues such as partisan gerrymandering and disagreeing with the principle of ''one person, one vote'' is the difference between a moderate and someone out of the judicial mainstream.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DOMESTIC SURVEILLANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, merely hours after the Bush administration was celebrating the Iraqi election as a triumph for human freedom, what did we discover courtesy of the New York Times? That our own government, through the National Security Agency, is secretly spying on the phone calls and e-mails of American citizens without a warrant or a court order. And they have been doing so for nearly 4 years at the explicit direction of the President of the United States of America himself.

This is even more egregious than any of the other suspensions of civil liberties that we have seen in the last 4 years. It makes the PATRIOT Act look like it was written by the ACLU. Has anyone in the White House read the Bill of Rights and the fourth amendment about the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures? It is a part of the same Constitution that the President has sworn to preserve, protect, and defend.

Mr. Speaker, I am not exaggerating when I say that sometimes I do not recognize my own country. Secret gulags in Eastern Europe, the Vice President personally lobbying Senators to give the CIA the right to torture detainees, and now this. What do I tell my grandchildren about what America stands for?

Does this White House believe in any transparency or oversight for anything they do, or do they think that getting 51 percent, or 51 out of every 100 votes gives them a mandate to operate behind a veil shielded from the day-in and day-out accountability that sustains a functioning democracy?

Remember, this is coming from the folks who preach about limited government. It turns out that they only want limited government as long as it would protect the wealthy and the powerful from high taxes and burdensome regulations. When it comes to privacy rights and ordinary Americans, they are in favor of the most intrusive and invasive big government imaginable.

The whole thing is Orwellian, Mr. Speaker. To defeat totalitarian extremism, we are adopting extremist totalitarian tactics of our own. In defense of freedom, we are undermining freedom. The whole thing is morally incoherent.

Let us remember that the war on terrorism is partly an ideological struggle. It is about winning over hearts and minds. But when we violate the very principles of freedom that we are preaching in the Middle East, what happens to our moral authority? What happens to our global credibility? Why should anyone take us seriously?

Those around the world who are skeptical of American values are surely noticing that we do not honor those values ourselves. And those who hate us will hate us even more when our government's hypocrisy is exposed.

And even if you do not believe this surveillance authority holds the key to victory on the war on terrorism, let us think for a minute about whom we have empowered to exercise it. The very same intelligence apparatus that has proven itself dysfunctional time and time again over recent years.

After all, the President himself just got through telling us this week that the U.S. intelligence community got it wrong on the most monumental and consequential issue it has faced in decades: whether Iraq had weapons of mass destruction. If they blew it on something as fundamental as that, why should we have confidence that they are conducting this domestic spying operation competently, without any abuses or overreach.

Mr. Speaker, is that what more than 2,100 Americans have given their lives for in Iraq, the right for a government to snoop and eavesdrop on its own people without probable cause? If we, the

supposed liberators, endorse and adopt these kinds of oppressive tactics, then what was the point of toppling Saddam Hussein, especially given that he did not even have weapons of mass destruction?

This disgraceful episode makes me believe more strongly than ever that we must reevaluate our entire approach to providing national security, and it should start with bringing our troops home from Iraq. Not one more American should have to die for values that our government is willing to sacrifice here at home.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–357) on the resolution (H. Res. 631) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

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

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–358) on the resolution (H. Res. 632) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4011.

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

There was no objection.

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.)

BORDER SECURITY

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

Mr. CULBERSON. Mr. Speaker, I rise tonight to bring to the attention of the American people the reasons why it is so important the House acted yesterday to pass such a strong border enforcement law and order bill that will bring law and order to our southern and northern borders, but in particular the southern border.

I am a native Houstonian, born and raise in Houston; but I had no idea until recently the scale of violence our law enforcement officers, Border Patrol agents, our local sheriffs are facing along the Rio Grande, and it is the result of a lack of enforcement of our immigration laws, as the Border Patrol has been pulled back and our border has been unprotected at the same time the narcoterrorists and the drug lords have figured out that there is a vacuum there.

A war has developed between the gulf cartel of drug lords and the megacartel. Now, the megacartel extends its territory essentially from, and I am going to use these, Mr. Speaker, to help illustrate for people what I am talking about, this war between the megacartel, the drug lords, and the gulf cartel, is a full-scale battle. The lawlessness is so severe, Mr. Speaker, that the sheriffs in Laredo will not even approach the river at night without turning off all their lights.

And, in fact, when I went down to the river in mid-October with a group of sheriffs, the sheriff sent a marked sheriff's deputy vehicle ahead of me down to the river with the lights out. I asked, why are you sending him ahead of me with the lights out? And the response was, Congressman, we want him to get shot at instead of you. Which really alarmed me. And I asked the sheriff, please tell that young man to turn on the strobe lights on top of his vehicle. They sort of laughed at me and said, Congressman, you do not understand. The violence is so bad down here on the river, that if that deputy sheriff turns on his strobe lights, it will make him a better target and he is very likely to be machine gunned immediately.

□ 2000

This is what our law enforcement officers face every day, and the type of people that they are dealing with is shown in this photograph here. This is a photograph of one of the military style commandos that are being used by the Gulf Cartel as their army of enforcers. This is a photograph of a Guatemalan special forces, they call them kabiles, and their motto, which is difficult to see here at the bottom, but let me read it for the viewers. Their motto is: If I go forward, follow me. If I stop, urge me on. And if I turn back, kill me.

The Gulf Cartel is also using a group of commandos trained in the United States at Fort Bliss called the Zetas that were part of the Mexican army originally, and their commander and 31 of their top troops went over the drug lords, bought out by the drug lords, and the Zetas are now running at least one and probably up to four narcoterrorist training camps in northern Mexico right across the river from Texas. There is one operating out in the open near Matamoros, maybe two or three others in the immediate area, one near Rio Bravo, and another apparently has opened up recently near Del Rio. These are narcoterrorist training camps run and operated by the Zetas and the Gulf Cartel to train and equip these commandos to enter the United States to deliver the loads of weapons or drugs and kill anybody that attempts to stop them.

Let me show people the effect of just a typical arrest. Now, this is just another week at the office for our law enforcement officers on the Texas border. This is on September 27, 2004. This occurred in Nuevo Laredo, just across the river, and this is spilling over in the United States because the drug Lords are fighting over Nuevo Laredo, the Nation's largest inland port, and whichever drug cartel controls Nuevo Laredo will control the most profitable smuggling center in the United States.

On September 27 of 2004, this gun battle ensued, and as a result of this gun fight, there were captured and in this one fight, they found four AK–47 machine guns, two AR–15 rifles, ten grenades, a number of pistols, 12 40-millimeter grenade rounds, and 12 40-millimeter grenade launchers. Now, these devices here across the bottom are 40-millimeter grenade launchers that are supposed to be attached to M–16 rifles, but the Zetas, the drug lords' army, have converted them to handheld pistols, and this is standard equipment that are now issued to these commandos as they deliver their loads of weapons, drugs and even terrorists. The Customs Immigration Service knows that the terrorists are using the smuggling routes established by the drug lords to smuggle Islamic terrorists into the United States. I had the FBI director testify to my committee under oath that there are individuals from countries with known al Qaeda connections changing their Islamic surname to Hispanic, adopting fake Hispanic identities and entering the United States pretending to be Hispanic immigrants and disappearing. This is going on in large numbers. These narcoterrorist armies, this is, again, just one arrest; these 40-millimeter grenades launchers can be held as pistols, and they are used to shoot at law enforcement officers, anybody who attempts to stop them.

This is a photograph of some of the vehicles after this particular gun battle. This arrest took place, and I think the date is on here. This shows some of the 40-millimeter grenades that are used as time-delayed bombs.

I applaud the House for passing this strong bill so we can have law and order on the border instead of the law of Plata o Plomo.

AN EXTRAORDINARY NIGHT

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, as we enter this Christmas season, there will be many children sitting down around the country listening to a story that begins, 'twas the night before Christmas.

I want to tell you about another night before Christmas that will be going on in the next week and has been going on for the last 20-some years. There is an extraordinarily tragic situation ongoing in a stunningly beautiful country in Africa, Uganda.

In recent weeks, a group of Rotarians from my district and surrounding areas went to northern Uganda with one item on their agenda: to advance the common good by providing polio vaccine and other assistance.

Ben Abe is a Ugandan from my district. He led this mission by the Rotarians, along with our former secretary of state from the State of Washington, Ralph Munro. They brought back an excruciatingly shocking and painful account of an extraordinary night where they observed firsthand a heinous tragedy that has been perpetrated on children in northern Uganda for years. It is only now beginning to see the light of day in mainstream media in publications like Vanity Fair and the Smithsonian Magazine. It occurs in Gulu in northern Uganda. Each night, a human mass moves through the pitch dark roads of Gulu. These are the night commuters. Not a late shift going to work, but a gigantic mass of thousands of children fleeing their unsafe homes, walking miles in the darkness to retreat behind locked gates in hopes of avoiding abduction, rape, disfigurement and, most horribly, to avoid being forced themselves to become the murderers of children as abducted child soldiers in the Lord's Resistance Army.

Over 25,000 children have been abducted over the last 19 years; more than 21,000 children walk miles each night seeking a safe harbor. These young children seek sanctuary in tents, hospitals, warehouses and empty lots. They sleep piled up on each other, sometimes with a blanket but most often without, and they are separated from their mothers and fathers every night. Thousands of those Ugandan kids never make it to a safe haven.

Seventeen-year-old Daniel is an example. He is one of the boys abducted from school by the Lord's Resistance Army. One boy escaped but was caught. The rest were then forced to tie him to a tree and stone him to death. Daniel said, ''That is what we did, because if we did not kill him, we would be killed.''

Anna Grace was 11 years old when she was abducted. The Lord's Resistance Army forced her to march and carry someone else's baby. Then they threw a bomb at her, blowing off the baby's head. Anna Grace was raped and gave birth to her own child in 2005.

Dave, 10 years old, was kidnapped in March of 2004 and watched as his two brothers were beaten to death with a log.

The only chance these night commuters have to reach safe harbor every night is to walk without adults, without protection, without light. The Rotarians from my district walked with these kids, moved with this mass of kids as they set out defenseless, in the deep darkness of night, seeking shelter to stay alive for just one more day.

The winner of the 2005 Sidney Peace Prize, Olara Otunnu, recently declared Uganda the worst place on earth to be a child today.

Though this despicable outrage has occurred for almost two decades, the Congress and the international community has not lifted a finger about what we proclaim is our duty, to protect children. There has been no dedicated international commitment or intervention to end this abhorrent situation. These Rotarians came back rightly incredulous over the international community's failure to mobilize and blunt this highly visible tragedy occurring every single night.

As Americans sit down and read that Christmas story, whether they read the one about the reindeer or the one about the baby Jesus coming to Bethlehem, these kids will be moving through the darkness. These Rotarians ask: How can this continue in a world where we proclaim our love and dedication to all children? They are right to ask these questions. Each night, that savagery hides in northern Uganda.

During this season of goodwill, this Congress and the entire national community must combine our collective strength to give some hope to these children, these night commuters, and their families. We can do better than we have.

If you believe, as I do that it is our utmost obligation to work toward a world safe for children, this obligation does not stop at our borders or oceans—all children are our children and we must act. The U.S. alone cannot break this outrageous nightly tragedy, but we can and must assert our political will, and insist that we meet it head on.

HONORING PRIVATE JON ABELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Speaker, I rise today to honor a soldier and a hero from Pflugerville, Texas, and to pay homage to the sacrifices our fighting men and women make every day for America and for the world.

Last week, I had the honor of visiting Walter Reed Hospital where Private Jon Abels of the Army's 101st Airborne Division is receiving top notch medical care for the wounds he received in battle.

On November 29, Private Abels, who is a radio operator, was stationed in Iraq and on patrol in Baghdad when his platoon came under fire from insurgents. Private Abels and his fellow soldiers managed to find cover and safety in an abandoned residence that was frequently used by the insurgents. Outnumbered 20 to 6 and trapped in a house, they tried to fight off the insurgents who were surrounding their position. Undoubtedly, many of the soldiers inside, if not all, would have been killed until Private Abels sprang into action.

Private Abels radioed for help and then found and hotwired the insurgents' truck in the house's garage. He then loaded his men in the truck, and they drove from the enemy's trap. As they left, they took on heavy gunfire that injured Private Abels and two others and, ultimately, killed three more as their truck crashed.

Injured and still in the range of the insurgents' fire, Private Abels helped the other survivors to safety and administered medical attention to his wounded platoon leader. His actions brought him and the other survivors just enough time for support fire to arrive, and ultimately, he saved three lives.

Last week, Private Abels proudly received his Purple Heart at Walter Reed Hospital and is making a quick and fast recovery.

Clearly a hero, Private Abels' actions exemplify the efforts of all of our fighting men and women in the war on terror. I was inspired by his optimistic attitude, even as a severely injured soldier at Walter Reed Hospital. He believes that we are getting the job done and making great progress in Iraq.

So as we stand together here this evening in peace, America's soldiers are united in protecting our country as they remain in distant lands fighting the threat and the horror of terrorism. We are there to root out the terrorists who wish to do us harm, who wish to harm Americans.

These terrorists, like the insurgents that Private Abels fought in Baghdad, have a track record of being patient until they succeed in their evil agenda, so we must continue to support our soldiers now more than ever and give our military men and women every tool necessary to protect us and to complete and to win this war on terror.

Some say that we should retreat in this war on terror, but to them I say that our fighting men and women have succeeded on all fronts. In places like Iraq and Afghanistan where oppression, tyranny and inhumane treatment once flourished, we now find nations waking up to the reality of self-ruled government and the benefits that come with their democracies. This success is most embodied by the free and democratic elections in Iraq that took place this very week.

To quit now would not only be an insult to those waging this liberating battle but a dishonor to those who made the ultimate sacrifice, their lives, for freedom and for the greater

good. Few causes are as worthy, and few prices are as great. America prides its freedom on how our determination can accomplish any task and defeat any foe. So finish the job we will. And because of heroes like Private Abels, I have no doubt in my mind that we will prevail.

DEFENSE APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, our soldiers need us, and they need the funding and the support that an appropriations bill can give to them and their families. Not only the soldiers that are on the frontlines of Iraq and Afghanistan, but the many soldiers returning home and the enlisted personnel stateside along with their families.

The Defense appropriations bill will provide a salary increase long overdue or at least needed again in these very difficult economic times. The bill will also provide and enhance improved health care for our soldiers. And recognizing that all Americans look forward to prosperity and a better way of life, I can assure you, in visiting with soldiers and families in my district, the limitations of their health care cries out for repair.

□ 2015

Soldiers and their families are on limited opportunities for diverse health care, hospitals are limited, the care is limited; and certainly for those families who have elderly parents or dependents, family members who are ill, children who need health care, our soldiers' compensation and a bad health plan is a bad mixture for America.

And so I would ask the conferees, as they make their way in gathering and moving this legislation to the floor, remember the people who need the Defense appropriations bill. It is not filled with politics, because those of us who have raised our voices for redeployment, peace, and a better way in Iraq still understand the importance of providing for our men and women in the United States military.

This time around the Defense appropriation will be more than just the anchor for our military; it will be the anchor for those who have lost greatly in this last year. This will be the anchor for the Katrina survivors. And anyone who has interacted with them knows that they are not deadbeats. They are Americans who are simply looking not for a handout but for a helping hand.

Thousands live in the 18th Congressional District in the city of Houston, and I applaud the mayor and the council members and other elected officials; and I applaud Americans in general for the outpouring of their generosity, and particular Houstonians. But we need your help. We need your help in helping FEMA continue its funding of apartment contracts that were supposed to be for 12 months and 18 months, otherwise we will see Katrina victims, their families and children dumped into the streets.

We need the funding to continue to provide hotel compensation until February 7 or longer, or we will see Katrina survivors dumped into the streets. When I use the word ''Katrina,'' I really mean Americans, for the American Federal Government should be the safety net for all Americans in time of trouble. If we do not have the funding that we should have, we will see Katrina survivors stranded throughout America, 44 different States where they are located, with a one-way ticket to those States and no return ticket home.

FEMA will provide that ticket with the continuing funding for them to return home to their States. Now we understand that Defense appropriations will have 527s, issues dealing with campaign funding. That is not a Defense bill. We also find out that in addition to the Katrina resources, we will be putting the development and the expiration of ANWR.

Many of us are disagreeing with that. We believe in energy development, but we are disagreeing with going into ANWR, because we believe it has not been proven that that is a source of energy, other than, of course, an enhancement and opportunity for Alaska, one State. We applaud them for that, but there are many other resources that can be utilized to keep energy prices down.

We can explore in the gulf. It has not been explored to the extent that it should be, and there is a welcoming attitude about the exploration in the gulf, not only for energy oil but also for gasoline or gas.

Let me also say that there are still districts in the city of Houston that are in greet need of the funding that is in this bill. In the city of Houston, Houston Independent School District spends $186,000 a day for the additional visitors, or students, from Louisiana and Mississippi.

We are in debt $30 million. We have 5,000 students. We welcome them. We want to teach them. We want to help them, but we need the support that is in this Defense appropriations bill. We want this bill to come to the floor, and certainly what we want most of all is to be able to have a free-standing bill to help our soldiers, our veterans to give them good health care, good housing, and good support.

We want to be able to be the safety net for all Americans in time of tragedy, provide for the Katrina survivors, the Wilma survivors, the Rita survivors to be able to have school in the place where they do not live; and we want most of all to be able to have housing and the travel trailers to get where they have to go.

Let us get the bill on the floor. Let us do what America needs us to do. Let us provide a safety net for America.

OPPRESSION IN BELARUS

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today in recognition of the ongoing oppression in the country of Belarus. On October 16, the Belarusian people celebrated a day of solidarity with political prisoners, activists, their families, independent journalists, and all who fight for freedom and democracy.

Many people switched their lights off at 8 p.m. and lit candles to show hope for a free and democratic future for Belarus. Unfortunately, only 2 days after this historic event, a prominent correspondent of the oppositional newspaper Narodnaya Volya, Vasil Hrodnikau, was found dead in his home.

According to family members, Mr. Hrodnikau was murdered for his fearless striving to bring a fair press to the Belarusian people. It is time for the U.S. Congress and our European allies to make a definitive statement on Dictator Alexander Lukashenko's policies and actively support the opposition movement in the region.

I encourage my colleagues on both sides of the aisle to take a closer look at the atrocities occurring daily in Belarus and work together to do what we can to bring about democratic elections for the Belarusian people.

In the European edition of Time magazine, in an article titled, ''Where Tyranny Rules,'' which highlighted the fate of Nikolai Statkevich, a political dissident who ran for president against Lukashenko in 2001, since 2003 he has been in jail for resisting the authorities and obstructing traffic.

Two years for resisting authorities and obstructing traffic. And he still resides in jail today. Unfortunately, this is not an isolated case. Every year thousands of Belarusians are jailed for minor infractions, for example, attempting to publish newspapers, and regularly face police harassment.

Another good example occurred last August when Belarusian KGB, yes, they kept the infamous Soviet institution's name to intimidate civilians, the KGB raided the apartments of several college youths who had e-mailed each other cartoons involving Lukashenko. These students now are facing many years in prison.

Imagine that: prison terms for e-mailing political cartoons. As cochairman of the House Baltic Caucus, it is my sincere hope that the United States will continue to remember those fighting daily for democracy in Belarus and do all that we can to support this movement, the movement for change in this region.

I am encouraged by the change in the international community in support of democracy for Belarus. I encourage all of us to work together to keep up the great work and keep a watchful eye on the nation of Belarus and its dictator,

Alexander Lukashenko, in the upcoming elections in 2006. The opposition is united, the people are motivated for change, and we just ask for free and fair elections.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FILM SUPREME COURT PROCEEDINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, over the past year I have addressed many issues I have with the judgments handed down by the highest court of our country, the Supreme Court, right across the street.

Recent rulings by the Supreme Court of the United States, particularly pertaining to the separation of church and State, property rights, the right to say the pledge of allegiance, and the use of foreign law by our Supreme Court in interpreting the American Constitution, have prompted an outcry by the American people and a growing interest, or better yet, confusion, confusion on how those decisions are made.

The decisions made by the Supreme Court have a direct impact on the lives of Americans and every American in the future. With that said, I believe it is past time that every American be afforded the opportunity to see how those decisions are made in this Court.

I filed legislation that would allow cameras to broadcast Supreme Court proceedings so that we can all see the arguments made before the Supreme Court and how they make those decisions that affect our lives from now on.

I am no stranger to cameras in the courtroom. I was one of the first Texas judges to allow cameras in the courtroom. In addition, I was the first judge in Texas to oversee a capital murder trial broadcast in its entirety on television. Our sense of justice says the more open and public a trial, the more likely justice will occur.

I found that cameras only enhanced this concept. As a criminal court judge for 20 years, I have had countless cases covered by the media from all over the world. Critics argue that attorneys play to the cameras; but the truth is, they play to the jury. They always have played to the jury. Juries are the ones that make the decisions, not the audience.

Courts have the ability to prevent filming of the jurors, child witnesses, assault victims while letting the community see the public trial. Cameras make the ability of the people to view justice as it is in progress.

In the case of cameras broadcasting the Supreme Court hearings, there is no jury, just nine Justices who have the final say on the American Constitution. Because of the magnitude of the rulings handed down by this Court, these proceedings above all others should be as open to the public as possible.

While the hearings are, in fact, open to the public, not everyone has the ability to travel to Washington, D.C. and view these proceedings. This is why it is precisely time to come to the reality to open the Supreme Court to public hearings and allow their proceedings to be filmed by cameras.

Cameras can be unobtrusive. There are no big lights. There are no big cameras. In fact, many people do not even realize there are cameras in this Chamber. So it is time to film these proceedings. Opening these proceedings to the American public is much more important than seeing the child molestation trial of the King of Pop or the murder trial of some ex-football player.

Yet there was no concern over viewing these proceedings on television. Why should there be concern over a Court that has the final say on how our Constitution is interpreted? This year the Iraqi country, the Iraqi people have formed a new democracy, and part of that is a new judiciary. And yet they are already filming their trials, because the tyrant of the area, Saddam Hussein, his trial is on international television. This is their democracy and their courts seem to be somewhat more open than even ours.

Those judges and critics who do not want the public to view what they are doing in those courtrooms, Mr. Speaker, maybe should not be doing what they are doing behind those closed doors. It is time to open the Supreme Court to public viewing of their proceedings on television.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2141. An act to make improvements to the Federal Deposit Insurance Act.

CONGRATULATIONS TO APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I join my friend and colleague, Ms. FOXX, tonight. This morning I paid tribute to our wonderful men and women in uniform for a great win for freedom in Iraq.

But tonight, Representative FOXX and I want to pay tribute to a great team, Appalachian State, for a wonderful win in the national championship that they won last night in Division I–AA football. What a thrill it was to watch those young men, their fans, their school administrators, the whole Appalachian community come together through a tough play-off, exhibiting sportsmanship, hard work, commitment, incredible enthusiasm, and to win that game last night.

Take nothing away from Northern Iowa, they played hard. They played well. Appalachian prevailed. Seeing the spirit that those young men and women exhibited, coaches, who by the way, ladies and gentlemen, Coach Jerry Moore, the winning coach, was given his first coaching job by our colleague, Coach OSBORNE. And Coach Moore reflects all of the wonderful qualities of Coach OSBORNE.

By the same token, I thank Representative FOXX for calling attention to my son-in-law, Lonnie Galloway, who coaches there; and I am so proud of him and all of the folks.

Mr. Speaker, I now yield to Representative FOXX for some comments.

Ms. FOXX. Thank you, Mr. HAYES.

I am glad you mentioned with Coach Moore serving with Coach OSBORNE, Congressman OSBORNE. I did not get a chance to mention that this morning. I agree with you: he exhibits so much of all of the wonderful traits of our colleague, and we are lucky that we have at least three people in this body who have connections to Appalachian and to the great win that they had last night.

I am really sorry that our duties here prevented us from being in Chattanooga last night with so many Appalachian students and supporters.

I would have loved to see firsthand that crushing defense in the fourth quarter led by Jason Hunter and Marques Murrell. I wish I could have been there to witness in person the courage of quarterback Richie Williams, who played through a painful ankle injury suffered last week in the semifinal game against Furman.

□ 2030

Appalachian is getting a lot of attention because of this football win. But the gentleman and I know and the people of western North Carolina and, indeed, all North Carolina know that Appalachian has always been known as a first-rate college and a first-rate university. It has a very proud history,

particularly in the area of teacher administration and administrators of the public schools. And I think getting this win for the football team simply rounds out its reputation in terms of being a really top-notch school. Its academic program has been strong forever. And now with this win from the football team, the first national championship ever for Appalachian, they show that it is a number one university in all respects.

Mr. HAYES. Mr. Speaker, I thank the gentlewoman for her comments and, again, calling attention to this great victory. My almost 90-year-old mother was there, all my family, except for us. But we were here following the action very closely. We have an Iraqi Marine veteran who plays on that team, number 89, Mr. Stokes. I do not know how Winslow survived without me there to keep her from having a heart attack, and Barbara suffered, too.

But, again, my congratulations, heartfelt, and the gentlewoman's as well for such a wonderful performance representing North Carolina, the academic, the athletic, the school community, Boone, and western North Carolina and the mountains.

Congratulations to Appalachian. A wonderful victory. I thank them for representing us.

Mr. Speaker, I now yield to the gentlewoman from North Carolina.

Ms. FOXX. And, Mr. Speaker, now we both need to say, Go Mountaineers.

Mr. HAYES. Go Mountaineers.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House, and we would like to thank the Democratic leadership for this opportunity, Democratic Leader NANCY PELOSI; our whip, Mr. STENY HOYER; and also our chairman, Mr. BOB MENENDEZ; and chairman to be Mr. JIM CLYBURN.

As the Members know, Mr. Speaker, we have a 30-Something Working Group that comes to the floor every opportunity we have to talk about the good things that are happening here under the Capitol Dome and also some of the bad things that are happening and the things that are not happening at all that should be happening on behalf of the American people.

Today, as the Members know, Mr. Speaker, there has been quite a bit said in the Capitol, very little done in the first session of this Congress, facing some of the needs that the American people are wanting to be addressed. The American people want to have issues such as health care, veteran affairs, also making sure that we have a strategy in Iraq for success, making sure that we stand up on behalf of those Americans that have been devastated by natural disasters, making sure that we get down to the bottom and get rid of a culture of corruption and cronyism and incompetence under the Capitol Dome, and also making sure that we can expand jobs for Americans and also for small businesses.

But in the last 24 to 48 hours, there have been quite a few strange things that are going on here in the Capitol. There have been bills that Members have tried to put amendments on that are not passable and should not be even honored with the paper that they are printed on, of personal agendas and agendas on behalf of the special interests.

So with that, Mr. Speaker, I would like to share this hour tonight with Mr. RYAN and also Ms. WASSERMAN SCHULTZ but also with a respected Member this House with whom Mr. RYAN and I serve on the Armed Services Committee with, and he is also the ranking member on the Budget Committee and has been working very hard on a number of pieces of legislation. He is from South Carolina.

I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding to me.

And I would like to turn to a matter of some significant concern to me and to the gentleman because, as he said, we both serve on the House Armed Services Committee. We both have worked diligently to see a good Defense authorization bill put together this year and finally, we thought, put to bed last week. But here is what is happening, to everybody's dismay, on this side of the line.

On Thursday afternoon, the House appointed conferees on the Defense authorization bill to go to conference with the Senate. Thursday afternoon. Within hours, the conference committee met for the first and only time. We made a cursory review, which is all we had time for, of the conference report which staff and mainly the Republican Members had worked up and put together over the last several weeks. We reviewed it. We reviewed the salient points. We made some objections. And finally, we approved it.

This summary procedure is not my idea or I think the Framers' idea of how we would make law, particularly law that authorizes the expenditure of $440 billion for something as important as the defense of this Nation. This kind of summary procedure should not be repeated. This year, we were late getting started. The Senate was even later getting started. So we had to do it in record time. And I am glad we got it done, but it is not the best procedure.

As bad as that procedure is, the worst was yet to come. After the conference report had been signed, signed by the Democratic conferees, signed by the Republican conferees, signed by the Senate, signed by the House, after it had been signed, the Republican leadership decided it needed a must-pass moving vehicle, some kind of bill to which they could attach legislation that otherwise could not be passed, maybe would not stand the light of day. Reputedly, it dealt with section 527, political advocacy corporations and campaign limits. We suspected it also dealt with a bill known as Pence-Wynn. We do not know yet because we have not seen the conference report that they have tried to amend.

In any event, we know this: These bills are about campaign finance reform. They have absolutely nothing to do with the defense of the United States. This is not a technical change they are trying to make. It is not even about defense. Far from it.

Worse still, it is fundamentally serious major legislation. It is not something minor that you bobtail on or piggyback on another bill. Pence-Wynn, if that is the legislation they are trying to append to this conference report, is a major fundamental revamping of the campaign finance laws of this country, lifting the limits enormously on all kinds of corporations from PACs and individuals, creating virtual carte blanche for the wealthy of this country to contribute to political campaigns.

Our ranking member, Mr. SKELTON of Missouri, heard what was happened, to the extent that he could find out anything. He protested and pulled our names on the grounds, the House Democratic names, from the conference report on the grounds that they were amending or seeking to amend that the conference agreement that had been signed and sealed and all but delivered to the House floor for action, amending it after the fact, Members who were not even parties to the agreement trying to change the bill in a significant way without any kind of collegiality, any kind of comity, any kind of consultation with our side. He pulled our names.

In the Senate, the chairman of the Senate Armed Services Committee, Republican, the very distinguished Senator WARNER, was so outraged to see this gross violation of the processes of the House, the procedures of the House and the Congress, of fundamental fair play, that he said, if the Republican leadership in the House tried to unilaterally change this agreement after it had been signed, he would vigorously object and pull out the signatories at least on the Republican side. And Mr. LEVIN, the gentleman from Michigan who is the Democratic Senator who is the ranking member of the Senate Armed Services Committee, said the very same thing.

Now, we ask tonight, what is the status of this bill that has taken months to produce, that addresses our troops deployed all over the world, that contains important personnel provisions that probably will not be overlapped in the appropriations bill? Where is the bill that we have worked and produced, that we signed and had ready to go?

Where is the bill? Where is the Defense authorization bill? Where is it left if we do not take action on it?

It is left in limbo. It is left hanging. It is left unauthorized, unpassed. A hard effort coming to no worthy conclusion.

Representative PRYCE, who chairs the Republican conference, is quoted as saying in the CQ Daily that Congress may not even consider this bill before Christmas. Why not? It is ready to go. All we need is 1 hour on the floor. It is written. The conference report is ready to come to the floor. Why would we not consider it before Christmas? And, more importantly, what are the consequences if we do not consider it before Christmas?

Well, let me tell my colleagues just a few of the things that will not be enacted that otherwise might be a nice package to send to our troops in Iraq and Afghanistan and the ramparts around the world where they are standing up for freedom. Let me just mention a few things that are not covered in the appropriation bill and may never come to pass if we do not pass this bill: There is a 3.1 percent pay increase. Not a big increase, but I am sure that every troop will be glad to get it. There is an end-strength increase. We think the ground forces are undersized, so we have called for a couple of years for an increase in the size of the ground forces, Army and Marines, 30,000 in the Army, 4,000 in the Marines, in fiscal year 2006. That will not be done.

There is a death gratuity. The conference report increases the death gratuity for all active and activated servicemembers up to $100,000 retroactive to October 7, 2001. For the 2,100-odd troops who have been killed in Iraq and Afghanistan, in Iraq in particular, I am sure this would be welcomed by their families as some token of appreciation for the ultimate sacrifice they had to pay.

TRICARE: For the first time ever, reservists who agree to continue service in the Selected Reserves will have an opportunity, depending on their status, to buy into the government-subsidized TRICARE standard health program for themselves and their families.

Recruiting: Enlistment bonuses will expire unless we reauthorize it. There is a whole list of things like this.

Life insurance: It was previously increased for servicemen, life insurance, SGLI, to $400,000 in amount. We said in this bill, if they are in Iraq, if they are in Afghanistan, if they are putting their lives on the line in a hazardous duty zone, by golly, as a part of their hazardous duty pay, we will pay that first $150,000. I wanted to pay more of it. But that will be a nice addendum, a nice Christmas present for the troops who are in the field and for their families back home who worry, if our servicemember does not come home, who will provide for us? The least we can do is increase the life insurance.

I could go down the list with other personnel changes. They are numerous. Let me give you just one. This conference report would extend TRICARE coverage also for children of servicemembers killed in the line of duty until they reached the age of 21. This is just a sampling of what will not be done if, for petty, high-handed partisan reasons, the conference report, already finished on the Defense authorization bill, is not brought to the floor.

This is an outrage. It is an outrage. It is sort of inside baseball to some people, hard to explain to the American people because, in the parliamentary sense, it is so complicated. But it is an outrage, and it should not be allowed to happen. This is the one bill we should pass before we go home.

I thank the gentleman for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I am so happy that Mr. SPRATT came to the floor tonight to share with the Members what is important in this bill. And this was an authorization bill even before it went to conference that a super majority of the Members voted for because they believe that many of those provisions needed to be enacted on behalf of our security.

And we hear a lot of talk about what needs to happen now, what the troops need, what our Armed Forces need throughout, rank and file, officers, flag officers, individuals who are interested in being a part of our military, and to be able to send a very strong signal that we support them 110 percent. And for it to be held up for political purposes, and I can tell my colleagues for political purposes because in that 527 bill, there are a lot of special interests that would like to have access, more access than they have right now, to this majority. And it is very unfortunate that it is being held up. Of all things, the Defense authorization bill. It is hard to explain with a straight face. And Mr. RYAN was there in committee when we voted this bill out, and he was here on the floor and also Ms. WASSERMAN-SCHULTZ. For this to be happening now in the closing days of the session and possibly held off in the authorization bill until 2006 is beyond reproach, in my opinion.

□ 2045

Mr. RYAN of Ohio. We have been on the committee 3 years now, Mr. SPRATT has been on the committee a few more years than we have, but when you first get on the committee, I think the leadership on our side has always told the younger Members who come on, you know, this is a bipartisan committee. This is one of the committees in Congress where we try to do what is best for the men and women in uniform, to do what is best to protect the security of the United States of America. And I think this tradition we have had has really been damaged throughout this whole process. I am sure Mr. SPRATT knows a lot better than I do.

Mr. SPRATT. I have been on the conference committee every year for at least 20 years, and I never seen this happen before. I have never seen the leadership of either party come forth and say, you may have signed it, you may have closed it, you may have signed and sealed and delivered it; but we can still change it and add to it things that are totally out of the scope, out of scope because they are not in the jurisdiction of our committee, and out of scope because they have never been considered by either committee in either House, hearings, markup, on the floor, in the committee, anywhere. Totally out of the blue to come at the 11th hour.

And to impose this on the bill in deference to wealthy contributors who do not want to be encumbered with limits on what they can contribute is outrageous. There is no nicer word for it.

Mr. RYAN of Ohio. We talk a lot on the 30-something group here about how the Republican leadership in this Chamber and the Senate and in the White House right now consistently over the past few years have put their party's interests above the country's interests. We know on Energy and Commerce, you know, you are talking about telecommunications and there are a lot of business interests and labor. There are fights, there are scraps, and it gets very partisan.

For this kind of attitude I think to permeate into the Armed Services Committee during a time of war is outrageous. It really is. And Mr. SPRATT, I cannot thank you enough, because we come down every night, and to have someone of your caliber, your experience, your understanding of the issues to come down and share with us means a great deal. But for campaign finance issues to work their way into the Defense bill is just crazy.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, I am the new kid on the block here, and I do not sit on the Armed Services Committee; and I completely agree it is a privilege and honor to have Mr. SPRATT join us tonight.

But, you know, Mr. SPRATT, my observation being of the shortest tenure among the four of us is, at least since I have been here, we should not be surprised that they would do this, because you start at the beginning of this year, and it was very clear that the leadership here has no regard for the process, no regard for the system of checks and balances, they have no regard for the judiciary.

At the beginning of this year, 10 weeks into my tenure, they put the Terri Schiavo bill on the floor, even though you had months and years of court decisions that made it clear that it was not appropriate for Congress to insert itself into one family's tragedy. Yet to them it was seemingly the right thing to do, to insert the legislative branch of government into an area that was clearly the jurisdiction of the courts.

Now you fast forward to the end of the year, and throughout this year they have had other examples of their lack of regard for the governmental

mechanics and the lack of regard for decency into what the American people support. Adding campaign finance provisions or anything other than the protection and defense of this country to the Defense appropriations bill? I mean, really.

If they were so concerned about campaign finance reform, why are they waiting until less than 24 hours before we are supposed to adjourn here? Really, we were supposed to adjourn weeks ago. I mean, they have so little regard for process that they are not able to get the job done. I mean, we are here, and it is a week before Christmas and Chanukah and the beginning of the holiday season, and we are still here in the Chamber debating things that should have been settled long ago.

So it has just been obvious to me since I began my term that they have no regard for the process, no regard for the American people's priorities, and they just keep setting example after example.

Mr. RYAN of Ohio. We heard a lot in the last few weeks, you know, that you are sending the wrong signal to the troops. You are sending the wrong signal to the troops, when we want to have a discussion about when we are going to actually pull the troops out and end the war and redeploy and how things are going to work and what does it look like and how is this all going to end. You are unpatriotic, you should not have that discussion. You are not allowed to talk about that kind of stuff, you know. The people may find out that maybe things are not going as well as we think they are going, so let us not talk about it because it will affect the morale of the troops.

I have got to tell you, when we went to Iraq, it was probably the first meeting, as soon as we got there in Baghdad, Mr. MEEK was in the meeting with the troops and there was about 20 of us sitting there, and I specifically asked one of them, I think we were with the marines, specifically asked, does the debate that we are having now in the United States, that was shortly after Mr. MURTHA came out for his redeployment efforts in 6 months and figuring this out, and I asked one of the kids, I said, does this hurt your morale over here? Does this offend you?

The kid said to me, this is why we are here, so the Iraqis can have this kind of discussion. We expect people in Washington to be having a debate in a democracy, in a representative democracy. The great Republic should have these debates. And he just said that is why we are here, so the Iraqis will be able to have this discussion too one day.

Would that not be great, if the Iraqis can have a parliament and get in a squabble and fight without someone saying that that is somehow having a negative effect on the troops.

So we hear that a lot, that this debate may hurt them, which it is not, hurting the morale of the troops, which the troops are telling us it is not, it is okay. But then to try to somehow take the Defense bill and put campaign finance language in it so that the Republican majority can raise more money to further corrupt the institution is an outrage.

Mr. MEEK of Florida. Mr. RYAN, I just wanted to say when you talked to that marine, we were actually in Mosul at the time, and I am going to be a third-party validator as it relates to your discussion with them. Also, it was a bipartisan delegation, and we heard it on both sides of the aisle.

One thing that I want to say, even Mr. SPRATT as we talk about the authorization bill, as you know, defense seems to be the vehicle to pass all pieces of legislation or thoughts or ideas that the majority has problems in passing under regular order. They have problems passing drilling in the Arctic National Wildlife Refuge in Alaska, so they want to attach that onto a piece of legislation and try to push it through the process.

But I can tell you that this abuse of authority is stepping in the middle of national security at this point, and it is very, very unfortunate. And it is not like coincidence; it is not like something that is blowing through the air conditioner vents here.

I am so glad, sir, once again, that you came down. We are talking about this subject. Many times some Members may not know what is going on. The American people may not know what is going on. That is the reason why we are here, to make sure they do know what is going on.

Mr. SPRATT. I will guarantee you the people do not know what is going on. Until I got back this afternoon, I had to go home and make a speech and started reading some of these dailies that we get over our fax machines and got some phone calls from others who had found out, pieced it together. I did not know about it, so I am sure the American people do not know about it.

Let me just take a second, if I can, maybe a minute or two, and read from the memo that was given to us as conferees just as to what the personnel provisions of this bill are. For the most part, these will not be backstopped by overlapping provisions in the appropriations bill. It simply will not be done unless and until this bill for 2006 is enacted.

I already mentioned a pay raise of 3.1 percent to all servicemembers. I mentioned the increase in end strength needed for our stretched-out ground forces. The death gratuity is raised substantially to $100,000, but, even more important, provided for retroactively to October 7, 2001. And we remove, and only we can do this, we remove the combat-related requirement for the death gratuity.

TRICARE, I mentioned the changes there. In addition, there are some other changes for TRICARE Reserve Select. It enhances that coverage, not as much as we wanted; but it is better than what we have got.

Enlistment bonuses, the authority for those is increased substantially. We have got recruitment problems. We have retention problems. We need this authority to help our recruiters if they are to keep end strength in.

The enlistment age. There are some folks out there that would like to get back into the service, age 42, still in good physical condition. This would allow persons who have previously served who would like to enlist again to be considered up to the age of 42.

Here is something that everybody has noted, given the condition of many soldiers who are coming back from the Iraqi and Afghanistan theater: the establishment of a mental health task force that will look at how the Department and services can treat better, identify better, and support better mental health needs, particularly including post-traumatic stress disorder.

It enhances programs and policies to improve the transition of servicemembers who are severely wounded or injured back into civilian life.

It provides temporary authority to the Army to set up four innovative recruitment tests to see if it can improve its recruitment.

It increases hardship duty pay to $750.

It allows the establishment of a pilot program that would match enlisted members' contributions to the Thrift Savings Plan.

It provides foreign language pay, which we badly need, given the shortage of Arab-speaking servicemembers, up to $12,000.

It extends TRICARE, as I said earlier, for children of servicemembers killed in the line of duty until they reach 21 years of age, or 23 if they are a full-time student.

These are just the personnel changes, but every one has a particular appeal to them. They were carefully considered in our committee and the Senate committee and put into the conference bill. Much of this will not be done if this bill does not get passed, and it certainly will not be done until it is finally enacted.

Mr. MEEK of Florida. I just want to ask you a quick question, Mr. SPRATT. I think it is important not only for the Members to know, but for everyone to know: How much work has gone into this Defense authorization bill? It just was not something that one meeting took place. I am pretty sure hours and hours of testimony and also committee work.

Mr. SPRATT. As the gentleman knows, we get the budget the second week in February. Our hearings start almost immediately in the authorization committee because we have got all four services, we have procurement, personnel, research and development, all kinds of issues that have to be thrashed out every year.

We do not mark up and bring a bill to the floor typically until May, sometimes until June. Then we wait on the Senate to get their work done; and usually, if we are lucky, they get theirs

done in July. If we are not lucky, theirs gets done in September or October, and we find ourselves playing catch-up, which is what we are doing in the extreme this year.

Nevertheless, it is a year-long process. We carefully sift through all these issues. We go back to what we did the previous year and see if it worked. If it did not, we make adjustments. It is an ongoing, continual process. An immense amount of work goes into this.

You can say the appropriators do the same thing; but their committee is much, much smaller than ours. Therefore, they do not get into all of these elements nearly as deeply as we do. That is why this authorization is so critically important as part of the process.

Mr. MEEK of Florida. You never heard of a measure coming before the Armed Services Committee dealing with elections. Maybe absentee ballot access for troops or something, but that is about the extent of it, I am pretty sure.

Mr. SPRATT. That is a very good example of something you can spend a lot of time on, but it is important to troops. They are over there fighting for our freedom. We need to make it possible for them to have the fundamental right to vote and make sure their vote will count, make sure it will not be held up somewhere and not get transmitted to be counted. That is not as easy as it seems in some cases. So we have to give a lot of consideration to it.

That is one of the reasons this bill is done annually, every year, because we have to come back and look at what we did last year and see if it is working. If it is not, we make further adjustments and also find out what new problems have cropped up in the past year.

Mr. MEEK of Florida. Well, Mr. SPRATT, I want to thank you once again for coming down and bringing clarification to that. But this is just an ongoing issue.

I can tell you, I had the opportunity, I wanted to share with the Members, to be a guest at 8 a.m. this morning on Washington Journal. And Mr. RYAN knows, as Ms. WASSERMAN SCHULTZ knows, not to put me in charge of an 8 o'clock volunteer breakfast. It is kind of rough for me at 8 in the morning, even though many mornings I am driving my kids to school. But I do not have to speak on the issues that are before the Congress.

It was very strange, like Mr. SPRATT mentioned. There are a lot of things that happened just today, today, that do not ordinarily happen here under the Capitol dome.

□ 2100

To be able to have an authorization bill, to try to put some sort of campaign, let us take the roof off the limits, on to a must-pass bill is very, very unfortunate. To have the whole discussion about the Arctic National Wildlife Reserve where we have Senators on the other side of the aisle saying, well, we are not going to vote on the budget. Before we vote, we will vote on the Defense appropriations bill, and we want to put this in because it cannot pass on its own merits. So it is very, very unfortunate.

I always say, I do not fault the special interests for fighting for what they want. That is their job. That is what they are supposed to do. We are sent here to represent the people of the United States of America, and if we allow it, then shame on us.

I can tell you, fighting against this, any Member can come and can file a piece of legislation, and in some cases we have seen legislation filed early one day and passed later on the same day. In this case, for this to come in on the back of national security and Defense is just beyond me.

I think the American people need to know about it, and the Members need to pay close attention to it. When you have a majority that feels that they can do exactly what they want to do it when they want to do it, that is okay when it is a personal decision. We talk about that. If we make a personal decision and there is a mistake, it is on us. When we make a decision affecting the American people, the men and women in uniform, need it be here, we have a number of military bases that this bill helps for those troops that are here and the civilian personnel that is involved with the Defense Department and other measures throughout, even contractors in this bill.

For them to come in and do this to those individuals right now, putting something on the bill, I hope through our efforts and through many efforts and through, hopefully, some of our friends on the other side of the aisle, we can take this off the bill and be able to take care of our business and give our troops what they need.

Ms. WASSERMAN SCHULTZ. We thank the gentleman from South Carolina so much for joining us. Your expertise is incredibly helpful in terms of us highlighting the problems that we are trying to address in this Chamber.

Do you know how I would analogize the fact that the Republican leadership has now allowed the drilling in the Alaskan National Wildlife Refuge to be added to the Defense appropriations bill, that they have actually agreed to that? I would analogize it this way, and analogize the addition of any extraneous material, campaign finance reform, well, I would say, we almost would have to say ''reverse campaign finance reform,'' because the 527 legislation that they are talking about is more insidious, not being done in a way that would be designed to help add to the public discourse.

But the addition of campaign finance issues or oil drilling in the Alaskan National Wildlife Refuge to the Defense appropriations bill, the way I would analogize it is similar to insurgents in Iraq and in other areas of the world using children as shields. When our troops go into a neighborhood in Iraq and the insurgents put women and children in front of them so that they get killed instead of the insurgents, that is exactly what the Republican leadership is trying to do here. They are trying to put things in that they cannot get passed on their own because they cannot stand on their own merits.

They are putting the Defense appropriations bill, analogous to the women and children in war-torn countries, in front of items that have no merit, that do not have broad bipartisan support, and that cannot pass by themselves and, as a result, causing significant, unnecessary harming to this country. It is just absolutely unconscionable.

It is another circumvention of the process. It is another example of not dealing straight; another example of the incompetence, of the corruption, of the cronyism. Why can they not just be straight?

I serve on a committee where we work together in a bipartisan fashion. We lay our cards on the table in the Financial Services Committee. We agree on some things; we do not agree on others. But there is no clandestine backroom dealing. There is no attempt in that committee to try to stick things in that they can hide what they are really trying to do.

The American people want openness. They want us to vote clearly. I want a clear shot to vote tomorrow. I support defense of this country. Since I have been here, I have taken every opportunity to vote ''yes'' on defending this country to the degree that we need to. But I have serious problems, and so do my constituents, with drilling in the Alaskan National Wildlife Refuge. Quite honestly, we have a raging debate about oil drilling off the coast of Florida. Fortunately, that is not in this bill, but it could have been.

If we are going to continue the debate that we have had on campaign finance reform, then it should be done in the open. It should be done not at the last minute when we are trying to get out of here for the holidays. It should be done in the deliberative fashion, in the appropriate place, in the committees of jurisdiction. But they cannot get it in the honest and straight and fair way. It has to be the back door. It has to be clandestine. And it has to be putting things that they feel like most Members could not vote against in front of, just like insurgents put women and children in front of them so that they can get hurt first.

The American people are going to get hurt first when extraneous material that has nothing to do with the defense of our country is in front of some awful proposals that would never be sustained on their own.

Mr. RYAN of Ohio. There is no question, it is the abuse of power. And we have been given an awesome gift to just be here in the Chamber, to be here as a Member of Congress. To be in the majority is even a greater gift. And to take that and to use the power that

you are given by the American people for the sole purpose of advancing the cause of your own political party, the Republican Party, instead of looking out for what is in the best interest of the United States of America, that is an abuse of power. I think we have seen it here time and time and time again.

We saw it here during the prescription drug bill where we were here until 3 in the morning and it passed by just a couple of votes. We were told as Members of Congress voting on that bill that it was only going to be $400 billion, and then this bill ends up being over 700 almost $800 billion. And the Democrats had two provisions that we wanted to put in that bill: allow for reimportation from Canada to drop the costs of prescription drugs in the United States and, therefore, save the taxpayers' money; and also allow the Secretary of Health and Human Services the opportunity to negotiate down the drug prices and go to America and say, if you want the contract from the Medicare recipients, you have to sit down and we have to negotiate price. Just think how much money we would have saved the taxpayer if we would have done that. Just think about that.

Mr. MEEK of Florida. Let me say, just to back up what you were saying and be a third-party validator on that, I have the facts here. You want to talk about abuse of power? It was printed just this afternoon a story that was posted around 7 p.m. tonight about what is going on in the back Halls of Congress. I mean, we have leaders in the Senate saying that we have an agreement with a said Senator, but I do not want to go into details. That is what our leadership says here in the House.

At the appropriate time when I find the cover sheet to this one story, I will enter that into the RECORD because I think that needs to go into the CONGRESSIONAL RECORD so that when folks start backtracking on what happened in the 109th Congress at the closing of the first session of the 109th Congress, I want them to clearly know what the thinking was on behalf of the majority. These are two majority leaders that are talking about this kind of ''we have a deal worked out, but we do not want to go into details,'' meanwhile holding up the Defense authorization bill. Not only that, holding up the Defense appropriations bill. There are other bills that we would like to get through this Congress.

Mr. RYAN talked about abuse of power. Let me take you down memory lane for a moment. October 7, the Republicans held open a 5-minute vote on Gasoline American Security Act. It lasted over 40 minutes to pass an energy bill that does nothing to lower gas prices, and that bill actually passed only by two votes. The Republican leadership, they have bills that even Republicans do not want to vote for.

I think it is important that the American people are made aware of that and also Members that may need to freshen their memory.

November 22 of 2003 in the 108th Congress as it relates to the Medicare Prescription Drug Bill: 3 hours we stood in this Chamber, Mr. Speaker, waiting on this bill, waiting on us to close the board. When we say ''the board,'' we are talking about the voting board. We sat here for 3 hours while the arm twisting went on. Leader PELOSI came to the floor and put forth a resolution in detail talking about some of the activities on that given evening here on this floor that I am speaking on.

I think it is important we go down memory lane to make sure that people understand when folks talk about fairness and inclusion and that Democrats have access to the process, we just need to go down a brief history of what is going on. And that is the purpose of the 30-something Working Group, that the American people understand exactly what is going on here.

You want to talk about arm twisting? Just recently, July 24 and 28, on those two dates the vote was held open for so long. Leaders held the vote open for 1 hour, well past the 15-minute voting time as they rounded up enough votes to pass CAFTA, which was in the final vote 217–215. Even some Republicans on that side of the aisle could not vote for that piece of legislation because it did not meet the merit to be able to be a sound free trade agreement the American people can embrace. It took an hour for that to happen. Let us go down memory lane once again.

Veterans Affairs, the chairman being pro-veteran, goodness gracious, if you are pro-veteran in the Republican majority, you are going to lose your chairmanship. This is not just our report that we have in the back room here and we said, let us see if we can fabricate something.

January 6, this year, 2005, House Republicans ousted Mr. CHRIS SMITH as chairman of the Committee on Veterans' Affairs for bucking his leadership and being a tireless advocate on behalf of veterans rights. He was not only removed as chairman, which he served on the committee for 24 years, but he was kicked off of the committee, off of the committee.

Mr. RYAN of Ohio. Unbelievable.

Mr. MEEK of Florida. It is one thing, Mr. Speaker, it is really rough to be removed as chairman and then to be kicked off the committee that you served on for 24 years.

Mr. RYAN of Ohio. I served on that committee my last term in Congress. I sat on the Committee on Veterans' Affairs. And that gentleman that you are speaking about had a relationship with the veterans that was unsurpassed. It was unbelievable. The veterans groups loved Mr. SMITH. Loved him. And he advocated for them on their behalf as chairman of the veterans committee.

You do not have to ask me or the 30-something Working Group; you do not have to ask us. Go talk to the head of the disabled veterans groups, go talk to the head of AMVETS, go talk to any single veterans group and they will tell you that they loved them, and he advocated for them, and he disagreed with not fully funding and providing mandatory funding for our veterans health care benefits.

Mr. MEEK of Florida. I have a tail end to that statement on this whole abuse of power, and I am glad you have the perspective from the 108th Congress about what actually took place and how you served with this past-chairman and past-member of the Veterans' Affairs Committee.

The change was widely denounced by leaders of several veterans groups. Richard Fuller of the Paralyzed Veterans of America said in response to that, ''The Republican leadership has made a statement that the country is making too much of a commitment to the men and women who have served in uniform.''

This is from the New Jersey Star Ledger. I think it is important that this is a man, this is obviously a man that has served. He is the president, or was the President, at that particular time of the Paralyzed Veterans of America in response to that. And they have made a very strong statement that they are not willing to make the commitment to men and women that have served in uniform.

□ 2115

So when we talk about the abuse of power, we look at this budget that is under consideration right now. We have been talking about the budget now for several weeks. I think if this Republican majority could give millionaires and billionaires a tax break, they would borrow as much money as they have to borrow to make it happen.

Mr. RYAN of Ohio. Who are they borrowing it from?

Mr. MEEK of Florida. Mr. Speaker, this Republican majority is willing to borrow as much money as possible to give millionaires a tax break.

Ms. WASSERMAN SCHULTZ. Before you change the subject, I just want to say, on veterans, because if we are going to talk about tails, there is the tail the size of a doberman and one the size of a German shepherd. I want to do the length of a German shepherd on this.

We are not talking about the fact that a chairman here who was wonderful for veterans was removed from the chairmanship and removed from the committee. We can go much further and lengthen the tail and talk about the commitment or severe lack thereof commitment to veterans and their health care and sustaining veterans who have given not just their lives but dedicated their lives to this country and put their lives on the line.

Just 6 months ago, we finally had a culmination of a debate that we had begun where we, as Democrats, have been insisting that the Veterans Affairs had a significant shortfall in their budget, at least $1 billion, and there was denial after denial that that was the case. I was not here. In fact, I was

not a Member of Congress at the beginning of that debate.

Then I joined the Congress, and a few months later, we are on the floor passing a supplemental appropriation because the Republican leadership here had to finally acknowledge that there was a shortfall. We had to come in and pass an emergency appropriation so that our veterans could continue to get health care.

As it is, the Republican administration here makes them wait at least 6 months to get any health care services. Now, in this budget, we are going to be cutting, under the Republican's plan, veterans health care by as much as $600 million, even as we have the number of our veterans growing with the war in Iraq and Afghanistan.

So it is not just what we are doing to veterans by throwing out the Members here on both sides who support them, but we are also totally shortchanging them. I just wanted to add that.

Mr. MEEK of Florida. Really, to get to the nitty-gritty of the whole veterans, they instruct the Republican majority, which I must say, when the budget came through this House, Mr. Speaker, not one Democrat voted for the budget. Not one Democrat said, well, maybe I need to vote for this reduction and maybe I just need to do it because of the folks back home; I just do not want to vote against the budget. Not one Democrat voted for the budget that they passed on the backs of the American people, and to come here with a straight face and talk about how we are going to borrow as much money as we have to borrow to give billionaires the majority of the tax breaks of a proposal that we put forward, and these are the very individuals that are standing up with all kinds of markers behind them and charts and everything, fiscal responsibility, ''trust us'' kind of thing, and I can tell you right now, Mr. Speaker, we should have as much trust and confidence within our government. But when we see our leaders act in such a way legislatively, I think it is something that should be quite alarming.

I want to come to the gentleman from Ohio (Mr. RYAN) for a second, but I want to hit this chart since we are talking about being responsible.

If I could, I would like to kind of get a billboard placed probably right where the Members come in to vote, if I could. If I could talk to House Administration to see if I could do that, I think it would be helpful for the financial well-being of every American. So when the Republican majority is driving in here and saying, I want to borrow as much money as I can to make sure that oil companies have the subsidies that they would like to have, even though they are making record profits, we are going to give them more than we are giving to the American people or more than we are giving to Leave No Child Left Behind to improve that Act.

There are going to be 11 States that have filed suit against the Federal Government because it is underfunded, but meanwhile, here we are speaking of, let us borrow as much as we can to give billionaires their tax break, $1.05 trillion this President has borrowed with the Republican majority, in just 4 years, from foreign nations such as China, Saudi Arabia, Japan, you name it. They have a piece of the American pie now because we have borrowed $1.05 trillion. Forty-two Presidents before this President and before this overwhelming so-shall-it-be-written-so-shall-it-be-done Republican majority, 42 Presidents in the past, $1.01 trillion, 42 Presidents, 224 years of a country and trying to be as fiscally responsible as possible. I think it is important that the Members pay very close attention to this chart, and unfortunately, Mr. Speaker, this is continuing to go up and up and up and up and up.

Mr. RYAN of Ohio. Mr. Speaker, when you are having your Christmas party or your Chanukah party or your Kwanzaa party or your holiday party or whatever you call things these days, because I even get nervous wishing somebody a merry Christmas anymore, when one of the billionaires, one of the millionaires are around the party table in the next week or two and they are holding up their glass, they should say, thank you, Chinese government; thank you, House of Sahd; thank you, Japan, for loaning my country the money to be able to give me a tax cut. Do not thank us. Thank the people we are borrowing the money from. Thank them, because we are borrowing money from the Chinese and the Saudi Arabians and the Japanese to give a tax cut to the wealthiest people in the United States of America.

Not only are we borrowing it, but the money we do take in, look what we are spending it on in Iraq: $1.5 billion a week. Look at these Iraqi projects: Transportation and communication, $508 million. Look what we are cutting over here in the United States: $500 million to our student loan programs. In Iraq: Electricity projects, $4 billion for electricity projects in Iraq. In the United States, we are cutting $4.9 billion from child support to go after deadbeat dads; $1.72 billion in Iraq for oil infrastructure. What are we cutting back here at home? Farm commodity and conservation programs, just about the same number, $1.76 billion, we are cutting here at home.

We are borrowing from China. We are giving that money to the richest people in our country, and then we are putting the cuts that we have to have over here, because this administration and the Republican majority cannot get the economy up and running; we are cutting here child support, student loans, free and reduced lunch. All these things are happening on the backs of the American people.

Ms. WASSERMAN SCHULTZ. While we are at it, while we are cutting the budget and basically paying for what is going on in the war in Iraq, we are providing billions of dollars in tax cuts for the wealthy, and we are all about third party validators here.

On top of what you just outlined, tax analysts agree, and this is in the New York Times, third party validators, tax analysts agree that the overwhelming bulk of the dividend goes to the top 5 percent of income earners. We just passed a $56 billion tax cut package over 5 years one day last week after we passed another tax cut package that is $39 billion over 5 years. There was no argument, no argument at all that the tax cuts that we have been passing go to the top two-tenths of 1 percent of the wealthiest people in America.

When I go home, I represent a fairly middle class district, working families, not the depths of the poor, working families. When I stand up in town hall meetings, I ask my folks to raise your hand if you have benefited from any of the tax breaks that have been handed down by the Bush administration for the last 6 years. Do you know, maybe one, two hands go up in a roomful of hundreds of people? Who are getting these tax breaks? The Rolls Royce Republicans. That is who are getting these tax breaks. That is what this administration and this leadership is all about, the Rolls Royce Republicans.

Mr. RYAN of Ohio. That is a great point because this is not your father's Republican party. This is not the Richard Nixon Republican party or Abraham Lincoln Republican party. This is a right wing agenda that is coming down the pike here with ANWR drilling coming in. If you are pro-environment and you are with the right wingers, you are in the wrong party because they want to drill. And they do not want to have an alternative energy program.

Mr. MEEK of Florida. Once again, I just have to point out, and this is going to take me about 10 seconds to do it. They cannot get Republicans in this House to vote for drilling in ANWR. They cannot get them to do it. So I do not blame Republicans, and I do not even blame the Republican Party. I blame the Republican leadership that is leading the Republican side of the aisle and even giving the oil companies and the special interests the thought that they can invade the Defense appropriations bill of all bills. Republicans, their stomach is all messed up over this.

The Republicans need to ask elected Republicans when they go home, why did you change on me? You changed uniforms in the middle of the football game. I am not an advocate for the majority, but I am just saying, there is something fundamentally wrong here. I want to know, what is the problem, and who is whispering in whose ear?

I did find the article, Mr. Speaker, and I would just like to insert it, but it is, Plan to Move ANWR to Defense Bill Moves Budget Deal Forward. That is CQ Today, December 17 article, Mr. Speaker, and I will enter that into the RECORD at this point.

[From the CQ Today, December 17, 2005]

PLAN TO MOVE ANWR TO DEFENSE BILL MOVES BUDGET DEAL FORWARD

(By Steven T. Dennis and Liriel Higa)

A conference report on a $45 billion budget savings package was nearly complete Saturday evening after House leaders reached an agreement with Senate Defense Appropriations Chairman Ted Stevens to move a provision allowing drilling in Alaska's Arctic National Wildlife Refuge (ANWR) out of the legislation and into the Defense bill.

The agreement on moving ANWR came on a day of negotiations on multiple fronts. On Saturday night, the House by voice vote passed a stopgap spending measure (H J Res 75) to temporarily fund Defense programs and other government operations after a day-long dispute between Republican leaders in both chambers over when the measure would expire.

A new stopgap measure must be cleared by Congress and signed by President Bush by midnight, when an earlier stopgap spending measure (H J Res 72) expires.

On Sunday, House leaders expect to bring the budget package (HR 4241, S 1932) to the floor for a vote. And they expect Stevens, R–Alaska, to sign the budget conference report.

Stevens, a staunch supporter of ANWR energy exploration, had vowed not to do so until the lawmakers cleared the Defense spending bill (HR 2863) with drilling provisions intact. But he later agreed to allow the budget conference to move forward provided that the House passes the Defense bill with ANWR attached.

''We have an agreement with Sen. Stevens, but I don't want to go into all of the details,'' said House Speaker J. Dennis Hastert, R–Ill.

House Budget Chairman Jim Nussle, R–Iowa, said Saturday afternoon that his panel was expecting final reports from authorizing committee chairmen by the evening and that once the final bill is scored by the Congressional Budget Office, the budget savings package should come close to the $45 billion goal set by House leaders.

Nussle said that they ''need, want, expect'' Stevens' vote on the budget bill. He said the House would vote on the Defense spending bill Sunday before voting on the reconciliation bill.

The Senate also would likely vote on the Defense bill with ANWR attached before voting on the budget reconciliation package according to a senior Senate GOP leadership aide. The timetable for Senate action is unclear.

It is uncertain if Democrats would attempt to filibuster the Defense measure. But they were hoping to muster the 51 votes needed to reject attaching ANWR drilling to the conference report.

The budget savings package is protected from filibuster in the Senate under special budget reconciliation rules, but the Defense spending measure has no such protection.

''This language has the potential, in my opinion, to sink the package once it reaches the Senate.''

The ANWR provision, which was included in the Senate's version of the budget package but not the House bill, has been a sticking point in finishing work on the legislation—especially for House moderates and Democrats. Negotiators hope that moving the proposal to the must-pass Defense bill makes the budget legislation easier to pass while making it harder politically for Democrats to filibuster.

A number of other provisions in the Budget savings bill opposed by House moderates—including savings in food stamps, child support enforcement and welfare—would not be in the final bill either, Nussle said.

But a $3.2 billion House provision shifting trade dumping penalties to the U.S. Treasury instead of aggrieved companies was still in the package, Nussle said.

Medicaid and Medicare provisions were still being hashed out late Saturday afternoon, as negotiators awaited scoring of the provisions.

The package still needed to go through a so-called ''Byrd bath,'' to ensure that it does not run afoul of the Byrd rule. Named for Senator Robert C. Byrd, D–W.Va., the rule prohibits provisions in budget legislation that would have a negligible spending impact.

Meanwhile, Republican moderates in the House began to worry that their victory in stripping ANWR from the House budget package was becoming a fleeting one.

Representative Sherwood Boehlert, R–N.Y., said he and other moderates would consider voting against the budget savings package unless ANWR is removed from the Defense bill. ''The my way or the highway crowd'' has been winning, and moderates need to consider changing tactics, he said.

House Appropriations Chairman Jerry Lewis, R–Calif., said appropriators were close to a deal on additions to the Defense appropriations bill, including hurricane relief, flu prevention funding and a 1 percent across-the-board cut that would apply to Defense but spare veteran's benefits. That cut would save about $8 billion a year.

STOPGAP FUNDING

Lewis lost in an intraparty dispute Saturday with Senate leaders over how long to temporarily fund government operations covered by spending bills have not yet cleared, including Defense.

Since the fiscal year began on Oct. 1, Congress has twice enacted such stopgap spending measures. On Saturday, Lewis introduced a third continuing resolution lasting until Feb. 15, but the Senate insisted that the measure expire sooner, on Dec. 31.

The continuing resolution would fund programs covered under the Defense bill and the Labor-HHS–Education appropriations measure (HR 3010)—the only two spending measures that have not yet cleared.

Lewis had said he was seeking a Feb. 15 extension because of concerns that the Senate would not be able to clear the Labor–HHS spending measure before adjourning.

Lewis rejected a proposal floated Friday by Senator Arlen Specter, R–Pa., chairman of the Labor-HHS–Education Appropriations Subcommittee, to tack the bill on to the Defense Appropriations measure.

Ms. WASSERMAN SCHULTZ. We have got to stop thinking about the special interests before we think about the average American because that is really what it boils down to, and those Republicans that you are talking about, I represent a lot of them.

I live in a town that precinct by precinct, 13 precincts in my town, in this city of Weston; every single one of them is majority Republican registration. I cannot walk down the street without interacting with a Republican registered voter, and by the way, I win every one of those precincts with more than 60 percent of the vote. I am certainly not a Republican, and the reason that happens is because it happens to be a community that has some wealth. People stop me in the supermarket, on the soccer field all the time and say: DEBBIE, keep the darn tax cut. I do not need the tax cut. It does not help me that much. I want my kid to have a good education. I want people to have health care.

They understand. They understand that the economy does not boom because the top two-tenths of 1 percent of Americans get a tax cut. They understand that it is kids who grow up and can get a good education and who sit across the desk from these constituents of mine, most of whom are employers, who are bosses who are interviewing kids who graduate from high school unprepared for the path that they choose in life because we are not adequately funding education because they come to work sick and have to go home early because we have 45 million people who do not have health insurance.

They want to know where this Republican leadership's priorities are, where their Republican party that they have chosen to affiliate themselves with, where their priorities are, because it is not with them. I am not sure what our other colleagues' Republican constituents are saying to them, but that is what mine are saying to me.

I think we have got to stop being the Congress of the special interests and return to being the Congress of the American people. While we are on the subject of the success of this administration, and you talk about how significant that deficit, and the combination of 42 other Presidents combined, had a bigger deficit. The President does like to talk about the success of the economy and how it is experiencing a resurgence and how we are really in real good shape right now. I want to just show you a chart that I had made up. It gives you an example of the economic success of America under the Bush administration.

□ 2130

Let us go down memory lane. Under the administration of Bush 41, the Dow went up 10.1 percent. Under President Clinton's first Presidency, 19.6 percent. Second Clinton Presidency, 12.3 percent. Negative. Three percent under this President's first term; now two-tenth's of 1 percent. Literally, President Clinton's Dow went up 225 percent; and under this President, the Dow has gone up 3 percent. Not exactly a stellar record in terms of improving the economy.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. There is no doubt about it, and here is where not only the Dow is not growing at the clip we need it to, this is where the tax cuts are going.

And I think we have to make this point. We talk about health care and education, and the Democrats have talked about how we have reformed those systems, not talking just throwing money at them, but we need new innovative progressive ways of educating our kids and delivering health care. The Democrats have a plan to do that. These are good investments.

The gentlewoman was talking about the millions of kids who do not have

health insurance and how people in her community are smart enough to know we need to do that. Those kids end up in the emergency room much sicker than they would be if they had some preventive care. What we are advocating for is to make sure we provide this kind of care for those kids, to make sure we save the taxpayer money in the long run.

So as this is probably our last 30-something for 2005, Happy Chanukah, Kwanzaa, Merry Christmas.

Ms. WASSERMAN SCHULTZ. A joyous holiday season.

Mr. RYAN of Ohio. Have a very happy, joyous holiday season, because we are all Americans. And I would like to now give the e-mail address here: 30somethingdems@mail.house.gov. That is 30, the number, somethingdems@mail.house.gov.

Does the gentleman from Florida have any final words to share with the American people and his colleagues?

Mr. MEEK of Florida. Well, first Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I look forward to coming back and joining my colleagues in the 30-something Working Group next year.

Mr. MEEK of Florida. I just want to say to my colleagues here, and Mr. SPRATT, who was here earlier, that it has definitely been a great joy and honor to be a part of this group that we have that is working so hard, and also Mr. DELAHUNT and many other members of the 30-something Working Group. On behalf of all of us, we want to thank not only the Speaker-to-be, hopefully in the next Congress, Leader PELOSI, but also our Democratic whip, Mr. HOYER. And I want to congratulate Mr. BOB MENENDEZ on being appointed to the Senate in the very near future, and also to Mr. CLYBURN.

Mr. RYAN of Ohio. And also Mr. Tom Manatos, who keeps us all together down here. Tom, you are the man.

Mr. MEEK of Florida. And, Mr. Speaker, we wish you a Merry Christmas, too, sir.

FOREIGN POLICY

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, our country faces major problems. No longer can they remain hidden from the American people. Most Americans are aware the Federal budget is in dismal shape. Whether it is Social Security, Medicare, Medicaid, or even the private pension system, most Americans realize we are in debt over our heads. The welfare state is unmanageable and severely overextended.

In spite of hopes that supposed reform would restore sound financing and provide for all the needs of the people, it is becoming more apparent every day that the entire system of entitlements is in a precarious state and may well collapse. It does not take a genius to realize that increasing the national debt by over $600 billion per year is not sustainable. Raising taxes to make up the shortfall is unacceptable, while continuing to print the money needed will only accelerate the erosion of the dollar's value.

Our foreign policy is no less of a threat to us. Our worldwide military presence and our obsession with remaking the entire Middle East frighten a lot of people both here and abroad. Our role as world policeman and nation-builder places undue burdens on the American taxpayer. Our enormous overseas military expenditures, literally hundreds of billions of dollars, are a huge drain on the American economy.

All wars invite abuses of civil liberties at home, and this vague declaration of war against terrorism is worse than most in this regard. As our liberties here at home are diminished by the PATRIOT Act and national ID card legislation, we succumb to the temptation of all empires to spy on American citizens, neglect habeas corpus, employ torture tactics, and use secret imprisonments. These domestic and foreign policy trends reflect a morally bankrupt philosophy devoid of any concern for liberty and the rule of law.

The American people are becoming more aware of the serious crisis this country faces. Their deep concern is reflected in the current mood in Congress. The recent debate over Iraq shows the parties are now looking for someone to blame for the mess we are in. It is a high-stakes political game. The fact that a majority of both parties and their leadership endorsed the war and accept the same approach towards Syria and Iran does nothing to tone down the accusatory nature of the current blame game.

The argument in Washington is over tactics, quality of intelligence, war management, and diplomacy, except for the few who admit that tragic mistakes were made and now sincerely want to establish a new course for Iraq. Thank goodness for those who are willing to reassess and admit to those mistakes. Those of us who have opposed the war all along welcome them to the cause of peace.

If we hope to pursue a more sensible foreign policy, it is imperative that Congress face up to its explicit constitutional responsibility to declare war. It is easy to condemn the management of a war, one endorsed, while deferring to the final decision about whether to deploy the troops to the President. When Congress accepts and assumes its awesome responsibility to declare or not declare war as directed by the Constitution, fewer wars will be fought.

Sadly, the acrimonious blame game is motivated by the leadership of both parties for the purpose of gaining or retaining political power. It does not approach a true debate over the wisdom or lack thereof of foreign military interventionism and preemptive war.

Polls indicate ordinary Americans are becoming uneasy with our prolonged war in Iraq which has no end in sight. The fact that no one can define victory precisely, and most Americans see us staying in Iraq for years to come, contributes to the erosion of support for this war. Currently, 63 percent of Americans disapprove of the handling of the war, and 52 percent say it is time to come home. Forty-two percent say we need a foreign policy of minding our own business. This is very encouraging. The percentages are even higher for the Iraqis. Eighty-two percent want us to leave, and 67 percent claim they are less secure with our troops there.

Ironically, our involvement has produced an unusual agreement among the Kurds, Shiites, and Sunnis, the three factions at odds with each other. At the recent 22-member Arab League meeting in Cairo, the three groups agreed on one issue. They all want foreign troops to leave. At the end of the meeting, an explicit communique was released: ''We demand the withdrawal of foreign forces in accordance with a timetable and the establishment of a national and immediate program for rebuilding the armed forces that will allow them to guard Iraq's borders and get control of the security situation.''

Since the administration is so enamored of democracy, why not have a national referendum in Iraq to see if the people want us to leave? After we left Lebanon in the 1980s, the Arab League was instrumental in brokering an end to that country's 15-year civil war. Its chances of helping to stop the fighting in Iraq are far better than depending on the United Nations, NATO, or the United States.

This is a regional dispute that we stirred up, but cannot settle. The Arab League needs to assume a lot more responsibility for the mess that our invasion has caused. We need to get out of the way and let them solve their own problems. Remember, once we left Lebanon, suicide terrorism stopped and peace finally came. The same could happen in Iraq.

Everyone is talking about the downside of us leaving and the civil war that might erupt. Possibly so. But no one knows with certainty what will happen. There was no downside when we left Vietnam. But one thing for sure, after a painful decade of the 1960s, the killing stopped and no more Americans died once we left. We now trade with Vietnam and enjoy friendly relations with them. This was achieved through peaceful means, not military force.

The real question is how many more Americans must be sacrificed for a policy that is not working. Are we going to fight until we go broke and the American people are impoverished? Common sense tells us it is time to reassess the politics of military intervention and not just look for someone to blame for falling once again into the trap of a military quagmire.

The blame game is a political event designed to avoid the serious philosophic debate over our foreign policy of interventionism. The mistakes made by both parties in dragging us into an unwise war are obvious, but the effort to blame one group over the other confuses the real issue. Obviously, Congress failed to meet its constitutional obligation regarding war. Debate over prewar intelligence elicits charges of errors, lies, and complicity.

It is argued that those who are now critical of the outcome are just as much at fault since they too accepted flawed intelligence when in deciding to support the war. This charge is leveled at previous administrations, foreign governments, Members of Congress, and the United Nations, all who made the same mistake of blindly accepting the pre-war intelligence.

But complicity, errors of judgment, and malice are hardly an excuse for such a serious commitment as a preemptive war against a nonexistent enemy. Both sides accepted the evidence supposedly justifying the war, evidence that was not credible. No weapons of mass destruction were found. Iraq had no military capabilities. Al Qaeda and Saddam Hussein were not allies. Remember, we were once allies of both Saddam Hussein and Osama bin Laden. And Saddam Hussein posed no threat whatsoever to the United States or his neighbors.

We hear constantly that we must continue the fight in Iraq and possibly in Iran and Syria because it is better to fight the terrorists over there than here. Merely repeating this justification, if it is based on a major analytical error, cannot make it so. All evidence shows that our presence in Iraq, Saudi Arabia, and other Muslim countries benefits al Qaeda in its recruiting efforts, especially in its search for suicide terrorists.

This one fact prompts a rare agreement among all religious and secular Muslim factions, namely, that the U.S. should leave all Arab lands. Denying this will not keep terrorists from attacking us. It will do the opposite. The fighting and terrorist attacks are happening overseas because of a publicly stated al Qaeda policy that they will go for soft targets: our allies, whose citizens object to the war, like Spain and Italy. They will attack Americans who are more exposed in Iraq.

It is a serious error to conclude that fighting them over there keeps them from fighting us over here or that we are winning the war against terrorism. As long as our occupation continues and American forces continue killing Muslims, the incentive to attack us will grow. It should not be hard to understand that the responsibility for violence in Iraq, even violence between Iraqis, is blamed on our occupation. It is more accurate to say the longer we fight them over there, the longer we will be threatened over here.

□ 2145

The final rhetorical refuge for those who defend the war not yet refuted is the dismissive statement that the world is better off without Saddam Hussein. It implies no one can question anything we have done because of this fact. Instead of an automatic concession, it should be legitimate, even if politically incorrect, to challenge this disarming assumption. No one has to like or defend Saddam Hussein to point out, we will not know whether the world is better off until we know exactly what will take Saddam Hussein's place. This argument was never used to justify removing murderous dictators with much more notoriety than Saddam Hussein such as our ally Stalin, Pol Pot whom we helped to get into power, or Mao Tse Tung. Certainly the Soviets, with their bloody history and thousands of nuclear weapons aimed at us, were many times over greater a threat to us than Saddam Hussein ever was. If containment worked with the Soviets and the Chinese, why is it assumed without question that deposing Saddam Hussein is obviously and without question a better approach for us than containment?

The ''we are all better off without Saddam Hussein'' cliche does not address the question of whether the 2,100-plus American troops killed or the 20,000 wounded and sick troops are better off. We refuse to acknowledge the hatred generated by the deaths of tens of thousands of Iraqi citizens who are written off as collateral damage. Are the Middle East and Israel better off with the turmoil our occupation has generated? Hardly. Honesty would have us conclude that conditions in the Middle East are worse since the war started. The killing never stops, and the cost is more than we can bear both in lives and limbs lost and dollars spent. In spite of the potential problems that may or may not come from our withdrawal, the greater mistake was going in in the first place.

We need to think more about how to avoid these military encounters rather than dwelling on the complications that result when we meddle in the affairs of others with no moral or legal authority to do so. We need less blame game and more reflection about the root cause of our aggressive foreign policy. By limiting the debate to technical points over intelligence, strategy, the number of troops and how to get out of the mess, we ignore our continued policy of sanctions, threats and intimidation of Iraqi neighbors, Iran and Syria. Even as Congress pretends to argue about how or when we might come home, leaders from both parties continue to support the policy of spreading the war by precipitating a crisis with these two countries. The likelihood of agreeing about who deliberately or innocently misled Congress, the media and the American people is virtually nil. Maybe historians at a later date will sort out the whole mess. The debate over tactics and diplomacy will go on, but that only serves to distract from the important issue of policy. Few today in Congress are interested in changing from our current accepted policy of intervention to one of strategic independence. No nation building, no policing the world, no dangerous alliances. But the result of this latest military incursion into a foreign country should not be ignored. Those who dwell on pragmatic matters should pay close attention to the result so far.

Since March 2003, we have seen death and destruction, 2,100-plus Americans killed and nearly 20,000 sick and wounded, plus tens of thousands of Iraqis caught in the crossfire. A Shiite theocracy has been planted. A civil war has erupted. Iran's arch nemesis, Saddam Hussein, has been removed. Osama bin Laden's arch nemesis, Saddam Hussein, has been removed. Al Qaeda now operates freely in Iraq, enjoying a fertile training field not previously available to them. Suicide terrorism spurred on by our occupation has significantly increased. Our military-industrial complex thrives in Iraq without competitive bids. True national defense and the voluntary Army have been undermined.

Personal liberty at home is under attack; assaults on free speech and privacy, national ID cards, the PATRIOT Act, National Security Letters, and challenges to habeas corpus all have been promoted.

Values have changed, with more Americans supporting torture and secret prisons. Domestic strife, as recently reflected in arguments over the war on the House floor, is on the upswing. Preemptive war has been codified and accepted as legitimate and necessary, a bleak policy for our future.

The Middle East is far more unstable, and oil supplies are less secure, not more. Historic relics of civilization protected for thousands of years were lost in the flash while oil wells were secured. U.S. credibility in the world has been severely damaged, and the national debt has increased enormously, and our dependence on China has increased significantly as our Federal Government borrows more and more money.

How many more years will it take for civilized people to realize that war has no economic or political value for the people who fight and pay for it? Wars are always started by governments, and individual soldiers on each side are conditioned to take up arms and travel great distances to shoot and kill individuals that never meant them harm. Both sides drive their people into a hysterical frenzy to overcome the natural instinct to live and let live. False patriotism is used to embarrass the good-hearted into succumbing to the wishes of the financial and other special interests who agitate for war. War reflects the weakness of a civilization that refuses to offer peace as an alternative.

This does not mean we should isolate ourselves from the world. On the contrary, we need more rather than less interaction with our world neighbors. We should encourage travel, foreign commerce, friendship and exchange of ideas. This would far surpass our misplaced effort to make the world like us through armed force. This can be achieved without increasing the power of the state or accepting the notion that some world government is needed to enforce the rules of exchange. Governments should get out of the way and let the individuals make their own decisions about how they want to relate to the world.

Defending our country against aggression is a very limited and proper function of government. Our military involvement in the world over the past 60 years has not met this test, and we are paying the price.

A policy that endorses peace over war, trade over sanctions, courtesy over arrogance and liberty over coercion is in the tradition of the American Constitution and American idealism. It deserves consideration.

BLUE DOG COALITION

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, I come to the floor this evening as a member of the fiscally conservative Blue Dog Coalition, a group of 37 fiscally conservative Democrats that are concerned about our Nation and its future due to the rising cost of our debt, our deficit. We believe it is time to restore some common sense in fiscal discipline to our Nation's government.

Mr. Speaker, I stand here today on the floor of the United States House of Representatives as a voice for the people of Arkansas' Fourth Congressional District.

It is one thing for all of us to have the title U.S. Representative, but it is another thing to be one, and I believe it is important that we go back to our respective districts; I go home every weekend to places like Hot Springs and Texarkana and Pine Bluff and El Dorado and Mena and Hope and Arkandelphia, and throughout the 29 counties and 150 towns that I so proudly represent, and listen to the people. And then I do my best to bring their voice back here to the floor of the United States House of Representatives.

The people are telling me that it is time that our Nation get its fiscal house in order and stop this reckless spending that has resulted in the largest deficit ever in our Nation's history for a fifth year in a row and has resulted in a debt that totals $8.137 trillion. That is $8 trillion, 137 billion and some change.

In fact, for every man, woman, and child in this country, if we all had to get our checkbooks out tonight and retire this debt, everybody, including the children, the babies being born today, would have to write a check for some $27,000.

You hear a lot of talk these days about this being a Democratic idea or this being a Republican idea. And, Mr. Speaker, I am here to tell you that I believe the people in this country like me are sick and tired of all the partisan bickering that goes on at our Nation's Capital.

It should not matter if it is a Democratic idea or a Republican idea. In fact, the American people are concerned not about petty partisan politics, but they are concerned about paying for the high cost of their children's college education, the skyrocketing cost of health care and how to pay for prescription drugs. They are concerned about their retirement security, about privatizing Social Security, Medicare and Medicaid, skyrocketing natural gas and energy prices, the war in Iraq and thousands of Katrina victims who nearly 4 months after the devastating hurricane still today remain homeless.

Let me tell you about my America. My congressional district back home in Arkansas ranks 415 out of 435 among congressional districts throughout the country in average income per household. Half the children in Arkansas are on Medicaid. Eight out of ten seniors in nursing homes are on Medicaid. One in five people in my home State of Arkansas are on Medicaid. Yet, around 1 o'clock in the morning on November 18, Congress nearly passed the so-called Deficit Reduction Act that would directly and adversely impact the poor, the disabled, the elderly. This bill mandates nearly $50 billion in spending cuts, including $11.4 billion in cuts to Medicaid, the only health insurance plan for the poor, the disabled, the elderly; $14.3 billion in cuts to Federal student aid programs; over $3 billion in cuts to our farm families; and over $700 million in cuts to food stamps. Then the Republican leadership turns around and passes $56 billion worth of tax cuts, $50 billion in spending cuts, $56 billion in tax cuts. Only in Washington do you add $6 billion to the Nation's debt and call it the Deficit Reduction Act.

Mr. Speaker, I will never stop fighting for the conservative smalltown values that I was raised on and still believe in, and I cannot help but reflect on one of the memory verses that I learned growing up at Midway United Methodist Church just outside Prescott, Arkansas. It is from Matthew 25:40, and it goes like this: I tell you the truth. Whatever you did for one of the least of these brothers of mine, you did for me.

Mr. Speaker, the idea of cutting programs that would negatively impact the poorest among us does not resonate with the principles on which this country was founded. These budget cuts are indicative of misguided priorities and do not reflect the values I learned growing up in places like Emmet, Prescott and Hope, Arkansas.

As members of the Blue Dog Coalition, we believe we have the answer to this massive debt, this ongoing deficit, and we believe we can get it under control without harming and cutting programs for the poorest among us. It is called the Blue Dog 12-Point Plan. It is 12 simple points, quite frankly, that, if implemented, would truly restore some fiscal discipline and common sense to our Nation's government. This evening, Mr. Speaker, we plan to spend the remaining part of this hour going over these 12 points. So many people criticize what is going on, but they do not offer up a solution, and what we are trying to do as members of the Blue Dog Coalition is offer up an alternative, offer up a solution to this massive debt and deficit, this budget problem our Nation has today.

With me to help do that I am real proud to have JOHN TANNER, one of the founding members of the Blue Dog Coalition from the State of Tennessee; DENNIS CARDOZA, one of the co-chairs of the Blue Dog Coalition from California; and Allen Boyd from Florida, one of the founding members, longtime members, former chairman of the Blue Dog Coalition. So we come to you this evening from all across America, from Arkansas and Tennessee and California and Florida, to offer up what we believe are commonsense ideas to truly try to get this Nation's fiscal house back in order. As 37 members of Congress, we have come together, and we have written this 12-point reform, and we are encouraging Democrats and Republicans to join us as we try to get this Nation back on track.

□ 2200

And the reason this is so important and why this should matter to everybody across our land, $8.137 trillion in debt. That is very important for a lot of reasons, not the least of which is our Nation today. The first $500 million we collect every day in taxes from taxpayers does not go to better roads, better education, better health care. It simply goes to pay interest, to pay interest on the national debt.

It is not getting any better. In fact, our Nation is borrowing another $907 million every 24 hours. As Members of the Blue Dog Coalition, we want to fix this, and we can do it with our 12-point plan.

Madam Speaker, I yield to the gentlemen from Florida (Mr. BOYD).

Mr. BOYD. Madam speaker, I want to thank my friend from Arkansas for organizing this hour to give the Blue Dogs a chance to talk to the Nation about our 12-point plan. I came here 9 years ago and have been a part of the Blue Dog Coalition since that time and am real proud of the work that they do in trying to bring a message to this Congress and to the country that fiscal responsibility and fiscal discipline does matter.

Now, as our friend from Arkansas, Congressman ROSS, said earlier, he grew up in a small town in Arkansas. I

grew up in a small rural community in North Florida just right on the Georgia border, a little community, 3,000 people or so, grew up on a farm. My wife and I still live today on that farm.

I spent all of my adult life as a business person, and, Madam Speaker, one of the things that I learned a long time ago was the lesson that all of our business people out there understand, our government leaders and even those who are not running a business, but are running households, that fiscal responsibility does matter.

We always have to be conscious of our fiscal condition no matter what kind of operation we are running. And indeed, this U.S. Congress and the administration are running the largest business, almost a $2.5 trillion business. That is about the budget, about the average annual U.S. Government budget now. And we are running about a $350 billion annual deficit.

Now, Madam Speaker, I got into politics back about 17 years ago, and one of the reasons that I chose to run for public office was because I was concerned about some of our governments, State and particularly Federal governments, spending more money as a matter of practice than they took in on an annual basis. And so I got into the State legislature, and I watched the Federal Government build annual spending deficits of almost $300 billion.

I think the number in 1992 was about $290 billion, at which point the American people finally said this is not right, we ought to do something about this. Pursuant to that 1992 Presidential election, the United States Government, under a Democratic President and a Republican-run Congress, later on House and Senate after 1994, worked really hard on eliminating that Federal annual deficit. And it went from $290 billion. It was not easy. A lot of sacrifice. A lot of pain. A lot of programs cut, and it was necessary, led by, at that time, President Clinton.

We moved from in 1992 a $290 billion annual deficit, and in a short 8 years later, we actually had an annual surplus. $290 billion annual deficit in 1992. In 2000 we had an annual surplus; our U.S. Government budget was right.

What has happened since then? We have gone from an annual surplus and a $5.6 trillion debt in 2001, when we had the last one, this administration came into office, to today where we have about a $350 billion annual deficit.

As you see there on the chart, a debt amassed at over $8.1 trillion dollars, $27,000 for every man, woman and child in the country. You know, ladies and gentlemen, Madam Speaker, we know what we have to do to eliminate this deficit and start reducing this debt.

We cannot do it all at once. It takes a lot of hard work. We want to use the model that President Clinton and the Republican-led Congress in 1997 put together.

And that is what the Blue Dogs are trying to convince the leaders of the Congress and the administration today, is that it has to come together in a bipartisan way. We have to work together. We cannot continue to try to move policies strictly on a polarized and partisan basis.

I am real honored to be here tonight. Again, I thank the gentleman from Arkansas (Mr. ROSS) for putting this together. But I believe that the most important thing we can do in that 12-step plan is to put a provision in our Constitution that requires us to balance our budget.

Otherwise, sometimes maybe the Congress, the administration, do not have the will to do it. So that is one of the points that we should be talking about tonight, and that is a constitutional requirement for a balanced budget. We had many votes on that prior to 2001, prior to the current administration coming in to office. We had many votes on the House floor to put in the Constitution a balanced budget.

But I do not think we have had any since 2001. So I look forward to the discussion tonight. I yield to the gentleman from Arkansas.

Mr. ROSS. Madam Speaker, I want to thank the gentleman from Florida (Mr. BOYD), and I would encourage the gentleman to stay with us for the remainder of this hour. You helped write these 12 points. You have got a lot of expertise on ways that our Nation can once again return to a balanced budget.

And I hope you will be able to stay with us as we go through the 12 points. It is hard to believe now that from 1998 through 2001 this Nation had a balanced budget, because for the fifth year in a row, we have got the largest budget deficit ever, ever in our Nation's history. Again, our debt is $8.137 trillion.

And that is why, as Members of the fiscally conservative Blue Dog Coalition, we are here to address this issue that is critical to our Nation, to our children, to our grandchildren, and certainly to their future.

At this time, I am pleased to yield to the gentleman from California, the cochair of the Blue Dog Coalition, Mr. CARDOZA.

Mr. CARDOZA. Madam Speaker, I thank the gentleman from Arkansas (Mr. ROSS) for organizing this on behalf of the Blue Dog Coalition. It is truly an honor to be one of the cochairs of the Blue Dogs and to serve on that illustrious body with you.

I want to start off tonight talking about not our priorities, but what I heard one of our respected colleagues talk about just before we went on. Mr. PAUL talked about how he thinks that we are going in the wrong direction in the country.

I did not hear his whole presentation, but I thought it was an interesting indictment of his own side of the aisle, because he felt that we had not done the right thing by balancing the budget and going along. He does not like the direction of where we are going. I thought he spoke a lot of truth tonight. I just wanted to highlight that and say, as Mr. BOYD did previously, that we really are about trying to figure out bipartisan solutions to making a new direction for our country and a better direction, where we pay as we go, where we do not build up these huge debts, and do not leave a huge legacy of debt to our children.

Two weeks ago on this floor, you and I had a colloquy with regard to the debt and the priorities of our country. Two weeks ago we talked about a reconciliation bill that actually, instead of reducing the national debt, increased the national debt by $20 billion; but that is not even necessarily the worst part of this.

The worst part of it is when we are making the debt worse by what the Republican leadership is proposing, and we do not have the right priorities, the right family values, the right values for our Nation in the reconciliation package.

In fact, the Republican reconciliation package cuts out $600 million for foster children, orphans, and abused children. They are taken out of their families and put in homes, cuts of $600 million. We never have had more abused and orphaned children in this entire country. There are over half a million children in our country that are not living with their parents. They have been taken out of their parents' home either because their parents have gotten into trouble, cannot take care of them any longer, or have abused them. And they are living with someone else.

We are cutting the funds to provide programs for those children when we are giving tax cuts, or we are proposing tax cuts, we are not doing it, it is the other side of the aisle, tax cuts to the wealthiest 1 percent of Americans, people who make over $1 million a year.

Now, I do not believe in class warfare. I believe in a society in America where we can raise everyone's ship, and I hope those orphans some day make $1 million a year. But we are not going to do it without education, without good homes for these children, without providing a way and a path for them to do better.

And as you said last time we spoke about this, Mr. ROSS, I know a little bit about this, because I have two wonderful children, Joey and Elaina, who my wife and I adopted out of foster care. They are wonderful children. They have done very well in our home. But it is because we gave them a chance. And the reality is too many children in America are not going to get a chance if the Republican priorities of reconciliation are left to stand.

And I have got to ask a simple question tonight. Out of a $2 trillion budget, is it not possible for the Republicans to find a better place to cut than orphans and abused children right before Christmas? I have to ask the question: Is it not possible to find a place better to cut?

When I told my children that I adopted, my wife and I adopted, about these cuts, they said, Daddy, go back up

there and tell them not to do that. That is not the right thing. And if my children, who are 11 and 8, 12 and 8, I will get in trouble if I do not correct that because they are watching tonight, if they know at that age that there is a better place to cut, then certainly the adults in this Chamber should know there is a better place to cut than those folks.

I just have to say in this Christmas season, I certainly hope the ghost of Christmas past does not come and visit those Members who vote for this reconciliation package with that particular cut in it. You know, we can do better. We can have a new vision for America where we build up our educational system, where we take care of those who are most in need amongst us, and where we balance the Federal budget.

It is called the Blue Dog 12-step plan. I am just so proud to have been here with you tonight, my colleagues here, Mr. ROSS from Arkansas, Mr. TANNER from Tennessee, and Mr. BOYD from Florida. They are really the backbone of our organization. Mr. BOYD and Mr. TANNER have been leading this charge for a number of years.

I am just so proud to be in their company. I think if we get the chance, we will provide a better and more direct path for America. Thank you, Mr. ROSS, once again for leading this effort tonight. I am proud to be with you.

I have one last thing to say. There was a fellow from your district who became President, a man from Hope, Arkansas. When he left office, it was projected that we were going to have a $5.4 trillion surplus. And, instead, the current leadership has giving us an $8 trillion deficit.

That is a far cry from having a surplus and being on good financial footing. I just hope that you can help us lead the Nation, Mr. ROSS, from your little community of Hope, Arkansas, into a better path. Thank you for doing this tonight.

□ 2215

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from California for his comments.

Can the gentleman from California (Mr. CARDOZA) verify this for me now? We talked about the cuts to Medicaid, $11.4 billion; the cuts to Federal student aid, $14.3 billion; $3 billion in cuts to our farm families, commodities, conservation, many other agriculture programs; $700 million in cuts to food stamps.

But you are saying there are also cuts to orphans and foster care?

Mr. CARDOZA. That is exactly right.

Mr. ROSS. How much were these cuts?

Mr. CARDOZA. $600 million.

Mr. ROSS. Now, these $50 billion in cuts, including the $600 million in cuts to orphans and foster care, went to help pay for a $56 billion tax cut, which mostly benefited those earning over $400,000 a year, 50 percent of which went to those earning over $1 million a year; is this correct?

Mr. CARDOZA. That is exactly right.

Mr. ROSS. I just wanted to confirm that with you.

Mr. CARDOZA. Mr. Speaker, it seems like our country, or at least the Republican leadership and the leadership in the Senate and the White House, has totally turned what our priorities should be as a Nation on its ear. We are not balancing the budget. That is the first mistake. But the second mistake is we are cutting education. We are cutting those who are most vulnerable and who could build this country into something better. And it just seems to me that if we would just invest in education, invest in the future of America, try to make sure that these young kids who go into foster care do not go into gangs; it costs us over $40,000 a year to incarcerate someone who goes astray, and so many foster kids go astray when they are put into so many different homes. The average number of homes that most foster kids go to is 12. I have talked to kids who have been in 24 different homes. They are placed, placed, placed because we do not have money in the system and people drop out, and it is no way to live one's live. Twenty-four homes.

One young lady was a valedictorian in her class. I do not know how she did it, but she managed to break out of that system. She was in 24 different foster homes over her period of time.

We can do better, Mr. Speaker. And I know Mr. ROSS is for that, and I thank him for highlighting that fact.

Mr. ROSS. Mr. Speaker, reclaiming my time, I am certainly supportive of tax cuts, targeted tax cuts that help working families. But when we are borrowing money from foreigners, when we are borrowing money to fund a tax cut, that is nothing more than a tax increase on our children and grandchildren because they have got to pay that money back. And no one understands this issue any better than one of the founders of the Blue Dog Coalition, the gentleman from Tennessee (Mr. TANNER).

I will yield to the gentleman from Tennessee, and following the gentleman's remarks, we will go through these 12 points one by one until we run out of time this evening.

And for folks who happen to be seeing this this evening, do not be confused. This is not recorded. This is live. Congress is meeting on a Saturday night here in our Nation's Capital. And we are here on the floor to try to hold this government responsible and accountable and restore some common sense and fiscal discipline to our Nation's Government because this debt is out of control.

And with that, I yield to the gentleman from Tennessee.

Mr. TANNER. Mr. Speaker, I thank Mr. ROSS for yielding to me. And I am pleased to be with him here tonight and with Allen Boyd and Dennis Cardoza.

We all talked a little bit about our small town origins. I am from a small town in Tennessee. And I tell people, when they ask me where I am from, I say, well, let me put it like this: In the town I live in, you do not need a blinker signal on your car because the guy behind you knows where you are going to turn off.

So I think probably Prescott, Arkansas; Monticello, Florida; and Dennis lives out in California, but there are some small towns out there as well. I say that only to highlight the fact that a lot of the values that we hold dear in this country have been characterized from time to time as small-town values, where people know each other, where families live and so forth. And I think the Blue Dog Coalition reflects a lot of that commonsense philosophy. And we come here to Washington and we band together as the Blue Dog Democrats and try, as best we can, to project this message, this message of values, of small-town camaraderie and all the rest. And I know we are going to get to the 12-point plan, but I want to say just a couple of things very quickly.

It is very hard for me, and I know it is very hard for people who are listening to this discussion to relate to $8-plus trillion. I mean, how much is that? It is mind boggling. And to give some idea how much it is, if one took $1,000 bills and just stacked them like that, one after another, $1 million would be about 1 foot high. That is 1,000 $1,000 bills. One billion dollars would be as high as the Empire State Building. And $1 trillion would be 1,000 times as high as the Empire State Building in New York City. That is how much money we are talking about.

And what has happened here in the last 4 or 5 years is we had the debt where it was static, it was not growing. As a matter of fact, we were actually paying some down. And as the economy grows and the debt stays static, it becomes much less of a drag on our economy. But we did not stay on that course, and in 2001, we embarked on an entirely different course, a financial course here, and so what has happened is the debt ceiling has been raised, the amount of money this government can borrow, almost $3 trillion, and we have actually borrowed in hard money over $1.3 trillion in a matter of about 48 months.

And what does this mean? If that was not bad enough, borrowing $1.3 trillion, the interest rate that we now are having to pay every year at 4 percent on just the money we borrowed in the last 48 months is some $50 billion a year.

If that was not bad enough, what is worse is 85 percent of this money that we borrowed in the last 48 months, 85 percent of it has been from foreign interest. So not only are we mortgaging our country, but we are mortgaging it to people who do not see the world as we do.

Primarily, the biggest gainer of the debt that we owe is China. Now, I say

that there are two problems here. One is the financial vulnerability that this country now has to people who do not see the world as we see it. It does not take a rocket scientist to realize that China has designs on taking Taiwan. The President said we will defend Taiwan. If China moved on Taiwan and we said, You cannot do that, it is not fantasy to think that China would not tell us to stay out of it, U.S., or we are going to roll the value of the dollar, and we can do it. We can make your interest rates go up. We can wreck havoc on your markets if we want to because we have your debt. And as my dad told me one time, he said it is easier to foreclose on a man's house than it is to shoot your way in the front door. And that is what we are talking about, a financial vulnerability of this country that is being created, as we speak here tonight, by the deliberate, intentional financial policy of this country as passed by this Congress and endorsed by the administration. A financial vulnerability that is every bit a national security matter. That is the first thing.

The second thing is when I was talking about this $50 billion, we are eroding the tax base in this country by transferring moneys that come here that people pay taxes, hard-earned taxes; we are not spending it on human capital, investment in human capital in this country, and infrastructure, which they are paying their taxes for. We are transferring those taxes and that sort of spending to interest for which we get nothing. And 85 percent of the interest checks that we are writing now that we borrowed in the last 48 months have not even stayed in this country.

Human capital, investment in human capital, exactly what do I mean by that? I mean basically human beings, citizens of this country, who must be educated and healthy for this country to be strong, free and competitive in an increasingly globalized world marketplace. There has never been in all of recorded history a country that was strong and free that had a population that was uneducated and unhealthy. It has never existed. It never will. And by transferring the tax base that people send the money to Washington for interest rather than education and health care, we are absolutely forfeiting the people's right to have a country and a government that is interested in their welfare.

The second thing is infrastructure. We have a lot of crumbling infrastructure in this country. We are losing the ability to invest in that, and if you do not think that that is important, go to some country that has no infrastructure and see how many people are doing well. Nobody is.

And let me close with this: The Blue Dogs have endorsed a bill that we drafted earlier this year that basically does away with partisan political redistricting of the congressional seats. We did a lot of work on it. We have briefed it through all of the legal pitfalls, and the Blue Dogs have endorsed this bill. And there was an article in the Wall Street Journal today, this morning, talking about it. What we are seeing in this country is an increasingly polarized House of Representatives that is rendering itself, in the opinion of the moderates here, the people who want to work across the aisle, it is rendering it impossible for this House of Representatives to address the real problems of the country because of this blind allegiance to party first and constituents second. We have seen just egregious examples of the abuse of that power by the professional politicians.

I am under no illusion. We are asking people to give up a lot of power because they really carve their own districts out now with computers and so forth. And we are asking them to give up a lot of power. But our country is losing the middle, and the middle is where the problems are solved, politically speaking, in our country. And I wish everybody would take a very serious look at this because if we can take it out of the hands of professional politicians and give the voice back to the people, I think, one, we will be able to respond better. But, secondly, if our House of Representatives becomes so polarized and so gerrymandered by the process that we are living under now that people at the ballot box cannot change the direction of the country when they want it to change, the majority want it to change, and they cannot at the ballot box, we will either wind up with a dictatorship or a revolt. I really believe it is that serious. So I wanted to mention that in passing. It is not one of our 12 points, but it certainly is part of our Blue Dog philosophy because the Blue Dogs have endorsed it, and I appreciate that very much.

So, again, I thank the gentleman for yielding to me, and we will go through the 12-point plan.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Tennessee for having founded the Blue Dog Coalition.

In the rest of this Special Order, we plan to go through, beginning right now, all 12 points of the Blue Dog plan. And as the gentleman from Tennessee mentioned, he talked about the problems with the professional politicians and a lot of the issues we face. And those of us who wrote these 12 points, I know I am a small business owner back home in Prescott; Mr. TANNER from Tennessee is a small businessman; Mr. CARDOZA from California is a small business owner; and Mr. BOYD was a small business owner, a veteran and a farmer.

Mr. TANNER. We all would like to be big business owners someday, but we are still small business owners.

Mr. ROSS. Number one, and it is kind of like David Letterman's top 10. This is the top 12, and I do not know if it is going to be as good as Letterman's top 10 or not, but it is very important.

Point number one to the 12-point reform plan is: Require a balanced budget. And I think we all get that one. I mean, I was in the State senate for 10 years. Forty-nine States, including my home State of Arkansas, must live within its means. They constitutionally require a balanced budget. I know at the Ross home in Prescott, Arkansas, we sit around the kitchen table and we have to have a balanced budget. At the small town family pharmacy my wife and I own, we have to have a balanced budget. It should not be asking too much to ask this Congress and this government to also tighten its belt and learn to live within its means. And that is what we mean when we talk about requiring a balanced budget.

□ 2230

The second point that I think is very important also, do not let Congress buy on credit. Now, back when Congress had a balanced budget in the Clinton administration from 1998 to 2001, they had a thing in the House called PAYGO rules, pay-as-you-go basically is what it meant, meaning if you are going to cut taxes, you got to cut spending, and if you are going to fund a new program, you got to cut another program. You have got to make it fit within your budget, like most of us do in our families at home and with our businesses and certainly like 49 States in this country are required to do. That, I believe, is something we must do in this House Chamber, is restore the pay-as-you-go rules.

The third point, I will yield to the gentleman from Florida. Anytime you all want to jump in on any of these points, please feel free to do so.

Mr. BOYD. I appreciate the gentleman yielding. Some of us were here when we put the 1997 Balanced Budget Act in place. I think you heard Mr. TANNER and the others talk about the economic model. You heard them talk about human capital, health for our citizens, and also education for our citizens.

The economic model that the U.S. has is the greatest experiment in democracy ever in the history of mankind. We are the richest nation in the history of the Earth. I tell my constituents that we have 5 percent of the world's population and control 25 percent of the world's wealth.

There is an underlying model, an infrastructure, human capital that Representative TANNER talked about. We have to get back to this notion of fiscal responsibility and make sure that economic model works. It does not work if we got to go into the markets every year and borrow $350 billion or $400 billion or $500 million to run the government. You are borrowing much of that from overseas so it will not work. What do we do to get back to a balanced budget and to reduce the deficit spending?

One of the really key things is spending caps, and that is the third point of our 12 point plan. Put a lid on spending. We know that you cannot fix it all in one year, but you put in a long-term

plan, a long-term budget. Most of our small business people are used to doing that, a 5 or 3 or 10 year budget, or whatever it might be. That is what we did in 1997, and you cap your spending at certain levels and live within that, and then economically you can grow your revenue to a point where you get back into a balanced situation.

Let me just give you one example of what happened when we did this earlier during the nineties. The non-discretionary defense spending increases were 2.5 percent, the annual increase, during the Clinton years. During the nineties, 2.5 percent, non-defense, discretionary spending.

Under this administration they have been between 8 and 9 percent. We have an annual average growth in government spending between 2001 and 2003 of 16 percent. No wonder we have $350 billion annual deficits. We have to get a handle on that spending.

So that is point number three.

Mr. ROSS. Number one, require a balanced budget; number two, do not let Congress buy on credit; number three, put a lid on spending.

Number four is something that I know I have heard the gentleman from Tennessee talk about quite often, and that is require agencies to put their fiscal houses in order. Require agencies to put their fiscal houses in order. By that we are talking about the fact that some of our Federal agencies, they have a problem keeping books. And with that, I yield to the gentleman from Tennessee.

Mr. TANNER. Thank you, Mr. ROSS.

The Government Accountability Office in a report this year revealed 16 of 23 major Federal agencies cannot produce a simple audit. In other words, they cannot tell the American people and the Congress what they did with the money that was appropriated to them for the purposes provided in the bill.

Now, it is unbelievable to imagine that going on in your business. If you went to your comptroller and said here is an expenditure of $10,000, what happened to it, and the guy said I do not know, I cannot put my finger on that, nobody, no business person in this country would tolerate that, nor should they. Yet 16 of 23 Federal agencies cannot do that.

In our plan, in this plan, if they cannot, we do it very simple: They do not get the money next year. It is straightforward, it is common-sensical. People understand it. And, by gosh, when the Congress appropriates money to the administration, whatever administration it may be, and they cannot tell us what they did with it, then they ought not to get it next year.

I will tell you one other thing. Not only do we withhold money under our plan, which makes perfectly good sense, but there ought to be some accountability. What we have seen is I think a derivative of the gerrymandered districts that come here in this party allegiance first and the country second.

We now have a one-party government here in Washington. The Republicans have the White House, Senate and House. The people elected them. But what you have as a by-product of that is a compliant Congress, a friendly administration. And this Congress has totally abdicated its oversight of the Federal executive branch because they do not even ask them what they did with the money. They do not even have hearings and say what happened to the money we appropriated to you last year? If they did have a hearing, the administration could not tell them, or could not tell us, the American people.

So you have a bad by-product of one-party government here with a compliant Congress, a friendly administration, nobody wanting to embarrass each other. So, consequently, we have got a financial house that is not only not in order, but running amuck.

Mr. ROSS. Number four, require agencies to put their fiscal houses in order. Again, 16 of 23 major Federal agencies cannot issue a simple audit of their books. The Federal Government cannot account for $24.5 billion it spent in 2003. The Blue Dogs propose a solution, to put a budget freeze for any Federal agency that cannot properly balance its books.

You are talking about waste. You are talking about a government agency that cannot get it together. If the gentleman will pause with me for just a second here, I want to point out something.

You know, all of us all across America, our hearts went out for the people when the hurricanes hit in places like Louisiana and Mississippi and I know the gentleman from Florida has experienced this in the past as well.

The Federal Emergency Management Agency, FEMA, has purchased over 20,000 manufactured homes, they are 14 feet wide, 60 foot long. You can see some of them right here.

For some reason, they are not getting them, FEMA is not getting these homes to the people who need them, the people who lost their home and everything that they owned. In fact, I was with Congressman GENE TAYLOR from Mississippi earlier tonight, and my heart goes out to him and his family. He has done all he knows how to do to help his constituents while also trying to rebuild his life. He even lost his own home in that horrible tragedy in August with Hurricane Katrina. But he was telling me tonight, I believe he is like living with his brother or something, but he was telling me there are people still living in tents, people living in small campers, people that do not have homes, people living in hotel rooms.

Yet FEMA has now moved 5,000 brand new unoccupied manufactured homes to an old Army World War II airport at Hope, Arkansas. They just showed up one day and told the mayor they wanted to give him $25,000 a month for the next two years to use it as a ''staging area,'' and then they have since delivered somewhere close to 5,000 homes. FEMA has told the mayor they may have as many as 12,000 homes. Yet these homes are not getting to the people. These are not even at the Hope airport.

They are running these homes down the interstate at well above the speed limit, I know, because they passed me before, with a sign they usually put right here on the back, a banner, that says ''urgent FEMA delivery.'' I guess urgent for what? To get to a cow pasture in Hope, Arkansas, 450 miles from where they are needed?

If one shingle blows off in transit, they will not accept it at the FEMA designated staging area they opened down at Hope. So they have come back to Prescott, which is where I now live, a town of about 3,500 people, and they are renting this cow pasture. They did no site preparation. When we have a good rain these things are going to sink to the axle.

We have over 200 of them in Prescott. They filled up the pasture in Prescott now. There is a story from the Arkadelphia Siftings Herald on December 16, that was yesterday, they have now got 200 of them stacked up at truck stops in Gurdon, and I suspect that the folks in Arkadelphia in the next day or two are going to start seeing them there.

So my point, Madam Speaker, is this: To the acting director of FEMA, why cannot we get some 5,000 homes that FEMA has purchased, why cannot we get them moved from Hope and Prescott, Arkansas, 450 miles south to where they need them, where people tonight are going to bed in camper trailers and in tents? This is a good example of what we are talking about when we talk about wasteful spending and agencies that cannot get their act together.

At this time for point number five I recognize the gentleman from California, Mr. CARDOZA.

Mr. CARDOZA. Thank you, Mr. ROSS. You know, what you just spoke about is a matter of priorities. It is what I spoke about earlier when I was talking about the foster care system and was there not a better place to cut.

Number five on our planks of the 12 step program for Blue Dog fiscal responsibility is make Congress tell the taxpayers how they are spending our money. The American people want to know that their tax dollars are being spent on our national priorities.

I got to tell you, if you ask the folks around the country what our national priorities are, they are going to tell us they want to get those folks in Louisiana, Mississippi and Alabama back on their feet. That is a priority. Education is a priority. Fighting the war effort is a priority.

But what happens here in Congress is we pass these bills on voice votes. And today, just today in this House, on a voice vote they passed a continuing resolution for 30 days, until December 31, well, two weeks. And we are spending billions and billions of dollars on a

voice vote. I got to tell you, I know that if the American people knew all the money that is being spent in that continuing resolution, they would not be happy about it.

So the Blue Dogs have decided that we need to tell the American people what the priorities are. We need to tell the American people what we are spending their money on. We have proposed that no bill should pass Congress above the threshold of $50 million, which is a significant amount of money in anybody's book, without a vote of Congress.

We need to tell the American people where we are spending their money. If we are going to spend billions, we have to take a vote. Today we should have had a vote. It should not have been a voice vote, just agreed upon. We should have had a vote on that continuing resolution.

Mr. ROSS. Where I come from, most people think we ought to have a vote if we are spending a dollar. We cannot even get the leadership here to give us a vote when we spend $50 million. It is time for that to change.

I yield to the gentleman from Florida.

Mr. BOYD. I thank the gentleman from Arkansas. There are several other points. One is something that I think most of us understand. Set aside a rainy day fund. You know, I am sure Mr. ROSS, Mr. CARDOZA, Madam Speaker, I am sure you have rainy day funds in your businesses or even in your own personal home budgets. Most people understand that. We are not always able to have as big a rainy day fund as we want, and sometimes we have to spend our fund, but, if we do, we try to build it back up.

Congress never set aside a rainy day fund. That is one of the things we want to get Congress to do. That is part of our 12 point plan.

If I can, Mr. ROSS, I will go on to number seven, and that is one that really bugs me a lot. When you move from a $5.6 trillion debt in 2001 when this administration came into office to a $8.137 trillion debt, that is $2.5 trillion of additional money that Congress had to borrow on behalf of the American people to pay our bills. That has to be authorized in statute. That has to be authorized. The Treasury cannot just go and borrow the money without the U.S. Congress authorizing it and the President signing it into law.

We have gotten into a bad habit around here in the last few years of raising that debt limit without a separate vote. You know, from time to time our listeners, our constituent, have to go and borrow money. Most of the time when they have to borrow money, they have to get a corporate resolution, some sort of authorization to go borrow that money. They have to have a meeting, have to have a vote of the board.

Mr. CARDOZA. You have to go see your banker and justify it.

Mr. BOYD. Guess what? Here, we stick it into some other bill that has to be passed, or some self-executing rule or something like that, and never have a vote on the debt limit increase.

□ 2245

I think that is the seventh point of our 12-point plan.

Mr. ROSS. I thank the gentleman from Florida for sharing the issue of the debt limit with us. He is right, and that is why it is one of the 12 points. We should have a vote any time we are going to raise the debt limit. I mean, the debt limit today is currently at $8.184 trillion, so it will not be long before we raise it again. This number right here is increasing to the tune of about $41 million an hour. In other words, in the time we have been speaking here on the floor of the United States House of Representatives this evening, the national debt has increased by about $41 million because of this year's deficit. So it will not be long before we will be raising the debt limit here in the Congress. And unless we are able to get them to start allowing us to have a vote on it, they will just put it in some other bill and try to hide it from the public. We believe that is wrong, and we want to put a stop to that.

Number eight, justify spending for pet projects. I think that pretty much speaks for itself. We always from time to time pick up the paper and read about some outrageous project that is being funded with Federal funds. There are a lot of good projects that are funded across this Nation, but we are saying that you should have to justify a project. You should not get a project because of who you are. You ought to have to justify a project for your district.

Mr. BOYD. It is the American people's tax money, and we should justify if we are going to spend it.

Mr. ROSS. If we are going to spend the tax money, the people need a voice in it and we need to make sure that money is going to benefit them to create jobs, economic opportunities; and that is what we are trying to do here, and that is why we say justify spending for pet projects.

Number nine, ensure that Congress reads the bills it is voting on. That seems quite silly, but the reality is that many times they will bring bills to the floor of the House that are thousands of pages, thousands of pages thick and give us less than a day or less than an hour, in fact, at times, to actually read the bill we are voting on.

Our point is this, what we are proposing is a minimum of 3 days to have the final text of legislation made available before a vote. We cannot require Members of Congress to read a bill before they vote on it; but I can promise you this, if you give us less than an hour, if the leadership gives us less than an hour to read a 3,000-page bill, no one is going to be able to read that.

Mr. BOYD. The work we have done here the last 2 or 3 days, we are 8 days before Christmas, we are working really hard to try to get out of here and doing some work that has been put off that should have been done earlier in the fall, even earlier in the summer. But the work that has been done here in the last 2 or 3 days, all of it has been done under what we call a marshal law rule which allows bills to be brought to the floor without even 24 hours' notice. It really exacerbates this problem of having stuff going into the statutes that Members really do not have a chance, the American people do not have a chance to read and understand. I think this solves that problem.

Mr. ROSS. We have about 5 minutes left in the Special Order, as we come to the floor of our Nation's Capitol here, the floor of the United States House of Representatives, to discuss this overwhelming debt that is saddling our country and jeopardizing its future.

Mr. TANNER, if you would, number 10, require honest cost estimates for every bill that Congress votes on. The Medicare bill, there are a lot of bills that are good examples. The Congress, the people of this country need to know how their money is being spent. They need an honest cost estimate for every bill they vote on.

Mr. TANNER. Well, it is a shell game, somebody called it three card monty, when you low ball a bill that you know is going to cost more than that, but you do it to fit it into some preconceived notion of a budget so you can basically fool the American people to make them think you are being fiscally responsible and not doing something foolish financially, and yet you are. And we saw this and we saw the administration, the administration that we are under now, they knew better on the Medicare bill and told the Congress it was going to cost $350 billion over time, and really they knew it was about $750 or $800 billion. That is the kind of thing we are talking about, because then people do not know what to believe.

Mr. CARDOZA said earlier, We can do better than this. This place is broken and our 12-point plan is our attempt to fix it.

Mr. BOYD. Honesty and integrity are basic character traits that our citizens warrant us to have. We see so much of that in all of government now, the dishonest statements, the misleading statements, people defrauding or bribing or taking bribes, those kinds of things. Corruption, it is a pattern of corruption. And this is what this is about.

We want honesty and integrity in our government. I think we should shoot straight and talk straight with the American citizens.

Mr. ROSS. Number 11, make sure that new bills fit the budget. Basically, we are proposing the Budget Committee strengthen its oversight role in preparing budget-compliant statements for every bill that is reported out of committee.

Does anyone want to add anything on number 11?

Mr. TANNER. I would say that we see time and again the rule resolution that comes to the floor and is passed basically on the party line; what you see is that in the rule, all points of order are waived, which means that the budget rules that we try to put in place are meaningless. Because if you are going to waive them on virtually every bill now that comes to the floor, we really do not have any enforceable mechanism, and this will change that. And we think that is a commonsense idea.

Mr. ROSS. Finally, number 12, Mr. CARDOZA, if you want to share that with us.

Mr. CARDOZA. I would be happy to, Mr. ROSS.

Number 12 is to make Congress do a better job keeping track on government programs that it passes.

As Mr. TANNER said earlier, we have basically abdicated our responsibility in this one-party form of government that we have right now. We are doing no oversight. We are not keeping tabs on the bills that we pass. In fact, the last four planks in the Blue Dog program all sort of relate to the same kind of thing. It is about accountability. It is about making sure that we read the bills, that we require honest cost estimates, that we make sure that the new bills fit the budget that we have already passed, and that we make sure that Congress does an adequate review on the bills that we have passed.

They are just basic commonsense tenets. If you look back at the Medicare Prescription Drug Bill, it is a perfect example of how this process has gone off the rails. And it has cost twice as much.

I remember Mr. DOOLEY had a competing bill, but I think it probably did more for seniors than the one that we passed. And he could not even get a score from the Congressional Budget Office to say how much his bill was going to cost. That is just wrong. A Member of the Congress should be able to get the score. We should all have the score. The American people should be able to get the lowdown on what a bill costs and have that up front 3 days at least before we pass it.

Mr. ROSS. We are out of time this evening. I want to thank the gentleman from California (Mr. CARDOZA), the gentleman from Tennessee (Mr. TANNER), the gentleman from Florida (Mr. BOYD) for coming to the floor of the United States House of Representatives with me this evening to discuss our Nation's debt and deficit and the Blue Dog Coalition's 12-point plan to restore some integrity, some common sense, and fiscal discipline to our Nation's government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today and December 18.

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. HYDE (at the request of Mr. BLUNT) for today and December 18 on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BISHOP of Utah) to revise and extend their remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, today.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. HAYES, 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. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

S. 648. An act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; to the Committee on Resources.

S. 959. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Government Reform.

S. 1025. An act to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project, to the Committee on Resources.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii; to the Committee on Resources.

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps; to the Committee on Resources.

S. 1552. An act to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Resources.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes; to the Committee on Resources.

S. 1312. An act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes; to the Committee on Resources; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3963. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4195. An act to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

H.R. 4508. An act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. Joint Resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

H.J. Res. 75. Joint Resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

ADJOURNMENT

Mr. BOYD. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, December 18, 2005, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5836. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Training for Contractor Personnel Interacting with Detainees [DFARS Case 2005-D007] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5837. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restrictions on Totally Enclosed Lifeboat Survival Systems [DFARS Case 2004-D034] received September 8, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Armed Services.

5838. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct and Financial Disclosure Requirements for Employees of the Department of Health and Human Services (RIN: 3209-AA15) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5839. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Improving Pub. Safety Comms. in the 800MHz Band; [WT Dkt. 02-55]; Amdt. of Pt. 2 of the Comm. Rules to Allocate Spectrum Below 3GHz for Mobile and Fixed Service to Supp. the Intro. of New Adv. Wireless Service, [ET Dkt. No. 00-258]; Petition for Rule Making of the Wireless Info. Networks Forum Concerning the Unlicensed Personal Comm. Service [RM-9498]; Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Comm. Serv. [RM-10024]; Amdt. of Sec. 2.106 of the Commission's Rules to Allocate Spectrum at 2GHz for Use by the Mobile Satellite Serv.; [ET Dkt. No. 95-18] Received December 15, 2005, pursuant to the Committee on Energy and Commerce.

5840. A letter from the Senior Legal Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Digital Television Distributed Transmission System Technologies [MB Docket No. 05-312] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5841. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wilmington, Mount Sterling, Zanesville and Baltimore, Ohio) [MB Docket No. 04-161; RM-10961; RM-11111] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5842. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Milner, Ellaville, and Plains, Georgia) [MB Docket No. 05-106; RM-11196] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5843. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bass River Township and Ocean City, New Jersey) [MB Docket No. 05-188; RM-11240] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5844. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mt. Enterprise, Texas and Hodge, Louisiana) [MB Docket No. 05-34; RM-10761] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5845. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Terrebonne, Oregon) [MB Docket No. 02-123; RM-10445] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5846. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Regulation on Maintaining Telecommunications Services During a Crisis or Emergency in Federally-owned Buildings—received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4831 et seq.; to the Committee on International Relations.

5848. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA) as amended, Transmittal No. 0A-06, relating to enchancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 05-19 on 06 May 2005; to the Committee on International Relations.

5849. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-12, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

5850. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Italy (Transmittal No. DDTC 048-05); to the Committee on International Relations.

5851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30468; Amdt. No. 458] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30467; Amdt. No. 3143] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30466; Amdt. No. 3142] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Eau Claire, WI [Docket No. FAA-2005-21256; Airspace Docket No. 05-AGL-04] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-23005; Directorate Identifier 2003-NM-110-AD; Amendment 39-14379; AD 2005-23-21] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Propeller Assemblies Models 2D34C53/74E-X; D2A34C58/90AT-X; 3AF32C87/82NC-X; D3AF32C87/82NC-X; D3A32C88/82NC-X; D3A32C90/82NC-X; and 3AF34C92/90LF-X [Docket No. FAA-2005-22731; Directorate Identifier 2005-NE-36-AD; Amendment 39-14389; AD 2005-24-09] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies [Docket No. FAA-2005-22690; Directorate Identifier 2005-22690; Directorate Identifier 2005-NE-35-AD; Amendment 39-14388; AD 2005-24-08] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-23006; Directorate Identifier 2002-NM-51-AD; Amendment 39-14380; AD 2005-23-22] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Classification of Certain Foreign Entities [TD 9235] (RIN: 1545-BD77) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5860. A letter from the Secretary, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Federated States of Micronesia, and the Republic of the Marshall Islands, pursuant to Public Law 108–188, section 104(h); jointly to the Committees on Resources and International Relations.

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. SESSIONS: Committee on Rules. House Resolution 631. Resolution providing for consideration of motions to suspend the rules (Rept. 109–357). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 632. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–358). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3505. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than December 31, 2005, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109–356, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 31, 2005.

H.R. 1631. Referral to the Committee on Ways and Means extended for a period ending not later than December 31, 2005.

H.R. 2829. Referral to the Committees on the Judiciary, Energy and Commerce, Education and the Workforce and the Permanent Select Committee on Intelligence extended for a period ending not later than December 31, 2005.

H.R. 3699. Referral to the Committees on Resources and Energy and Commerce extended for a period ending not later than December 31, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOSSELLA (for himself and Mr. CASTLE):

H.R. 4618. A bill to amend the Securities Exchange Act of 1934 to establish rules and procedures for the delegation of compliance and inspections authority to the operating divisions of the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. FOSSELLA (for himself, Mr. SWEENEY, Mr. MCHUGH, Mrs. MALONEY, Mr. REYNOLDS, and Mr. KING of New York):

H.R. 4619. A bill to amend the Terrorism Risk Insurance Act of 2002 to establish a Commission on Terrorism Risk Insurance, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY:

H.R. 4620. A bill to amend the Internal Revenue Code of 1986 to provide a double deduction for a portion of an individual's State and local property taxes that are in excess of the national average; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. CHANDLER):

H.R. 4621. A bill to ensure that a sex offender or a sexually violent predator is not eligible for parole; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself and Mr. HOLT):

H.R. 4622. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses and to expand such deduction for certain science, technology, engineering, and math professionals who become certified teachers; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. UDALL of Colorado):

H.R. 4623. A bill to repeal tax subsidies for oil and gas enacted by the Energy Policy Act of 2005 and to use the proceeds to double certain alternative energy incentives provided for in such Act; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. ANDREWS):

H.R. 4624. A bill to amend title XIX of the Social Security Act to require States to provide oral health services to children and aged, blind, or disabled individuals under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHOCOLA (for himself, Mr. KENNEDY of Minnesota, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. BEAUPREZ, Ms. HART, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. BONO, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL of California, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. EHLERS, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. FLAKE, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Mr. HAYES, Mr. HEFLEY, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HYDE, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. MCCOTTER, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. OSBORNE, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SODREL, Mr. SOUDER, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. TIBERI, Mr. TURNER, Mr. WALSH, Mr. WAMP, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H.R. 4625. A bill to amend the Internal Revenue Code of 1986 to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4626. A bill to rechannelize spectrum in the 700 megahertz band to promote the deployment of commercial broadband technologies to facilitate interoperable communications for public safety; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 4627. A bill to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 4628. A bill to amend the Higher Education Act of 1965 to impose a fee on holdings of student loans; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. OBERSTAR, Mr. BAIRD, Mr. OWENS, Mr. PAYNE, Mr. GRIJALVA, Mr. ROTHMAN, Mr. PALLONE, Mr. BUTTERFIELD, Mr. MCGOVERN, and Ms. BORDALLO):

H.R. 4629. A bill to amend the David L. Boren National Security Education Act of 1991 to create a critical foreign language program; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. BOREN):

H.R. 4630. A bill to amend the David L. Boren National Security Education Act of 1991 to allow scholarship and fellowship recipients to work in a field of education if no position in the Federal Government relating to national security is available; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL (for himself, Mr. WICKER, Mr. MCHENRY, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. GINGREY, Mrs. MYRICK, Mr. FEENEY, Mr. MCCAUL of Texas, Mrs. MUSGRAVE, Mr. ROHRABACHER, Mr. PENCE, Mr. HENSARLING, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. COLE of Oklahoma, Mr. NEUGEBAUER, Mr. KLINE, Mr. WILSON of South Carolina, Mr. MARCHANT, and Mr. ADERHOLT):

H.R. 4631. A bill to establish the Gulf Deregulation Commission; to the Committee on Government Reform, and in addition to the Committees on Rules, and Transportation and Infrastructure, 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. LANGEVIN (for himself, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, and Ms. JACKSON-LEE of Texas):

H.R. 4632. A bill to provide for a Chief Medical Officer in the Office of the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 4633. A bill to establish within the Department of Health and Human Services the position of HIV/AIDS Emergency Response Coordinator in order to coordinate the provision of certain services to individuals with HIV disease who have been displaced as a result of Hurricane Katrina or Rita, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH (for himself and Mr. BOEHLERT):

H.R. 4634. A bill to require that the Secretary of the Interior hold at least one public hearing in the surrounding community where land requested to be taken into trust for an Indian tribe is located in order to ascertain the needs and interests of that surrounding community; to the Committee on Resources.

By Mr. LEWIS of California:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes; to the

Committee on Appropriations. considered and passed.

By Mr. DAVIS of Illinois:

H. Con. Res. 325. Concurrent resolution congratulating Oprah Winfrey for her 20 years of exemplary work and service to the people of the United States and the world; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania:

H. Res. 633. A resolution honoring Helen Sewell on the occasion of her retirement from the House of Representatives and expressing the gratitude of the House for her many years of service; to the Committee on House Administration.

By Mr. CHABOT (for himself, Mr. BERMAN, Mr. PENCE, and Mr. SCHIFF):

H. Res. 634. A resolution expressing the sense of the House of Representatives on reaching an agreement on the future status of Kosovo; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

214. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 69 memorializing the Congress of the United States to take such actions as are necessary to provide federal financial assistance to aid in rebuilding the investor-owed utility systems that are indispensible to the recovery efforts of the state of Louisiana and the city of New Orleans; to the Committee on Financial Services.

215. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 47 urging the Congress of the United States to encourage the banking industry to assist senior citizens and disabled persons without identification due to Hurricanes Katrina and Rita with negotiating their Social Security Supplemental Security Income checks; to the Committee on Financial Services.

216. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 43 memorializing the Congress of the United States to enact comprehensive natural disaster insurance legislation affecting financial capacity that will address, encourage, and support insurance company reserving for future catastrophes by making such reserves deductible for federal income tax purposes; to the Committee on Financial Services.

217. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 42 memorializing the Congress of the United States to take such actions as are necessary to develop and provide innovative solutions for financing housing in parishes in Louisiana devastated by Hurricanes Katrina and Rita; to the Committee on Financial Services.

218. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 41 memorializing the Congress of the United States to take such actions as are necessary to enjoin the Federal Emergency Management Agency from mandating that structures rebuilt in the New Orleans area after Hurricane Katrina be elevated; to the Committee on Financial Services.

219. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 28 memorializing the Congress of the United States to take such actions as are necessary to allow the Stafford Act to provide for payment of regular pay to essential personnel; to the Committee on Transportation and Infrastructure.

220. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 72 memorializing the Congress of the United States to task the Government Accountability Office with a complete audit of expenditures by the Federal Emergency Management Agency on Katrina and Rita recovery efforts in Louisiana; to the Committee on Transportation and Infrastructure.

221. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 53 memorializing the Congress of the United States to take such actions as are necessary to amend the Robert T. Stafford Disaster Relief and Energency Assistance Act, or suspend provisions thereof, with respect to the requirement that the state of Louisiana reimburse the Federal Emergecy Management Agency for a portion of the other assistance payments made to citizens of Louisiana due to Hurricanes Katrina and Rite; to the Committee on Transportation and Infrastructure.

222. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 50 memorializing the Congress of the United States to take such actions as are necessary to forgive the debt of Louisiana's local governments resulting from seven hundred fifty million dollars in loans made available to them as disaster relief; to the Committee on Transportation and Infrastructure.

223. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 49 memorializing the Congress of the United States to take such actions as are necessary to forgive the 3.7 billion dollars that the Federal Emergency Management Agency (FEMA) estimates that Louisiana owes FEMA for hurricane relief; to the Committee on Transportation and Infrastructure.

224. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 36 memorializing the Congress of the United States to take such actions as are necessary to waive the nonfederal or local portion of any cost-sharing agreement of funding of a levee reconstruction and improvement project; to the Committee on Transportation and Infrastructure.

225. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 34 memorializing the Congress of the United States and the Louisiana Congressional delegation to direct the United States Army Corps of Engineers not to engage in dredging activities on the Mississippi River Gulf Outlet and to begin the necessary process to return the waterway to wetlands marsh status; to the Committee on Transportation and Infrastructure.

226. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 18 memorializing the Congress of the United States to enjoin the United States Army Corps of Engineers from engaging any contractor in the reconstruction of the levees in the New Orleans area if investigations of levee failures during Hurricane Katrina and Rita indicate that such contractor performed substandard design or construction work on a portion of a levee that failed; to the Committee on Transportation and Infrastructure.

227. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 44 memorializing the Congress of the United States to enact a health insurance premium reimbursement program and a federal income tax credit for the health insurance premiums for affected victims of Hurricane Katrina and Rita; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 615: Ms. FOXX and Mr. DAVIS of Alabama.

H.R. 1259: Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. BONNER, Mr. BOYD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY of Rhode Island, and Mr. BACHUS.

H.R. 1288: Mr. CAMPBELL of California.

H.R. 1548: Mr. PRICE of North Carolina, Mr. EVERETT, Mr. HASTINGS of Florida, Mr. ENGLISH of Pennsylvania, Ms. CARSON, Mr. WELDON of Pennsylvania, and Mr. JEFFERSON.

H.R. 1562: Mr. BROWN of South Carolina.

H.R. 1807: Mr. MENENDEZ.

H.R. 1981: Ms. SLAUGHTER, Mr. KENNEDY of Rhode Island, Mr. ENGEL, and Mr. MEEHAN.

H.R. 2121: Mr. TIBERI, Mr. NEAL of Massachusetts, and Mr. CUMMINGS.

H.R. 2322: Mr. POE and Mr. SESSIONS.

H.R. 2410: Mr. MCGOVERN.

H.R. 2421: Mr. SHAW.

H.R. 2521: Mr. LEWIS of Kentucky.

H.R. 2961: Mr. ENGLISH of Pennsylvania and Ms. ROS-LEHTINEN.

H.R. 3098: Mr. CALVERT.

H.R. 3195: Mr. SMITH of Washington.

H.R. 3524: Ms. BORDALLO and Mr. JEFFERSON.

H.R. 3861: Ms. BERKLEY, Ms. KAPTUR, Mr. BOREN, Mr. CARNAHAN, Mr. KUCINICH, Mr. WEINER, Ms. PELOSI, Mr. BARROW, Mr. WYNN, and Ms. ESHOO.

H.R. 3924: Mr. MOORE of Kansas.

H.R. 4036: Mr. SCHIFF, Mr. BUTTERFIELD, Mr. MCNULTY, and Mr. EMANUEL.

H.R. 4098: Ms. DELAURO.

H.R. 4315: Mr. VAN HOLLEN and Mr. BARTLETT of Maryland.

H.R. 4331: Mr. MCDERMOTT and Mr. BAIRD.

H.R. 4452: Mr. TIERNEY.

H.R. 4470: Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. PAYNE, Mr. OWENS, Mr. CONYERS, Mr. KUCINICH, Mr. WU, Mr. FARR, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. PLATTS.

H.R. 4510: Mr. BAIRD, Ms. BEAN, Mr. BLUMENAUER, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DELAURO, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. GORDON, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. LEVIN, Mrs. LOWEY, Mr. MENENDEZ, Mr. NADLER, Mr. THOMPSON of California, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. CASTLE, Mr. HOBSON, and Mr. CRENSHAW.

H.R. 4570: Mr. WAXMAN and Mr. HOYER.

H.R. 4575: Mr. CASTLE, Mrs. JOHNSON of Connecticut, Mr. LEACH, and Mr. SIMMONS.

H.R. 4608: Mr. RAMSTAD and Ms. HART.

H.J. Res. 71: Mr. TERRY, Mr. ISTOOK, and Mr. RAMSTAD.

H. Con. Res. 138: Mr. CROWLEY.

H. Con. Res. 309: Mr. GRIJALVA.

H. Con. Res. 321: Ms. WOOLSEY.

H. Res. 521: Ms. LEE and Mr. SHERMAN.

H. Res. 561: Mr. AL GREEN of Texas.

H. Res. 604: Mr. TOWNS and Mr. KING of New York.

H. Res. 605: Mr. NADLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. CUELLAR.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 7, December 14, 2005, by Ms. HERSETH on House Resolution 568, was signed by the following Members: Stephanie Herseth, Hilda L. Solis, Michael R. McNulty, Ben Chandler, G.K. Butterfield, Kendrick B. Meek, Peter A. DeFazio, Brian Higgins, Diane E. Watson, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Danny K. Davis, Mike Ross, Carolyn McCarthy, Bart Stupak, Sander M. Levin, Robert E. Andrews, Timothy H. Bishop, Robert Wexler, Shelley Berkley, Grace F. Napolitano, Raúl M. Grijalva, James R. Langevin, John B. Larson, James P. McGovern, Lincoln Davis, Sherrod Brown, Xavier Becerra, Steve Israel, Lane Evans, Michael H. Michaud, Fortney Pete Stark, Dan Boren, Daniel Lipinski, Jane Harman, Silvestre Reyes, Carolyn B. Maloney, Al Green, Sanford D. Bishop, Jr., Bob Filner, Gary L. Ackerman, Mark Udall, Susan A. Davis, Sheila Jackson-Lee, and Henry Cuellar.

Petition 8, December 14, 2005, by Mr. WAXMAN on House Resolution 570, was signed by the following Members: Henry A. Waxman, Hilda L. Solis, Michael R. McNulty, Ben Chandler, G.K. Butterfield, Brian Higgins, Peter A. DeFazio, Diane E. Watson, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Danny K. Davis, Mike Ross, Carolyn McCarthy, Sander M. Levin, Robert E. Andrews, Timothy H. Bishop, Robert Wexler, Shelley Berkley, Bennie G. Thompson, Grace F. Napolitano, Raul M. Grijalva, James R. Langevin, John B. Larson, James P. McGovern, Sherrod Brown, Xavier Becerra, Steve Israel, Lane Evans, Fortney Pete Stark, Silvestre Reyes, Carolyn B. Maloney, Al Green, Sanford D. Bishop, Jr., Bob Filner, Joe Baca, Gary L. Ackerman, Susan A. Davis, and Sheila Jackson-Lee.

Petition 9, December 15, 2005, by Mr. BOSWELL on House Resolution 584, was signed by the following Members: Leonard L. Boswell, Lois Capps, John D. Dingell, Sam Farr, Gwen Moore, Brian Higgins, John Barrow, Dan Boren, Eddie Bernice Johnson, Tammy Baldwin, Jane Harman, Daniel Lipinski, Solomon P. Ortiz, Nydia M. Velázquez, Silvestre Reyes, Julia Carson, Jesse L. Jackson, Jr., Michael R. McNulty, Nancy Pelosi, Hilda L. Solis, Bart Stupak, Charlie Melancon, James P. McGovern, Carolyn B. Maloney, Alcee L. Hastings, David E. Price, Steven R. Rothman, Barney Frank, Frank Pallone, Jr., Thomas H. Allen, Dale E. Kildee, Earl Blumenauer, James R. Langevin, Charles A. Gonzalez, Russ Carnahan, Marion Berry, Timothy H. Bishop, Jim Costa, Janice D. Schakowsky, Marcy Kaptur, Benjamin L. Cardin, Sanford D. Bishop, Jr., James P. Moran, Allyson Y. Schwartz, Bob Filner, Mike Ross, Joe Baca, Gary L. Ackerman, Corrine Brown, Peter A. DeFazio, Jim McDermott, Cynthia McKinney, Linda T. Sánchez, Shelley Berkley, Vic Snyder, Doris O. Matsui, Dennis A. Cardoza, Barbara Lee, Ruben Hinojosa, Stephanie Herseth, Robert C. Scott, Donald M. Payne, Mike Thompson, Ellen O. Tauscher, Darlene Hooley, Rahm Emanuel, Lloyd Doggett, Tom Udall, Brad Miller, Danny K. Davis, Elijah E. Cummings, Susan A. Davis, Sheila Jackson-Lee, and Henry Cuellar.

Petition 10, December 16, 2005, by Ms. HERSETH on House Resolution 585, was signed by the following Members: Stephanie Herseth, John D. Dingell, Sam Farr, Gwen Moore, Brian Higgins, John Barrow, Dan Boren, Eddie Bernice Johnson, Tammy Baldwin, Jane Harman, Daniel Lipinski, Solomon P. Ortiz, Nydia M. Velázquez, Silvestre Reyes, Julia Carson, Jesse L. Jackson, Jr., Michael R. McNulty, Nancy Pelosi, Hilda L. Solis, Bart Stupak, Charlie Melancon, Rush D. Holt, James P. McGovern, Carolyn B. Maloney, Alcee L. Hastings, David E. Price, Steven R. Rothman, Barney Frank, Frank Pallone, Jr., Thomas H. Allen, Dale E. Kildee, Earl Blumenauer, James R. Langevin, Charles A. Gonzalez, Russ Carnahan, Marion Berry, Lois Capps, Timothy H. Bishop, Jim Costa, Janice D. Schakowsky, Marcy Kaptur, Sanford D. Bishop, Jr., James P. Moran, Bill Pascrell, Jr., Allyson Y. Schwartz, Bob Filner, Mike Ross, Joe Baca, Gary L. Ackerman, Corrine Brown, Peter A. DeFazio, Jim McDermott, Cynthia McKinney, Linda T. Sánchez, Shelley Berkley, Vic Snyder, Doris O. Matsui, Eliot L. Engel, Dennis A. Cardoza, Barbara Lee, Ruben Hinojosa, Robert C. Scott, Mark Udall, Donald M. Payne, Mike Thompson, Ellen O. Tauscher, Darlene Hooley, Rahm Emanuel, Lloyd Doggett, Tom Udall, Brad Miller, Danny K. Davis, Elijah E. Cummings, Susan A. Davis, Sheila Jackson-Lee, and Melissa L. Bean.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The folloing Members added their names to the following discharge petitions:

Petition 1 by Ms. HOOLEY on House Resolution 267: Juanita Millender-McDonald.

Petition 2 by Mr. MARSHALL on House Resolution 270: Juanita Millender-McDonald.

Petition 3 by Mr. EDWARDS on House Resolution 271: Bart Gordon, Dennis A. Cardoza, Robert Wexler, Hilda L. Solis, Carolyn C. Kilpatrick, Howard L. Berman, Leonard L. Boswell, Rahm Emanuel, Lincoln Davis, Steve Israel, John D. Dingell, Adam Smith, and Allen Boyd.

Petition 4 by Ms. SLAUGHTER on House Resolution 460: Bart Gordon, Michael H. Michaud, Bob Filner, Sherrod Brown, Maxine Waters, Lucille Roybal-Allard, Wm. Lacy Clay, Benjamin L. Cardin, Robert Menendez, Bennie G. Thompson, Chris Van Hollen, Russ Carnahan, Jim Cooper, Joe Baca, Bernard Sanders, Stephanie Tubbs Jones, Dennis A. Cardoza, Darlene Hooley, Allyson Y. Schwartz, Adam B. Schiff, Betty McCollum, Ben Chandler, G.K. Butterfield, Peter A. DeFazio, Jim Costa, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Bart Stupak, Linda T. Sánchez, Anna G. Eshoo, Robert E. Andrews, Mike McIntyre, Xavier Becerra, Steve Israel, John D. Dingell, Dan Boren, Gary L. Ackerman, and Robert C. Scott.

Petition 5 by Mr. WAXMAN on House Resolution 537: Bart Gordon, Michael H. Michaud, Bob Filner, Sherrod Brown, Maxine Waters, Lucille Roybal-Allard, Wm. Lacy Clay, Michael M. Honda, Benjamin L. Cardin, Robert Menendez, Bennie G. Thompson, Chris Van Hollen, Russ Carnahan, Jim Cooper, Joe Baca, Bernard Sanders, Stephanie Tubbs Jones, Dennis A. Cardoza, Darlene Hooley, Allyson Y. Schwartz, Adam B. Schiff, Betty McCollum, Ben Chandler, G.K. Butterfield, Peter A. DeFazio, Julia Carson, Jim Costa, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Howard L. Berman, Linda T. Sanchez, Anna G. Eshoo, Mike McIntyre, Rahm Emanuel, Xavier Becerra, Steve Israel, John D. Dingell, Dan Boren, Gary L. Ackerman, and Robert C. Scott.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Bart Gordon, Bernard Sanders, Stephanie Tubbs Jones, G.K. Butterfield, Peter A. DeFazio, Jay Inslee, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Anna G. Eshoo, John B. Larson, Maxine Waters, John D. Dingell, and Robert C. Scott. Q02

The following Member's names were withdrawn from the following discharge petition:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Patrick J. Kennedy and Leonard L. Boswell.